

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Elections and Apportionment, to which was referred Senate Bill 215, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 UPON PASSAGE]: Sec. 40.5. (a) **Except as provided in subsections**
- 6 **(b) and (c)**, "proof of identification" refers to a document that satisfies
- 7 all the following:
- 8 (1) The document shows the name of the individual to whom the
- 9 document was issued, and the name conforms to the name in the
- 10 individual's voter registration record.
- 11 (2) The document shows a photograph of the individual to whom
- 12 the document was issued.
- 13 (3) The document includes an expiration date, and the document:
- 14 (A) is not expired; or
- 15 (B) expired after the date of the most recent general election.
- 16 (4) The document was issued by **any of the following**:

- 1 (A) The United States. or
 2 (B) The state of Indiana.
 3 (C) **An approved postsecondary educational institution (as**
 4 **defined in IC 21-7-13-6(a)).**

5 **(b) Notwithstanding subsection (a)(3), a document issued by the**
 6 **United States Department of Defense, a branch of the uniformed**
 7 **services, the Merchant Marine, or the Indiana National Guard**
 8 **that:**

- 9 **(1) otherwise complies with the requirements of subsection**
 10 **(a); and**
 11 **(2) has no expiration date or states that the document has an**
 12 **indefinite expiration date;**

13 **is sufficient proof of identification for purposes of this title.**

14 **(c) Notwithstanding subsection (a), a document issued to an**
 15 **individual to identify the individual as a participant in the**
 16 **Medicare program established under Title XVIII of the federal**
 17 **Social Security Act (42 U.S.C. 1395 et seq.) is sufficient proof of**
 18 **identification for purposes of this title.**

19 SECTION 2. IC 3-5-2-40.6 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 40.6. "Provisional
 21 ballot" refers to a ballot cast in accordance with the provisions of
 22 IC 3-11.7. **The term includes an absentee ballot required to be**
 23 **treated as a provisional ballot under this title."**

24 Page 2, between lines 1 and 2, begin a new paragraph and insert:

25 "SECTION 5. IC 3-5-4.5-2.5 IS ADDED TO THE INDIANA CODE
 26 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: **Sec. 2.5. (a) This section applies to an absentee**
 28 **ballot cast by an individual confined in a long term care facility.**

29 **(b) A person may not challenge the right of an individual to vote**
 30 **at an election by absentee ballot solely on the basis that the address**
 31 **on the individual's application for an absentee ballot differs from**
 32 **the address shown on the individual's voter registration record."**

33 Page 3, between lines 38 and 39, begin a new paragraph and insert:

34 "SECTION 9. IC 3-7-12-19 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. **(a) Subject to**
 36 **subsection (c), a board of registration may employ all necessary**
 37 **assistants.**

38 **(b) The number of employees shall be divided equally between the**

1 major political parties of the county.

2 **(c) A person who is:**

3 **(1) on probation;**

4 **(2) on parole;**

5 **(3) subject to home detention under IC 35-38-2.5;**

6 **(4) placed in a community corrections program under**
7 **IC 35-38-2.6;**

8 **(5) in a community transition program under IC 11-10-11.5;**

9 **(6) participating in a postconviction forensic diversion**
10 **program under IC 11-12-3.7;**

11 **(7) being supervised by a reentry court;**

12 **(8) serving a sentence in a minimum security assignment**
13 **under IC 35-38-3-6; or**

14 **(9) serving an intermittent sentence;**

15 **may not be an employee of, or otherwise perform work for, a**
16 **board of registration.**

17 SECTION 10. IC 3-7-13-4 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A person
19 who is:

20 (1) convicted of a crime; and

21 (2) imprisoned following conviction;

22 is deprived of the right of suffrage by the general assembly pursuant to
23 Article 2, Section 8 of the Constitution of the State of Indiana.

24 (b) A person described in subsection (a) is ineligible to register
25 under this article during the period that the person is:

26 (1) imprisoned; or

27 (2) otherwise subject to lawful detention.

28 **(c) A person who is subject to lawful detention but has not been**
29 **convicted of a crime is eligible to:**

30 **(1) register under this article; and**

31 **(2) vote;**

32 **until the person has been convicted of a crime and imprisoned**
33 **following conviction."**

34 Page 9, between lines 14 and 15, begin a new paragraph and insert:

35 "SECTION 21. IC 3-8-2-7 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The declaration
37 of each candidate required by this chapter must be signed before a
38 person authorized to administer oaths and contain the following

1 information:

- 2 (1) The candidate's name, printed or typewritten as:
- 3 (A) the candidate wants the candidate's name to appear on the
- 4 ballot; and
- 5 (B) the candidate's name is permitted to appear on the ballot
- 6 under IC 3-5-7.
- 7 (2) A statement that the candidate is a registered voter and the
- 8 location of the candidate's precinct and township (or ward and
- 9 city or town), county, and state.
- 10 (3) The candidate's complete residence address, and if the
- 11 candidate's mailing address is different from the residence
- 12 address, the mailing address.
- 13 (4) A statement of the candidate's party affiliation. For purposes
- 14 of this subdivision, a candidate is considered to be affiliated with
- 15 a political party only if any of the following applies:
- 16 (A) The most recent primary election in which the candidate
- 17 voted was a primary election held by the party with which the
- 18 candidate claims affiliation.
- 19 (B) The candidate has never voted in a primary election and
- 20 claims a party affiliation.
- 21 (C) **The candidate obtains certification that the candidate**
- 22 **is a member of the political party from** the county chairman
- 23 of ~~(i)~~ the political party with which the candidate claims
- 24 affiliation and ~~(ii)~~ **for** the county in which the candidate
- 25 resides. ~~certifies that the candidate is a member of the political~~
- 26 ~~party. If the candidate is a candidate for a legislative office~~
- 27 ~~or a state office, the candidate must also obtain~~
- 28 ~~certification from the state chairman of the political party~~
- 29 ~~with which the candidate claims affiliation.~~
- 30 The declaration of candidacy must inform candidates how party
- 31 affiliation is determined under this subdivision and permit the
- 32 candidate to indicate on the declaration of candidacy which of
- 33 clauses (A), (B), or (C) applies to the candidate. If a candidate
- 34 claims party affiliation under clause (C), the candidate must
- 35 attach to the candidate's declaration of candidacy the written
- 36 ~~certification~~ **certifications** of the **state chairman and the** county
- 37 chairman required by clause (C).
- 38 (5) A statement that the candidate complies with all requirements

1 under the laws of Indiana to be a candidate for the above named
2 office, including any applicable residency requirements, and that
3 the candidate is not ineligible to be a candidate due to a criminal
4 conviction that would prohibit the candidate from serving in the
5 office.

6 (6) A request that the candidate's name be placed on the official
7 primary ballot of that party to be voted on, the office for which the
8 candidate is declaring, and the date of the primary election.

9 (7) A statement that the candidate:

10 (A) is aware of the provisions of IC 3-9 regarding campaign
11 finance and the reporting of campaign contributions and
12 expenditures; and

13 (B) agrees to comply with the provisions of IC 3-9.

14 The candidate must separately sign the statement required by this
15 subdivision.

16 (8) A statement as to whether the candidate has been a candidate
17 for state or local office in a previous primary or general election
18 and whether the candidate has filed all reports required by
19 IC 3-9-5-10 for all previous candidacies.

20 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
21 candidate has filed a campaign finance statement of organization
22 for the candidate's principal committee or is aware that the
23 candidate may be required to file a campaign finance statement of
24 organization not later than noon seven (7) days after the final date
25 to file the declaration of candidacy under section 11 of this
26 chapter.

27 (10) The candidate's signature.

28 (b) The commission shall provide that the form of a declaration of
29 candidacy includes the following information near the separate
30 signature required by subsection (a)(7):

31 (1) The dates for filing campaign finance reports under IC 3-9.

32 (2) The penalties for late filing of campaign finance reports under
33 IC 3-9.

34 (c) A declaration of candidacy must include a statement that the
35 candidate requests the name on the candidate's voter registration record
36 be the same as the name the candidate uses on the declaration of
37 candidacy. If there is a difference between the name on the candidate's
38 declaration of candidacy and the name on the candidate's voter

1 registration record, the officer with whom the declaration of candidacy
 2 is filed shall forward the information to the voter registration officer of
 3 the appropriate county as required by IC 3-5-7-6(e). The voter
 4 registration officer of the appropriate county shall change the name on
 5 the candidate's voter registration record to be the same as the name on
 6 the candidate's declaration of candidacy."

7 Page 16, between lines 32 and 33, begin a new paragraph and insert:

8 "SECTION 29. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006,
 9 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 UPON PASSAGE]: Sec. 7.2. (a) Except as provided in subsection (e),
 11 a voter who desires to vote an official ballot at a primary election shall
 12 provide proof of identification.

13 (b) Except as provided in subsection (e), before the voter proceeds
 14 to vote in a primary election, a ~~member of the~~ precinct election board
 15 **officer** shall ask the voter to provide proof of identification. The voter
 16 must produce the proof of identification before being permitted to sign
 17 the poll list.

18 (c) If:

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

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

26 (d) If the voter executes a challenged voter's affidavit under section
 27 9 of this chapter or IC 3-11-8-22.1, the voter may:

- 28 (1) sign the poll list; and
 29 (2) receive a provisional ballot.

30 (e) **A voter described by either of the following is not required**
 31 **to provide proof of identification before voting in a primary**
 32 **election:**

33 (1) A voter who votes in person at a precinct polling place that is
 34 located at a state licensed care facility where the voter resides. ~~is~~
 35 ~~not required to provide proof of identification before voting in a~~
 36 ~~primary election.~~

37 (2) **A voter who executes an affidavit, in the form prescribed**
 38 **by the commission, affirming under the penalties of perjury**

- 1 **that the voter satisfies either of the following:**
 2 **(A) The voter is:**
 3 **(i) indigent; and**
 4 **(ii) unable to obtain proof of identification without the**
 5 **payment of a fee.**
 6 **(B) The voter has a religious objection to being**
 7 **photographed."**

8 Page 18, between lines 15 and 16, begin a new paragraph and insert:
 9 "SECTION 34. IC 3-11-4-1 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A voter who
 11 is otherwise qualified to vote in person is entitled to vote by absentee
 12 ballot: ~~Except~~

- 13 **(1) by mail;**
 14 **(2) before an absentee voter board as otherwise provided in this**
 15 **article; a voter voting by absentee ballot must vote**
 16 **(3) in the office of the circuit court clerk (or board of elections**
 17 **and registration in a county subject to IC 3-6-5.2); or**
 18 **(4) at a satellite office established under IC 3-11-10-26.3.**

19 (b) A county election board, by unanimous vote of its entire
 20 membership, may authorize a person who is otherwise qualified to vote
 21 in person to vote by absentee ballot if the board determines that the
 22 person has been hospitalized or suffered an injury following the final
 23 date and hour for applying for an absentee ballot that would prevent the
 24 person from voting in person at the polls.

25 (c) The commission, by unanimous vote of its entire membership,
 26 may authorize a person who is otherwise qualified to vote in person to
 27 vote by absentee ballot if the commission determines that an
 28 emergency prevents the person from voting in person at a polling place.

29 (d) The absentee ballots used in subsection (b) or (c) must be the
 30 same official absentee ballots as described in ~~section~~ **sections** 12 and
 31 13 of this chapter. Taking into consideration the amount of time
 32 remaining before the election, the commission shall determine whether
 33 the absentee ballots are transmitted to and from the voter by mail or
 34 personally delivered. An absentee ballot that is personally delivered
 35 shall comply with the requirements in sections 19, 20, and 21 of this
 36 chapter.

37 SECTION 35. IC 3-11-4-2, AS AMENDED BY P.L.103-2005,
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 UPON PASSAGE]: Sec. 2. (a) A voter who wants to vote by absentee
 2 ballot must apply to the county election board for an official absentee
 3 ballot. Except as provided in subsection (b), the voter must sign the
 4 absentee ballot application.

5 (b) If a voter with disabilities is unable to sign the absentee ballot
 6 application and the voter has not designated an individual to serve as
 7 attorney in fact for the voter, the county election board may designate
 8 an individual to sign the application on behalf of the voter. If an
 9 individual applies for an absentee ballot as the properly authorized
 10 attorney in fact for a voter, the attorney in fact must attach a copy of the
 11 power of attorney to the application.

12 (c) A person may provide an individual with an application for an
 13 absentee ballot with the following information already printed or
 14 otherwise set forth on the application when provided to the individual:

- 15 (1) The name of the individual.
- 16 (2) The voter registration address of the individual.
- 17 (3) The mailing address of the individual.
- 18 (4) The date of birth of the individual.
- 19 (5) The voter identification number of the individual.

20 (d) A person may not provide an individual with an application for
 21 an absentee ballot with the following information already printed or
 22 otherwise set forth on the application when provided to the individual:

- 23 (1) The address to which the absentee ballot would be mailed, if
 24 different from the voter registration address of the individual.
- 25 (2) In a primary election, the major political party ballot requested
 26 by the individual.
- 27 (3) In a primary or general election, the types of absentee ballots
 28 requested by the individual.
- 29 ~~(4) The reason why the individual is entitled to vote an absentee~~
 30 ~~ballot:~~

- 31 ~~(A) by mail; or~~
- 32 ~~(B) before an absentee voter board (other than an absentee~~
 33 ~~voter board located in the office of the circuit court clerk or a~~
 34 ~~satellite office);~~
- 35 ~~in accordance with IC 3-11-4-18, IC 3-11-10-24, or~~
 36 ~~IC 3-11-10-25.~~

37 (e) If the county election board determines that an absentee ballot
 38 application does not comply with subsection (d), the board shall deny

1 the application under section 17.5 of this chapter.

2 (f) A person who assists an individual in completing any
3 information described in subsection (d) on an absentee ballot
4 application shall state under the penalties for perjury the following
5 information on the application:

6 (1) The full name, residence and mailing address, and daytime
7 and evening telephone numbers (if any) of the person providing
8 the assistance.

9 (2) The date this assistance was provided.

10 (3) That the person providing the assistance has complied with
11 Indiana laws governing the submission of absentee ballot
12 applications.

13 (4) That the person has no knowledge or reason to believe that the
14 individual submitting the application:

15 (A) is ineligible to vote or to cast an absentee ballot; or

16 (B) did not properly complete and sign the application.

17 (g) This subsection does not apply to an employee of the United
18 States Postal Service or a bonded courier company acting in the
19 individual's capacity as an employee of the United States Postal Service
20 or a bonded courier company. A person who receives a completed
21 absentee ballot application from the individual who has applied for the
22 absentee ballot shall file the application with the appropriate county
23 election board not later than:

24 (1) noon seven (7) days after the person receives the application;

25 or

26 (2) the deadline set by Indiana law for filing the application with
27 the board;

28 whichever occurs first.

29 (h) This subsection does not apply to an employee of the United
30 States Postal Service or a bonded courier company acting in the
31 individual's capacity as an employee of the United States Postal Service
32 or a bonded courier company. A person filing an absentee ballot
33 application, other than the person's own absentee ballot application,
34 must sign an affidavit at the time of filing the application. The affidavit
35 must be in a form prescribed by the commission. The form must
36 include the following:

37 (1) A statement of the full name, residence and mailing address,
38 and daytime and evening telephone numbers (if any) of the person

- 1 submitting the application.
- 2 (2) A statement that the person filing the affidavit has complied
- 3 with Indiana laws governing the submission of absentee ballot
- 4 applications.
- 5 (3) A statement that the person has no knowledge or reason to
- 6 believe that the individual whose application is to be filed:
- 7 (A) is ineligible to vote or to cast an absentee ballot; or
- 8 (B) did not properly complete and sign the application.
- 9 (4) A statement that the person is executing the affidavit under the
- 10 penalties of perjury.
- 11 (5) A statement setting forth the penalties for perjury.
- 12 (i) The county election board shall record the date and time of the
- 13 filing of the affidavit."
- 14 Page 19, between lines 11 and 12, begin a new paragraph and insert:
- 15 "SECTION 37. IC 3-11-4-18, AS AMENDED BY P.L.164-2006,
- 16 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 UPON PASSAGE]: Sec. 18. (a) ~~If a voter satisfies any of the~~
- 18 ~~qualifications described in IC 3-11-10-24 that entitle a voter to cast an~~
- 19 ~~absentee ballot by mail;~~ The county election board shall, at the request
- 20 of the voter, mail the official ballot, postage fully prepaid, to the voter
- 21 at the address stated in the application.
- 22 (b) If the county election board mails an absentee ballot to a voter
- 23 required to file additional documentation with the county voter
- 24 registration office before voting by absentee ballot under this chapter,
- 25 the board shall include a notice to the voter in the envelope mailed to
- 26 the voter under section 20 of this chapter. The notice must inform the
- 27 voter that the voter must file the additional documentation required
- 28 under IC 3-7-33-4.5 with the county voter registration office not later
- 29 than noon on election day for the absentee ballot to be counted as an
- 30 absentee ballot, and that, if the documentation required under
- 31 IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the
- 32 ballot will be processed as a provisional ballot. The commission shall
- 33 prescribe the form of this notice under IC 3-5-4-8.
- 34 (c) Except as provided in section 18.5 of this chapter, the ballot
- 35 shall be mailed:
- 36 (1) on the day of the receipt of the voter's application; or
- 37 (2) not more than five (5) days after the date of delivery of the
- 38 ballots under section 15 of this chapter;

1 whichever is later.

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

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

6 (1) must be mailed:

7 (A) on the day of the receipt of the voter's application; or

8 (B) not more than five (5) days after the latest date for delivery
9 of the ballots under section 13(b) of this chapter applicable to
10 that election;

11 whichever is later; and

12 (2) may not be mailed after the absentee ballots described by
13 section 13(a) of this chapter have been delivered to the circuit
14 court clerk or the clerk's authorized deputy.

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

19 (g) As provided by 42 U.S.C. 15481, when an absentee ballot is
20 mailed under this section, the mailing must include:

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

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

25 SECTION 38. IC 3-11-6.5-4 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To receive
27 reimbursement for the purchase of voting systems under this chapter,
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 (b) The budget agency, after review by the budget committee, shall
37 approve a county's application for reimbursement under this chapter if
38 the budget agency determines ~~either~~ any of the following:

- 1 (1) The county has purchased or will purchase a new voting
 2 system or an upgrade or expansion of an existing voting system
 3 to comply with HAVA that would be eligible for reimbursement
 4 under HAVA and this chapter from any fund account.
- 5 (2) The county purchased a new voting system or an upgrade or
 6 expansion of the county's existing voting system after January 1,
 7 1998, and before July 1, 2001, that would not qualify for
 8 reimbursement from federal funds received under HAVA, and the
 9 new voting system or upgrade or expansion of the county's
 10 existing voting system enhanced all of the following:
- 11 (A) Reliability of the county's voting system.
 - 12 (B) Efficiency of the county's voting system.
 - 13 (C) Ease of use of the county's voting system by voters.
 - 14 (D) Public confidence in the county's voting system.
- 15 **(3) The county has purchased or will purchase a new voting**
 16 **system to replace a voting system that the county cannot use**
 17 **because the county is unable to obtain technical or other**
 18 **operating support for its current voting system. This**
 19 **subdivision applies only if the purchase of a new voting**
 20 **system is eligible for reimbursement under HAVA."**
- 21 Page 20, between lines 17 and 18, begin a new paragraph and insert:
 22 "SECTION 43. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006,
 23 SECTION 100, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in
 25 subsection (e), a voter who desires to vote an official ballot at an
 26 election shall provide proof of identification.
- 27 (b) Except as provided in subsection (e), before the voter proceeds
 28 to vote in the election, a ~~member of the~~ precinct election ~~board officer~~
 29 shall ask the voter to provide proof of identification. The voter shall
 30 produce the proof of identification before being permitted to sign the
 31 poll list.
- 32 (c) If:
- 33 (1) the voter is unable or declines to present the proof of
 34 identification; or
 - 35 (2) a member of the precinct election board determines that the
 36 proof of identification provided by the voter does not qualify as
 37 proof of identification under IC 3-5-2-40.5;
- 38 a member of the precinct election board shall challenge the voter as

- 1 prescribed by this chapter.
- 2 (d) If the voter executes a challenged voter's affidavit under section
3 22.1 of this chapter, the voter may:
- 4 (1) sign the poll list; and
5 (2) receive a provisional ballot.
- 6 (e) **A voter described by either of the following is not required
7 to provide proof of identification before voting in an election:**
- 8 (1) A voter who votes in person at a precinct polling place that is
9 located at a state licensed care facility where the voter resides. ~~is
10 not required to provide proof of identification before voting in an
11 election.~~
- 12 (2) **A voter who executes an affidavit, in the form prescribed
13 by the commission, affirming under the penalties of perjury
14 that the voter satisfies either of the following:**
- 15 (A) **The voter is:**
- 16 (i) **indigent; and**
17 (ii) **unable to obtain proof of identification without the
18 payment of a fee.**
- 19 (B) **The voter has a religious objection to being
20 photographed.**
- 21 (f) After a voter has passed the challengers or has been sworn in, the
22 voter shall be instructed by a member of the precinct election board to
23 proceed to the location where the poll clerks are stationed. The voter
24 shall announce the voter's name to the poll clerks or assistant poll
25 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct
26 election board shall require the voter to write the following on the poll
27 list:
- 28 (1) The voter's name.
29 (2) Except as provided in subsection (k), the voter's current
30 residence address.
- 31 (g) The poll clerk, an assistant poll clerk, or a member of the
32 precinct election board shall:
- 33 (1) ask the voter to provide or update the voter's voter
34 identification number;
35 (2) tell the voter the number the voter may use as a voter
36 identification number; and
37 (3) explain to the voter that the voter is not required to provide or
38 update a voter identification number at the polls.

1 (h) The poll clerk, an assistant poll clerk, or a member of the
2 precinct election board shall ask the voter to provide proof of
3 identification.

4 (i) In case of doubt concerning a voter's identity, the precinct
5 election board shall compare the voter's signature with the signature on
6 the affidavit of registration or any certified copy of the signature
7 provided under IC 3-7-29. If the board determines that the voter's
8 signature is authentic, the voter may then vote. If either poll clerk
9 doubts the voter's identity following comparison of the signatures, the
10 poll clerk shall challenge the voter in the manner prescribed by section
11 21 of this chapter.

12 (j) If, in a precinct governed by subsection (g):

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

14 (2) the voter executes a challenged voter's affidavit under section
15 22.1 of this chapter or executed the affidavit before signing the
16 poll list;

17 the voter may then vote.

18 (k) Each line on a poll list sheet provided to take a voter's current
19 address must include a box under the heading "Address Unchanged"
20 so that a voter whose residence address shown on the poll list is the
21 voter's current residence address may check the box instead of writing
22 the voter's current residence address on the poll list.

23 SECTION 44. IC 3-11-10-4, AS AMENDED BY P.L.198-2005,
24 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: Sec. 4. (a) Upon receipt of an absentee ballot, a
26 county election board (or the absentee voter board in the office of the
27 circuit court clerk) shall immediately examine the signature of the
28 absentee voter to determine its genuineness.

29 (b) This subsection does not apply to an absentee ballot cast by a
30 voter permitted to transmit the voter's absentee ballots by fax or
31 electronic mail under IC 3-11-4-6. The board shall compare the
32 signature as it appears upon the envelope containing the absentee ballot
33 with the signature of the voter as it appears upon the ~~application for the~~
34 ~~absentee ballot.~~ **voter's affidavit of registration.** The board may also
35 compare the signature on the ballot envelope with any other admittedly
36 genuine signature of the voter.

37 (c) This subsection applies to an absentee ballot cast by a voter
38 permitted to transmit the voter's absentee ballots by fax or electronic

1 mail under IC 3-11-4-6. The board shall compare the signature as it
 2 appears on the affidavit transmitted with the voter's absentee ballot to
 3 the voter's signature as it appears on the ~~application for the absentee~~
 4 ~~ballot.~~ **voter's affidavit of registration.** The board may also compare
 5 the signature on the affidavit with any other admittedly genuine
 6 signature of the voter.

7 (d) If a member of the absentee voter board questions whether a
 8 signature on a ballot envelope or transmitted affidavit is genuine, the
 9 matter shall be referred to the county election board for consideration
 10 under section 5 of this chapter.

11 SECTION 45. IC 3-11-10-8 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** If a county
 13 election board (or the absentee voter board in the office of the circuit
 14 court clerk) unanimously finds that the signature on a ballot envelope
 15 or transmitted affidavit is genuine, the board shall enclose immediately
 16 the accepted and unopened ballot envelope together with the voter's
 17 application for the absentee ballot in a ~~large~~ or carrier envelope. **The**
 18 **board may enclose in the same carrier envelope all absentee ballot**
 19 **envelopes and voter applications to be transmitted to the same**
 20 **precinct.**

21 **(b)** The envelope shall be securely sealed and endorsed with the
 22 ~~name and~~ official title of the circuit court clerk and the following
 23 words: "This envelope contains an absentee ballot and must be opened
 24 only at the polls on election day while the polls are open."

25 SECTION 46. IC 3-11-10-12, AS AMENDED BY P.L.164-2006,
 26 SECTION 106, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Each county election
 28 board shall have all absentee ballots delivered to the precinct election
 29 boards at their respective polls on election day.

30 (b) The absentee ballots shall be delivered during the hours that the
 31 polls are open. ~~and in sufficient time to enable~~ The precinct election
 32 ~~boards to board shall~~ vote the ballots **received** during the time the
 33 polls are open. **Any ballots received by the precinct election board**
 34 **after the polls are closed shall be returned to the county election**
 35 **board for counting under section 14 of this chapter.**

36 (c) Along with the absentee ballots delivered to the precinct election
 37 boards under subsection (a), each county election board shall provide
 38 a list certified by the circuit court clerk. This list must state the name

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

2 (1) filed the documentation required by IC 3-7-33-4.5 with the
3 county voter registration office after the printing of the certified
4 list under IC 3-7-29 or the poll list under IC 3-11-3; and

5 (2) as a result, is entitled to have the voter's absentee ballot
6 counted if the ballot otherwise complies with this title.

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

15 (1) attempt to contact the precinct election board to inform the
16 board regarding the content of the supplemental list; and

17 (2) file a copy of the supplemental list for that precinct as part of
18 the permanent records of the board.

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

21 (1) 42 U.S.C. 1973ff for federal offices; and

22 (2) IC 3-11-4-12(a) for state offices.

23 If the county election board receives both a special write-in absentee
24 ballot and the regular absentee ballot described by IC 3-11-4-12 from
25 the same voter, the county election board shall reject the special
26 write-in ballot and deliver only the regular absentee ballot to the
27 precinct election board.

28 SECTION 47. IC 3-11-10-14, AS AMENDED BY P.L.198-2005,
29 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 UPON PASSAGE]: Sec. 14. (a) Subject to section 11 of this chapter,
31 absentee ballots received by mail (or by fax or electronic mail under
32 IC 3-11-4-6) after the county election board has started the final
33 delivery of the ballots to the precincts on election day **shall be**
34 **delivered to the county election board for counting.**

35 (b) **An absentee ballot delivered to the county election board**
36 **under subsection (a) shall be counted by the county election board**
37 **if the ballot is not otherwise successfully challenged under this title.**

38 (c) **The election returns from the precinct shall be adjusted to**

1 **reflect the votes on an absentee ballot required to be counted under**
 2 **subsection (b).**

3 **(d) Except as provided in subsection (e), absentee ballots**
 4 **received by the county election board after the close of the polls on**
 5 **election day** are considered as arriving too late and ~~need~~ **may not be**
 6 **delivered to the polls: counted.**

7 **(e) Absentee ballots received by the precinct election board as**
 8 **described in section 12(b) of this chapter after the close of the polls**
 9 **shall be returned to the county election board and be counted as**
 10 **provided in this section.**

11 SECTION 48. IC 3-11-10-15 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. At any time
 13 between the opening and closing of the polls on election day, the
 14 inspector, in the presence of the precinct election board, shall do all of
 15 the following:

- 16 (1) Open the outer or carrier envelope containing an absentee
 17 ballot envelope and application.
 18 (2) Announce the absentee voter's name.
 19 (3) Compare the signature upon the ~~application~~ **voter's affidavit**
 20 **of registration** with the signature upon the affidavit on the ballot
 21 envelope or transmitted affidavit attached to the ballot envelope.

22 SECTION 49. IC 3-11-10-17, AS AMENDED BY P.L.198-2005,
 23 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2008]: Sec. 17. (a) If the inspector finds under section 15 of
 25 this chapter that any of the following applies, ~~a~~ **the inspector shall**
 26 **direct that the absentee ballot may not be accepted or counted:**
 27 **processed as a provisional ballot under IC 3-11.7:**

- 28 (1) The affidavit is insufficient or the ballot has not been endorsed
 29 with the initials of:
 30 (A) the two (2) members of the absentee voter board in the
 31 office of the circuit court clerk under IC 3-11-4-19 or section
 32 27 of this chapter;
 33 (B) the two (2) members of the absentee voter board visiting
 34 the voter under section 25(b) of the chapter; or
 35 (C) the two (2) appointed members of the county election
 36 board or their designated representatives under IC 3-11-4-19.
 37 (2) A copy of the voter's signature has been furnished to the
 38 precinct election board and that the signatures do not correspond

- 1 or there is no signature.
- 2 (3) The absentee voter is not a qualified voter in the precinct.
- 3 (4) The absentee voter has voted in person at the election.
- 4 (5) The absentee voter has not registered.
- 5 (6) The ballot is open or has been opened and resealed. This
- 6 subdivision does not permit an absentee ballot transmitted by fax
- 7 or electronic mail under IC 3-11-4-6 to be rejected because the
- 8 ballot was sealed in the absentee ballot envelope by the individual
- 9 designated by the circuit court to receive absentee ballots
- 10 transmitted by fax or electronic mail.
- 11 (7) The ballot envelope contains more than one (1) ballot of any
- 12 kind for the same office or public question.
- 13 (8) In case of a primary election, if the absentee voter has not
- 14 previously voted, the voter failed to execute the proper
- 15 declaration relative to age and qualifications and the political
- 16 party with which the voter intends to affiliate.
- 17 (9) The ballot has been challenged and not supported.
- 18 (b) Subsection (c) applies whenever a voter with a disability is
- 19 unable to make a signature:
 - 20 (1) on an absentee ballot application that corresponds to the
 - 21 voter's signature in the records of the county voter registration
 - 22 office; or
 - 23 (2) on an absentee ballot secrecy envelope that corresponds with
 - 24 the voter's signature:
 - 25 (A) in the records of the county voter registration office; or
 - 26 (B) on the absentee ballot application.
- 27 (c) The voter may request that the voter's signature or mark be
- 28 attested to by:
 - 29 (1) the absentee voter board under section 25(b) of this chapter;
 - 30 (2) a member of the voter's household; or
 - 31 (3) an individual serving as attorney in fact for the voter.
- 32 (d) An attestation under subsection (c) provides an adequate basis
- 33 for an inspector to determine that a signature or mark complies with
- 34 subsection (a)(2).
- 35 SECTION 50. IC 3-11-10-18 IS AMENDED TO READ AS
- 36 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. ~~Each~~ (a) An
- 37 **absentee** ballot not accepted or counted for any of the reasons
- 38 prescribed by section 17 of this chapter shall, without being unfolded

1 to disclose how it is marked, be **replaced in the absentee ballot**
 2 **envelope in which the ballot was contained. The absentee ballot**
 3 **envelope shall be securely sealed and** endorsed with the words:
 4 "Rejected (giving the reason or reasons ~~therefor~~); **for the rejection**".

5 (b) All rejected absentee ballots shall be enclosed and securely
 6 sealed in an envelope on which the inspector shall write the words:
 7 "~~Defective~~ Absentee ballots **to be processed as provisional ballots**".
 8 The inspector shall also identify the precinct and the date of the
 9 election on the envelope containing the rejected ballots. ~~The defective~~
 10 ~~absentee ballots shall be returned to the same officer and in the same~~
 11 ~~manner as prescribed by this title for the return and preservation of~~
 12 ~~official ballots cast and uncast at the election.~~

13 SECTION 51. IC 3-11-10-24, AS AMENDED BY P.L.103-2005,
 14 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]: Sec. 24. (a) Except as provided in subsection (b),
 16 a voter who satisfies any of the following is entitled to vote by mail.

17 (1) The voter has a specific, reasonable expectation of being
 18 absent from the county on election day during the entire twelve
 19 (12) hours that the polls are open.

20 (2) The voter will be absent from the precinct of the voter's
 21 residence on election day because of service as:

22 (A) a precinct election officer under IC 3-6-6;

23 (B) a watcher under IC 3-6-8; IC 3-6-9; or IC 3-6-10;

24 (C) a challenger or pollbook holder under IC 3-6-7; or

25 (D) a person employed by an election board to administer the
 26 election for which the absentee ballot is requested.

27 (3) The voter will be confined on election day to the voter's
 28 residence; to a health care facility; or to a hospital because of an
 29 illness or injury during the entire twelve (12) hours that the polls
 30 are open.

31 (4) The voter is a voter with disabilities.

32 (5) The voter is an elderly voter.

33 (6) The voter is prevented from voting due to the voter's care of
 34 an individual confined to a private residence because of illness or
 35 injury during the entire twelve (12) hours that the polls are open.

36 (7) The voter is scheduled to work at the person's regular place of
 37 employment during the entire twelve (12) hours that the polls are
 38 open.

- 1 ~~(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.~~
 2 ~~(9) The voter is prevented from voting due to observance of a~~
 3 ~~religious discipline or religious holiday during the entire twelve~~
 4 ~~(12) hours that the polls are open.~~
 5 ~~(10) The voter is an address confidentiality program participant~~
 6 ~~(as defined in IC 5-26.5-1-6).~~
- 7 (b) A voter with disabilities who:
- 8 (1) is unable to make a voting mark on the ballot or sign the
 9 absentee ballot secrecy envelope; and
- 10 (2) requests that the absentee ballot be delivered to an address
 11 within Indiana;
- 12 must vote before an absentee voter board under section 25(b) of this
 13 chapter.
- 14 (c) If a voter receives an absentee ballot by mail, the voter shall
 15 personally mark the ballot in secret and seal the marked ballot inside
 16 the envelope provided by the county election board for that purpose.
 17 The voter shall:
- 18 (1) deposit the sealed envelope in the United States mail for
 19 delivery to the county election board; or
- 20 (2) authorize a member of the voter's household or the individual
 21 designated as the voter's attorney in fact to:
- 22 (A) deposit the sealed envelope in the United States mail; or
 23 (B) deliver the sealed envelope in person to the county
 24 election board.
- 25 (d) If a member of the voter's household or the voter's attorney in
 26 fact delivers the sealed envelope containing a voter's absentee ballot to
 27 the county election board, the individual delivering the ballot shall
 28 complete an affidavit in a form prescribed by the commission. The
 29 affidavit must contain the following information:
- 30 (1) The name and residence address of the voter whose absentee
 31 ballot is being delivered.
- 32 (2) A statement of the full name, residence and mailing address,
 33 and daytime and evening telephone numbers (if any) of the
 34 individual delivering the absentee ballot.
- 35 (3) A statement indicating whether the individual delivering the
 36 absentee ballot is a member of the voter's household or is the
 37 attorney in fact for the voter. If the individual is the attorney in
 38 fact for the voter, the individual must attach a copy of the power

1 of attorney for the voter, unless a copy of this document has
2 already been filed with the county election board.

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

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

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

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

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

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

16 (1) section 1.5 of this chapter; or

17 (2) section 33 of this chapter.

18 SECTION 52. IC 3-11-10-25, AS AMENDED BY P.L.164-2006,
19 SECTION 108, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) A voter who votes by
21 absentee ballot because ~~of~~ **the voter:**

22 (1) **has an** illness or injury; ~~or~~

23 (2) **is** caring for a confined person at a private residence; ~~or~~

24 (3) **is subject to lawful detention but has not been convicted of**
25 **a crime;**

26 and who is within the county on election day may vote before an
27 absentee voter board or by mail.

28 (b) If requested by a voter described in subsection (a) or by a voter
29 with disabilities whose precinct is not accessible to voters with
30 disabilities, an absentee voter board shall visit the voter's place of
31 confinement, the residence of the voter with disabilities, or the private
32 residence:

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

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

35 (3) on any of the twelve (12) days immediately before election
36 day; and

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

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

1 first visit due to a medical emergency; or
 2 (B) the board, in its discretion, decides to make an additional
 3 visit.

4 (c) This subsection applies to a voter confined due to illness or
 5 injury. An absentee voter board may not be denied access to the voter's
 6 place of confinement if the board is present at the place of confinement
 7 at a time:

- 8 (1) agreed to by the board and the voter; and
- 9 (2) during the regular office hours of the circuit court clerk. A
 10 person who knowingly violates this subsection commits
 11 obstruction or interference with an election officer in the
 12 discharge of the officer's duty, a violation of IC 3-14-3-4.

13 (d) The county election board, by unanimous vote of the board's
 14 entire membership, may authorize an absentee voter board to visit a
 15 voter who is confined due to illness or injury and will be outside the
 16 county on election day in accordance with the procedures set forth in
 17 subsection (b).

18 (e) As provided by 42 U.S.C. 15481, a voter casting an absentee
 19 ballot under this section must be:

- 20 (1) permitted to verify in a private and independent manner the
 21 votes selected by the voter before the ballot is cast and counted;
- 22 (2) provided with the opportunity to change the ballot or correct
 23 any error in a private and independent manner before the ballot is
 24 cast and counted, including the opportunity to receive a
 25 replacement ballot if the voter is otherwise unable to change or
 26 correct the ballot; and
- 27 (3) notified before the ballot is cast regarding the effect of casting
 28 multiple votes for the office and provided an opportunity to
 29 correct the ballot before the ballot is cast and counted.

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

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

36 (g) This subsection applies to a voter who applies to vote an
 37 absentee ballot by mail. The county election board shall include a copy
 38 of the Absentee Voter's Bill of Rights with any absentee ballot mailed

1 to the voter.

2 SECTION 53. IC 3-11-10-26, AS AMENDED BY P.L.164-2006,
3 SECTION 109, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) As an alternative to
5 voting by mail, a voter is entitled to cast an absentee ballot before an
6 absentee voter board:

7 (1) in the office of the circuit court clerk (or board of elections
8 and registration in a county subject to IC 3-6-5.2); or
9 (2) at a satellite office established under section 26.3 of this
10 chapter.

11 (b) The voter must:

12 (1) sign an application on the form prescribed by the commission
13 under IC 3-11-4-5.1; and
14 (2) provide proof of identification;

15 before being permitted to vote. The application must be received by the
16 circuit court clerk not later than the time prescribed by IC 3-11-4-3.

17 (c) The voter may vote before the board not more than ~~twenty-nine~~
18 **(29) twenty-eight (28)** days nor later than noon on the day before
19 election day.

20 (d) An absent uniformed services voter who is eligible to vote by
21 absentee ballot in the circuit court clerk's office under IC 3-7-36-14
22 may vote before the board not earlier than ~~twenty-nine (29)~~
23 **twenty-eight (28)** days before the election and not later than noon on
24 election day. If a voter described by this subsection wishes to cast an
25 absentee ballot during the period beginning at noon on the day before
26 election day and ending at noon on election day, the county election
27 board or absentee voter board may receive and process the ballot at a
28 location designated by resolution of the county election board.

29 (e) The absentee voter board in the office of the circuit court clerk
30 must permit voters to cast absentee ballots under this section for at
31 least seven (7) hours on each of the two (2) Saturdays preceding
32 election day.

33 (f) Notwithstanding subsection (e), in a county with a population of
34 less than twenty thousand (20,000), the absentee voter board in the
35 office of the circuit court clerk, with the approval of the county election
36 board, may reduce the number of hours available to cast absentee
37 ballots under this section to a minimum of four (4) hours on each of the
38 two (2) Saturdays preceding election day.

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

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

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

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

19 (i) If:

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

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

27 **(j) The county election board, by unanimous vote of the entire**
28 **membership of the board, may adopt a resolution providing that**
29 **absentee ballots be cast at satellite offices instead of in the office of**
30 **the circuit court clerk (or board of elections and registration in a**
31 **county subject to IC 3-6-5.2).**

32 SECTION 54. IC 3-11-10-34 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec 34. If an envelope
34 containing an absentee ballot has been marked "~~Rejected as defective~~"
35 **rejected under section 17 of this chapter** and the voter appears in
36 person at the precinct before the polls close, the voter may vote as any
37 other voter voting in person. **A notation shall be made on the**
38 **absentee ballot envelope of the rejected absentee ballot that the**

1 **voter appeared at the polls."**

2 Page 23, between lines 39 and 40, begin a new paragraph and insert:

3 "SECTION 58. IC 3-11-14-28.5 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]: **Sec. 28.5. (a) This section applies
6 if it is discovered, after a voter leaves the voting booth, that the
7 voter has failed to register the voter's votes.**

8 **(b) The judges, in the presence of the inspector, shall take all
9 reasonable action to register the voter's votes. The judges shall
10 attempt to register the votes without viewing any of the votes.
11 However, the voter's votes are not void if either of the judges or the
12 inspector sees any of the votes during an attempt to register the
13 votes.**

14 **(c) The judges may not alter any of the voter's votes in
15 performing the duty described in this section.**

16 **(d) If the judges are unable to register the voter's votes as
17 provided in this section:**

18 **(1) the votes shall be canceled; and**

19 **(2) the voter may not vote again at the election.**

20 **(e) A record of the occurrence and the results of the attempt to
21 register the voter's votes shall be made on the poll list."**

22 Page 24, between lines 35 and 36, begin a new paragraph and insert:

23 "SECTION 62. IC 3-11.5-1-4 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. To the extent that
25 they are in conflict with this article, the following statutes do not apply
26 to a county that has adopted a resolution described by section 1 of this
27 chapter:

28 (1) IC 3-11-4-22.

29 (2) IC 3-11-10-1.5.

30 (3) IC 3-11-10-3.

31 (4) IC 3-11-10-5.

32 (5) IC 3-11-10-6.

33 (6) IC 3-11-10-7.

34 (7) IC 3-11-10-8.

35 (8) IC 3-11-10-9.

36 (9) IC 3-11-10-11.

37 (10) IC 3-11-10-12.

38 (11) IC 3-11-10-13.

- 1 (12) IC 3-11-10-14.
- 2 (13) IC 3-11-10-15.
- 3 (14) IC 3-11-10-16.
- 4 (15) IC 3-11-10-17.
- 5 (16) IC 3-11-10-18.
- 6 (17) IC 3-11-10-20.
- 7 (18) IC 3-11-10-21.
- 8 (19) IC 3-11-10-22.
- 9 (20) IC 3-11-10-23.
- 10 (21) IC 3-11-10-31.
- 11 (22) IC 3-11-10-32.
- 12 (23) IC 3-11-10-33.
- 13 (24) IC 3-11-10-34.
- 14 ~~(25) IC 3-11-10-35.~~
- 15 ~~(26)~~ (25) IC 3-11-10-36.
- 16 ~~(27)~~ (26) IC 3-11-10-37.
- 17 ~~(28)~~ (27) IC 3-12-2.
- 18 ~~(29)~~ (28) IC 3-12-3-12.

19 SECTION 63. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005,
 20 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 10. Subject to section 7 of this chapter,
 22 absentee ballots received by mail (or by fax or electronic mail under
 23 IC 3-11-4-6) after ~~noon~~ **the close of the polls** on election day are
 24 considered as arriving too late and may not be counted.

25 SECTION 64. IC 3-11.5-4-11 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. At any time
 27 after the couriers return the certificate under section 9 of this chapter,
 28 absentee ballot counters appointed under section 22 of this chapter, in
 29 the presence of the county election board, shall, except for a ballot
 30 rejected under section 13 of this chapter:

- 31 (1) open the outer or carrier envelope containing an absentee
- 32 ballot envelope and application;
- 33 (2) announce the absentee voter's name; and
- 34 (3) compare the signature upon the ~~application with the signature~~
 35 ~~upon the~~ affidavit on the ballot envelope or transmitted affidavit
 36 **with the signature on the voter's affidavit of registration.**

37 SECTION 65. IC 3-11.5-4-13, AS AMENDED BY P.L.198-2005,
 38 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2008]: Sec. 13. (a) If the absentee ballot counters find under
 2 section 11 of this chapter that any of the following applies, the ballots
 3 shall be ~~rejected~~: **processed as provisional ballots under IC 3-11.7:**

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

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

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

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

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

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

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

16 (5) The absentee voter has not registered.

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

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

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

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

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

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

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

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

38 (B) on the absentee ballot application.

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

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

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

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

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

9 (e) If the absentee ballot counters are unable to agree on a finding
10 described under this section or section 12 of this chapter, the county
11 election board shall make the finding.

12 (f) The absentee ballot counters or county election board shall issue
13 a certificate to a voter whose ballot has been rejected under this section
14 if the voter appears in person before the board not later than 5 p.m. on
15 election day. The certificate must state that the voter's absentee ballot
16 has been rejected and that the voter may vote in person under section
17 21 of this chapter if otherwise qualified to vote.

18 SECTION 66. IC 3-11.5-4-14 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) ~~Each~~ **An**
20 **absentee** ballot rejected for any of the reasons prescribed by section 13
21 of this chapter shall, without being unfolded to disclose how the ballot
22 is marked, be **replaced in the absentee ballot envelope in which the**
23 **ballot was contained. The absentee ballot envelope shall be securely**
24 **sealed and** endorsed with the words: "Rejected (giving the reason or
25 reasons for the rejection)".

26 (b) All rejected absentee ballots shall be enclosed and securely
27 sealed in an envelope on which the absentee ballot counters shall write
28 the words: ~~"Rejected"~~ **"Absentee ballots to be processed as provisional**
29 **ballots"**. The absentee ballot counters shall also identify the precinct
30 and the date of the election on the envelope containing the rejected
31 ballots.

32 ~~(c) The rejected absentee ballots shall be returned to the same~~
33 ~~officer and in the same manner as prescribed by this title for the return~~
34 ~~and preservation of official ballots cast and uncast at the election.~~

35 SECTION 67. IC 3-11.5-4-21 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21. If ~~an envelope~~
37 ~~containing~~ an absentee ballot has been marked ~~"Rejected"~~ **rejected**
38 **under section 14 of this chapter** and the voter appears in person at the

1 precinct before the polls close, the voter may vote as any other voter
 2 voting in person if the voter presents the precinct election board with
 3 the certificate issued under ~~section 13(e)~~ **section 13(f)** of this chapter.
 4 **A notation shall be made on the absentee ballot envelope of the**
 5 **rejected absentee ballot that the voter appeared at the polls.**

6 SECTION 68. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006,
 7 SECTION 121, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) ~~As provided by 42 U.S.C.~~
 9 ~~15482~~; This section applies to the following individuals:

10 (1) An individual:

- 11 (A) whose name does not appear on the registration list; and
 12 (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the
 13 voter makes an oral or a written affirmation under IC 3-7-48-5
 14 or IC 3-7-48-7 or after the voter produces a certificate of error
 15 under IC 3-7-48-1.

16 (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or
 17 IC 3-11-8-27.5 who is challenged as not eligible to vote.

18 (3) An individual who seeks to vote in an election as a result of a
 19 court order (or any other order) extending the time established for
 20 closing the polls under IC 3-11-8-8.

21 **(4) An individual whose absentee ballot has been rejected**
 22 **under IC 3-11-10-17 or IC 3-11.5-4-13.**

23 (b) As required by 42 U.S.C. 15483, a voter who has registered to
 24 vote but has not:

- 25 (1) presented identification required under 42 U.S.C. 15483 to the
 26 poll clerk before voting in person under IC 3-11-8-25.1; or
 27 (2) filed a copy of the identification required under 42 U.S.C.
 28 15483 to the county voter registration office before the voter's
 29 absentee ballot is cast;

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

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

- 34 (1) is eligible to vote under IC 3-7-13-1;
 35 (2) submitted a voter registration application during the
 36 registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if
 37 the voter registered under that section); and
 38 (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

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

3 (e) **An absentee ballot rejected under IC 3-11-10-17 or**
4 **IC 3-11.5-4-13 shall be treated as a provisional ballot under this**
5 **article. The county election board shall send a notice to the voter**
6 **at the address indicated on the voter's absentee ballot application**
7 **giving the following information:**

8 (1) **That the voter's absentee ballot was rejected.**

9 (2) **The reasons for rejection of the voter's absentee ballot.**

10 (3) **That the voter's absentee ballot will be treated as a**
11 **provisional ballot.**

12 (4) **That the county election board will have a meeting to**
13 **determine whether provisional ballots shall be counted.**

14 (5) **The date, time, and place of the meeting described in**
15 **subdivision (4).**

16 (6) **That the voter will be given an opportunity to support the**
17 **validity of the absentee ballot.**

18 (7) **That the county election board may limit the voter's**
19 **presentation. The county election board must grant a voter at**
20 **least five (5) minutes to make a presentation.**

21 SECTION 69. IC 3-11.7-5-1, AS AMENDED BY P.L.164-2006,
22 SECTION 122, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) After the close of the polls,
24 provisional ballots shall be counted as provided in this chapter.

25 (b) Notwithstanding IC 3-5-4-1.5 and any legal holiday observed
26 under IC 1-1-9, all provisional ballots must be counted by not later than
27 noon ten (10) days following the election.

28 (c) **The county election board shall meet before noon on the date**
29 **described in subsection (b) to do the following:**

30 (1) **Provide voters who have cast provisional ballots an**
31 **opportunity to make a presentation in support of the validity**
32 **of the provisional ballot.**

33 (2) **Determine which provisional ballots shall be counted.**

34 SECTION 70. IC 3-11.7-5-2, AS AMENDED BY P.L.103-2005,
35 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2008]: Sec. 2. (a) ~~Except as provided in section 5 of this~~
37 ~~chapter~~, If the county election board determines that all the following
38 apply, a provisional ballot is valid and shall be counted under this

1 chapter:

2 (1) The affidavit executed by the provisional voter under
3 IC 3-11.7-2-1 is properly executed.

4 (2) The provisional voter is a qualified voter of the precinct and
5 has provided proof of identification, if required, under IC 3-10-1,
6 IC 3-11-8, or IC 3-11-10-26.

7 (3) Based on all the information available to the county election
8 board, including:

9 (A) information provided by the provisional voter;

10 (B) information contained in the county's voter registration
11 records; and

12 (C) information contained in the statewide voter registration
13 file;

14 the provisional voter registered to vote at a registration agency
15 under this article on a date within the registration period.

16 (b) If the provisional voter has provided information regarding the
17 registration agency where the provisional voter registered to vote, the
18 board shall promptly make an inquiry to the agency regarding the
19 alleged registration. The agency shall respond to the board not later
20 than noon of the first Friday after the election, indicating whether the
21 agency's records contain any information regarding the registration. If
22 the agency does not respond to the board's inquiry, or if the agency
23 responds that the agency has no record of the alleged registration, the
24 board shall reject the provisional ballot **unless:**

25 **(1) the voter appears at the meeting held under section 1 of**
26 **this chapter; and**

27 **(2) the board determines, based on the voter's presentation,**
28 **that the voter was validly registered.**

29 **If the board determines that the voter was not properly registered,**
30 the board shall endorse the ballot with the word "Rejected" and
31 document on the ballot the inquiry and response, if any, by the agency.

32 (c) ~~Except as provided in section 5 of this chapter,~~ A provisional
33 ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be
34 counted if the county election board determines under this article that
35 the voter filed the documentation required under IC 3-7-33-4.5 and 42
36 U.S.C. 15483 with the county voter registration office not later than the
37 closing of the polls on election day.

38 SECTION 71. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005,

1 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2008]: Sec. 2.5. (a) A voter who:

- 3 (1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26
4 as a result of the voter's inability or declination to provide proof
5 of identification; and
6 (2) cast a provisional ballot;

7 may personally appear ~~before the circuit court clerk or the~~ **at the**
8 county election board ~~not later than the deadline specified by meeting~~
9 **held under** section 1 of this chapter for the county election board to
10 determine whether to count a provisional ballot. **The voter may also**
11 **appear before the circuit court clerk before the county election**
12 **board meeting to provide proof of identification and execute the**
13 **affidavit as required under subsection (b).**

14 (b) Except as provided in subsection (c), ~~or (c)~~; if the voter:

- 15 (1) provides proof of identification to the circuit court clerk or
16 county election board; and
17 (2) executes an affidavit before the clerk or board, in the form
18 prescribed by the commission, affirming under the penalties of
19 perjury that the voter is the same individual who:
20 (A) personally appeared before the precinct election board;
21 and
22 (B) cast the provisional ballot on election day;

23 the county election board shall find that the voter's provisional ballot
24 is valid and direct that the provisional ballot be opened under section
25 4 of this chapter and processed in accordance with this chapter.

26 ~~(c) If the voter executes an affidavit before the circuit court clerk or~~
27 ~~county election board, in the form prescribed by the commission,~~
28 ~~affirming under the penalties of perjury that:~~

- 29 ~~(1) the voter is the same individual who:~~
30 ~~(A) personally appeared before the precinct election board;~~
31 ~~and~~
32 ~~(B) cast the provisional ballot on election day; and~~

33 ~~(2) the voter:~~

- 34 ~~(A) is:~~
35 ~~(i) indigent; and~~
36 ~~(ii) unable to obtain proof of identification without the~~
37 ~~payment of a fee; or~~
38 ~~(B) has a religious objection to being photographed;~~

1 the county election board shall determine whether the voter has been
 2 challenged for any reason other than the voter's inability or declination
 3 to present proof of identification to the precinct election board:

4 (d) If the county election board determines that the voter described
 5 in subsection (c) has been challenged solely for the inability or
 6 declination of the voter to provide proof of identification, the county
 7 election board shall:

8 (1) find that the voter's provisional ballot is valid; and

9 (2) direct that the provisional ballot be:

10 (A) opened under section 4 of this chapter; and

11 (B) processed in accordance with this chapter.

12 (e) (c) If the county election board determines that a voter described
 13 in subsection (b) or (c) has been challenged for a cause other than the
 14 voter's inability or declination to provide proof of identification, the
 15 board shall:

16 (1) note on the envelope containing the provisional ballot that the
 17 voter has complied with the proof of identification requirement;
 18 and

19 (2) proceed to determine the validity of the remaining challenges
 20 set forth in the challenge affidavit before ruling on the validity of
 21 the voter's provisional ballot.

22 (f) (d) If a voter described by subsection (a) fails by the deadline for
 23 counting provisional ballots referenced in subsection (a) described in
 24 **section 1 of this chapter** to:

25 (1) appear before the county election board **or the circuit court**
 26 **clerk**; and

27 (2) execute an affidavit in the manner prescribed by subsection
 28 (b); or (c);

29 the county election board shall find that the voter's provisional ballot
 30 is invalid.

31 SECTION 72. IC 3-11.7-5-3, AS AMENDED BY P.L.103-2005,
 32 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2008]: Sec. 3. (a) **This section applies** if the board determines
 34 **any of the following**:

35 (1) That the affidavit executed by the provisional voter has not
 36 been properly executed.

37 (2) That the provisional voter is not a qualified voter of the
 38 precinct.

1 **(3)** That the **provisional** voter failed to provide proof of
 2 identification when required under IC 3-10-1, IC 3-11-8, or
 3 IC 3-11-10-26. ~~or~~

4 **(4)** That the provisional voter did not register to vote at a
 5 registration agency under this article on a date within the
 6 registration period.

7 **(5) That the provisional voter's absentee ballot is not entitled**
 8 **to be counted under this title.**

9 **(b)** The board shall make the following findings:

- 10 (1) The provisional ballot is invalid.
 11 (2) The provisional ballot may not be counted.
 12 (3) The provisional ballot envelope containing the ballots cast by
 13 the provisional voter may not be opened.

14 ~~(b)~~ **(c)** If the county election board determines that a provisional
 15 ballot is invalid, a notation shall be made on the provisional ballot
 16 envelope: "Provisional ballot determined invalid".

17 SECTION 73. IC 3-11.7-5-19 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. As soon as the
 19 ballots have been counted, the counters shall do the following in the
 20 presence of the county election board:

- 21 (1) Place in a strong paper envelope or bag the following:
 22 (A) All provisional ballots, voted and spoiled.
 23 (B) All provisional ballots
 24 ~~(i)~~ determined invalid under section 3 of this chapter. ~~or~~
 25 ~~(ii) rejected under section 5 of this chapter.~~
 26 (C) All protested and uncounted provisional ballots.
 27 (D) All provisional ballot envelopes.
 28 (E) All executed affidavits relating to the provisional ballots.
 29 (F) The tally papers.
 30 (2) Securely seal the envelope or bag.
 31 (3) Have both counters initial the envelope or bag.
 32 (4) Plainly mark on the outside of the envelope or bag in ink the
 33 precinct in which the provisional ballots were cast.
 34 (5) Deliver the envelope or bag to the circuit court clerk.
 35 (6) Notify the circuit court clerk of the number of ballots placed
 36 in the envelope or bag.

37 SECTION 74. IC 3-11.7-7 IS ADDED TO THE INDIANA CODE
 38 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2008]:

2 **Chapter 7. Evaluation of Provisional Voting**

3 **Sec. 1. Not later than January 31 following each year in which**
4 **a general or municipal election is held, the secretary of state shall**
5 **publish an analysis of provisional voting in Indiana for that**
6 **election year.**

7 **Sec. 2. The analysis required by section 1 of this chapter must**
8 **contain the following information:**

- 9 (1) **The number of provisional ballots cast by county.**
10 (2) **The reasons that provisional ballots were cast. The**
11 **analysis may group the reasons for casting provisional ballots**
12 **by category.**
13 (3) **The number of provisional ballots counted and the number**
14 **of provisional ballots not counted, by category.**
15 (4) **Measures of variance in casting of provisional ballots by**
16 **county.**
17 (5) **Length of time to check validity and count provisional**
18 **ballots by county.**
19 (6) **The variation in the use of provisional ballots among all**
20 **counties.**

21 **Sec. 3. The analysis required by section 1 of this chapter must**
22 **consider the following questions:**

- 23 (1) **Whether the provisional ballot system distributes, collects,**
24 **records, and counts provisional votes with acceptable**
25 **accuracy.**
26 (2) **Whether the provisional ballot system counts all votes cast**
27 **by properly registered voters who have correctly completed**
28 **all steps to cast a vote.**
29 (3) **Whether the provisional ballot system is structured**
30 **sufficiently to perform well when the number of votes cast for**
31 **opposing candidates is close.**
32 (4) **Whether the procedural requirements of the provisional**
33 **ballot system permit a cost efficient, accurate, and timely**
34 **operation.**
35 (5) **Whether the variation in the use of provisional ballots**
36 **throughout Indiana is great enough to raise concern that the**
37 **provisional ballot system is not administered uniformly across**
38 **Indiana.**

1 **Sec. 4. The county election board of each county shall collect**
 2 **and send to the secretary of state any information about the use of**
 3 **provisional ballots in the county as required by the secretary of**
 4 **state.**

5 SECTION 75. IC 3-12-1-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Subject to
 7 sections 5, 6, 8, 9, **and 9.5** ~~and 13~~ of this chapter, the primary factor to
 8 be considered in determining a voter's choice on a ballot is the intent
 9 of the voter. If the voter's intent can be determined on the ballot or on
 10 part of the ballot, the vote shall be counted for the affected candidate
 11 or candidates or on the public question. However, if it is impossible to
 12 determine a voter's choice of candidates on a part of a ballot or vote on
 13 a public question, then the voter's vote concerning those candidates or
 14 public questions may not be counted.

15 SECTION 76. IC 3-12-1-7, AS AMENDED BY P.L.164-2006,
 16 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This subsection applies
 18 whenever a voter:

- 19 (1) votes a straight party ticket; and
- 20 (2) votes only for one (1) or more individual candidates who are
- 21 all of the same political party as the straight ticket vote.

22 The straight ticket vote shall be counted and the individual candidate
 23 votes may not be counted.

24 (b) This subsection applies whenever:

- 25 (1) a voter has voted a straight party ticket for the candidates of
- 26 one (1) political party;
- 27 (2) only one (1) person may be elected to an office; and
- 28 (3) the voter has voted for one (1) individual candidate for the
- 29 office described in subdivision (2) who is:

30 (A) a candidate of a political party other than the party for
 31 which the voter voted a straight ticket; or

32 (B) an independent candidate for the office.

33 If the voter has voted for one (1) individual candidate for the office
 34 described in subdivision (2), the individual candidate vote for that
 35 office shall be counted, the straight party ticket vote for that office may
 36 not be counted, and the straight party ticket votes for other offices on
 37 the ballot shall be counted.

38 (c) This subsection applies whenever:

- 1 (1) a voter has voted a straight party ticket for the candidates of
 2 one (1) political party; and
 3 (2) the voter has voted for more individual candidates for the
 4 office than the number of persons to be elected to that office.

5 The individual candidate votes for that office may not be counted, the
 6 straight party ticket vote for that office may not be counted, and the
 7 straight party ticket votes for other offices on the ballot shall be
 8 counted.

9 (d) This subsection applies whenever:

- 10 (1) a voter has voted a straight party ticket for the candidates of
 11 one (1) political party;
 12 (2) more than one (1) person may be elected to an office; and
 13 (3) the voter has voted for individual candidates for the office
 14 described in subdivision (2) who are:

- 15 (A) independent candidates;
 16 (B) candidates of a political party other than the political party
 17 for which the voter cast a straight party ticket under
 18 subdivision (1); or
 19 (C) a combination of candidates described in clauses (A) and
 20 (B).

21 The individual votes cast by the voter for the office for the independent
 22 candidates and the candidates of a political party other than the
 23 political party for which the voter cast a straight party ticket shall be
 24 counted. The straight party ticket vote cast by that voter for that office
 25 shall be counted unless the total number of votes cast for the office by
 26 the voter, when adding the voter's votes for the individual candidates
 27 for the office and the voter's straight party ticket votes for the office, is
 28 greater than the number of persons to be elected to the office. If the
 29 total number of votes cast for the office is greater than the number of
 30 persons to be elected to the office, the straight party ticket votes for the
 31 office may not be counted. The straight party ticket votes for other
 32 offices on the voter's ballot shall be counted.

33 (e) This subsection applies whenever:

- 34 (1) a voter has voted a straight party ticket for the candidates of
 35 one (1) political party;
 36 (2) more than one (1) person may be elected to an office; and
 37 (3) the voter has voted for individual candidates for the office
 38 described in subdivision (2) who are:

1 (A) independent candidates or candidates of a political party
 2 other than the political party for which the voter cast a straight
 3 party ticket under subdivision (1); and

4 (B) candidates of the same political party for which the voter
 5 cast a straight party ticket under subdivision (1).

6 The individual votes cast by the voter for the office for the independent
 7 candidates and the candidates of a political party other than the
 8 political party for which the voter cast a straight party ticket shall be
 9 counted. The individual votes cast by the voter for the office for the
 10 candidates of the same political party for which the voter cast a straight
 11 party ticket may not be counted **unless the straight party ticket vote**
 12 **is not counted.** The straight party ticket vote cast by that voter for that
 13 office shall be counted unless the total number of votes cast for the
 14 office by the voter, when adding the voter's votes for the individual
 15 candidates for the office and the voter's straight party ticket vote for the
 16 office is greater than the number of persons to be elected to the office.
 17 If the total number of votes cast for the office is greater than the
 18 number of persons to be elected to the office, the straight party ticket
 19 votes for that office may not be counted. The straight party ticket votes
 20 for other offices on the voter's ballot shall be counted.

21 (f) If a voter votes a straight party ticket for more than one (1)
 22 political party, the whole ballot is void with regard to all candidates
 23 nominated by a political party or designated as independent candidates
 24 on the ballot. However, the voter's vote for a school board candidate or
 25 on a public question shall be counted if otherwise valid under this
 26 chapter.

27 (g) If a voter does not vote a straight party ticket and the number of
 28 votes cast by that voter for the candidates for an office are less than or
 29 equal to the number of openings for that office, the individual
 30 candidates votes shall be counted.

31 (h) If a voter does not vote a straight party ticket and the number of
 32 votes cast by that voter for an office exceeds the number of openings
 33 for that office, none of the votes concerning that office may be counted.

34 SECTION 77. IC 3-12-1-12 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section
 36 applies to votes cast by any method.

37 (b) ~~Except as provided in section 13 of this chapter,~~ A ballot that
 38 has been marked and cast by a voter in compliance with this title but

1 may otherwise not be counted solely as the result of the act or failure
 2 to act of an election officer ~~may nevertheless~~ **shall** be counted in a
 3 ~~proceeding under IC 3-12-6, IC 3-12-8, or IC 3-12-11~~ unless evidence
 4 of fraud, tampering, or misconduct affecting the integrity of the ballot
 5 is presented. ~~by a party to the proceeding.~~

6 (c) The act or failure to act by an election officer is not by itself
 7 evidence of fraud, tampering, or misconduct affecting the integrity of
 8 the ballot.

9 SECTION 78. IC 3-12-4-18, AS AMENDED BY P.L.221-2005,
 10 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: Sec. 18. If electronic voting systems
 12 are used in a precinct, the county election board may ~~request~~
 13 ~~authorization from the state recount commission to~~ inspect the
 14 registering counter or other recording device on any electronic voting
 15 system showing the number of votes cast for any candidate or public
 16 question. ~~If authorized by the state recount commission,~~ The board may
 17 conduct an inspection either before it proceeds to count and tabulate
 18 the vote or within one (1) day after the count and tabulation are
 19 finished.".

20 Page 25, between lines 40 and 41, begin a new paragraph and insert:

21 "SECTION 81. IC 4-8.1-2-4 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) The**
 23 **individual elected as treasurer of state shall take office on January**
 24 **1 following the individual's election.**

25 **(b)** The treasurer of state and ~~his~~ **the** deputy treasurers shall each
 26 give bond in an amount determined by the auditor of state and the
 27 governor. The bond shall be conditioned on the faithful performance
 28 of the duties as treasurer of state and deputy treasurer, respectively.
 29 The bond must be procured from a surety company authorized by law
 30 to transact business in this state.

31 SECTION 82. IC 5-10.2-1-8, AS AMENDED BY P.L.88-2005,
 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b),
 34 "vested status" as used in this article means the status of having ten
 35 (10) years of creditable service.

36 (b) In the case of a person who is an elected county official whose
 37 governing body has provided for the county official's participation in
 38 the public employees' retirement fund under IC 5-10.3-7-2(1), "vested

1 status" means the status of having:

2 (1) at least eight (8) years of creditable service as an elected
3 county official in an office described in IC 5-10.2-4-1.7;

4 (2) been elected at least two (2) times if the person would have
5 had at least eight (8) years of creditable service as an elected
6 county official in an office described in IC 5-10.2-4-1.7 had the
7 person's term of office not been shortened under a statute enacted
8 under Article 6, Section 2(b) of the Constitution of the State of
9 Indiana; or

10 (3) at least ten (10) years of creditable service as a member of the
11 fund based on a combination of service as an elected county
12 official and as a full-time employee in a covered position.

13 (c) In the case of a person whose term of office commences after the
14 election on November 5, 2002, as auditor of state, secretary of state, or
15 treasurer of state, and who is prohibited by Article 6, Section 1 of the
16 Constitution of the State of Indiana from serving in that office for more
17 than eight (8) years during any period of twelve (12) years, that person
18 shall be vested with at least eight (8) years of creditable service as a
19 member of the fund.

20 **(d) This subsection applies to an individual elected to the office**
21 **of treasurer of state at the election on November 7, 2006. The**
22 **individual shall have vested status if the individual is reelected as**
23 **treasurer of state at the 2010 general election and serves in the**
24 **office until January 1, 2015.**

25 SECTION 83. IC 5-10.2-4-1.9 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2008]: **Sec. 1.9. (a) This section applies only**
28 **to a member of the public employees' retirement fund:**

29 **(1) who has served as a state officer listed in Article 6, Section**
30 **1 of the Constitution of the State of Indiana; and**

31 **(2) whose term of office as a state officer commenced after the**
32 **election held on November 5, 2002.**

33 **(b) A member is eligible for normal retirement after becoming**
34 **sixty-five (65) years of age if the member:**

35 **(1) has:**

36 **(A) served as a state officer listed in Article 6, Section 1 of**
37 **the Constitution of the State of Indiana for at least eight (8)**
38 **years; or**

- 1 **(B) been elected at least two (2) times and would have**
 2 **served at least eight (8) years as a state officer listed in**
 3 **Article 6, Section 1 of the Constitution of the State of**
 4 **Indiana had the member's term of office not been**
 5 **shortened under a statute enacted to establish uniform**
 6 **dates for beginning the terms of state officers listed in**
 7 **Article 6, Section 1 of the Constitution of the State of**
 8 **Indiana; and**
 9 **(2) is prohibited by Article 6, Section 1 of the Constitution of**
 10 **the State of Indiana from serving in that office for more than**
 11 **eight (8) years in any period of twelve (12) years.**
 12 **(c) A member who:**
 13 **(1) has served as a state officer listed in Article 6, Section 1 of**
 14 **the Constitution of the State of Indiana; and**
 15 **(2) does not meet the requirements of subsection (b);**
 16 **is eligible for normal retirement if the member has attained vested**
 17 **status (as defined in IC 5-10.2-1-8(a)) and meets the requirements**
 18 **of section 1 of this chapter."**

19 Page 28, between lines 36 and 37, begin a new paragraph and insert:

20 "SECTION 87. IC 20-23-8-10, AS ADDED BY P.L.1-2005,
 21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 10. (a) A change in a plan may be initiated by
 23 one (1) of the following procedures:

- 24 (1) By filing a petition signed by at least ~~twenty ten~~ percent
 25 ~~(20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of
 26 the school corporation with the clerk of the circuit court.
 27 (2) By a resolution adopted by the governing body of the school
 28 corporation.
 29 (3) By ordinance adopted by a city legislative body under section
 30 13 of this chapter.

31 (b) A petition, resolution, or ordinance must set forth a description
 32 of the plan that conforms with section 7 of this chapter.

33 (c) ~~Except as provided in subsection (a)(1), in a city having a~~
 34 ~~population of more than fifty-nine thousand seven hundred (59,700)~~
 35 ~~but less than sixty-five thousand (65,000), a change in a plan may be~~
 36 ~~initiated by filing a petition signed by ten percent (10%) or more of the~~
 37 ~~voters of the school corporation with the clerk of the circuit court.~~

38 SECTION 88. IC 20-23-8-14, AS ADDED BY P.L.1-2005,

1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 UPON PASSAGE]: Sec. 14. (a) Not more than ten (10) days after a
 3 governing body has:

- 4 (1) initiated;
- 5 (2) approved; or
- 6 (3) disapproved;

7 a plan initiated by the petition filed with it, the governing body shall
 8 publish a notice one (1) time in a newspaper of general circulation in
 9 the county of the school corporation. If a newspaper of general
 10 circulation is not published in the county of the school corporation, the
 11 governing body shall publish a notice one (1) time in a newspaper of
 12 general circulation published in a county adjoining the county of the
 13 school corporation.

14 (b) The notice must set out the text of a plan initiated by the
 15 governing body or another plan filed with the governing body before
 16 the preparation of the notice. The notice must also state the right of a
 17 voter, as provided in this section, to file a petition for alternative plans
 18 or a petition protesting the adoption of a plan or plans to which the
 19 notice relates.

20 (c) If the governing body fails to publish a notice required by this
 21 section, the governing body shall, not more than five (5) days after the
 22 expiration of the ten (10) day period for publication of notice under this
 23 section, submit the petition that has been filed with the clerk to the
 24 state board, whether or not the plan contained in the petition or the
 25 petition meets the requirements of this chapter.

26 (d) Not later than one hundred twenty (120) days after the
 27 publication of the notice, voters of the school corporation may file with
 28 the clerk a petition protesting a plan initiated or approved by the
 29 governing body or a petition submitting an alternative plan as follows:

- 30 (1) A petition protesting a plan ~~shall~~ **must** be signed by at least
 31 ~~twenty ten~~ **ten** percent ~~(20%)~~ **(10%)** of the **active** voters **(as defined**
 32 **in IC 3-5-2-1.7)** of the school corporation or five hundred (500)
 33 voters of the school corporation, whichever is less.
- 34 (2) A petition submitting an alternative plan ~~shall~~ **must** be signed
 35 by at least ~~twenty ten~~ **ten** percent ~~(20%)~~ **(10%)** of the **active** voters
 36 **(as defined in IC 3-5-2-1.7)** of the school corporation.

37 A petition filed under this subsection shall be certified by the clerk and
 38 shall be filed with the governing body in the same manner as is

1 provided for a petition in section 11 of this chapter.

2 (e) The governing body or the voters may not initiate or file
3 additional plans until the plans that were published in the notice or
4 submitted as alternative plans not later than one hundred twenty (120)
5 days after the publication of the notice have been disposed of by:

6 (1) adoption;

7 (2) defeat at a special election held under section 16 of this
8 chapter; or

9 (3) combination with another plan by the state board under
10 section 15 of this chapter.".

11 Page 29, between lines 10 and 11, begin a new paragraph and insert:

12 "SECTION 91. THE FOLLOWING ARE REPEALED
13 [EFFECTIVE UPON PASSAGE]: IC 3-12-1-13; IC 3-14-2-29.

14 SECTION 92. THE FOLLOWING ARE REPEALED [EFFECTIVE
15 JULY 1, 2008]: IC 3-11-10-35; IC 3-11.7-5-5.

16 SECTION 93. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
17 **SECTION, "HAVA money" refers to money received by the state**
18 **under the Help America Vote Act of 2002 (42 U.S.C. 15301 through**
19 **15545).**

20 (b) **The definitions in IC 3-5-2 apply throughout this SECTION.**

21 (c) **HAVA money received after December 31, 2007, shall be**
22 **allocated to reimburse the following counties for purchase of new**
23 **voting systems:**

24 (1) **Boone County.**

25 (2) **Cass County.**

26 (3) **Parke County.**

27 (4) **Randolph County.**

28 (d) **The secretary of state, as the state's chief election official**
29 **under IC 3-6-3.7-1, shall petition the federal Election Assistance**
30 **Commission for authority to use HAVA money to reimburse**
31 **counties as provided in subsection (c). In addition to other**
32 **arguments that the secretary of state may make in the petition, the**
33 **secretary of state shall inform the Election Assistance Commission**
34 **that the general assembly considers the circumstances of the**
35 **counties described in subsection (c) as different from other**
36 **jurisdictions that have requested to use HAVA money to purchase**
37 **new voting systems to replace voting systems purchased from**
38 **HAVA money. Other states have sought to replace functioning**

1 **voting systems that the state has chosen to abandon for public**
2 **policy reasons. The state of Indiana is petitioning to use HAVA**
3 **money to replace voting systems that cannot be used because of the**
4 **lack of technical and other operating support for the voting**
5 **systems due to the dissolution of the companies that sold the voting**
6 **systems.**

7 **(e) This SECTION expires July 1, 2013.**

8 SECTION 94. [EFFECTIVE JULY 1, 2008] **(a) There is**
9 **appropriated to the election administration fund one hundred**
10 **twenty-five thousand two hundred dollars (\$125,200) from the**
11 **state general fund to match any money granted to the state by the**
12 **federal government after December 31, 2007, under the Help**
13 **America Vote Act of 2002 (42 U.S.C. 15301 through 15545),**
14 **beginning July 1, 2008, and ending June 30, 2011.**

15 **(b) This SECTION expires July 1, 2011."**

16 Renumber all SECTIONS consecutively.

(Reference is to SB 215 as printed January 18, 2008.)

and when so amended that said bill do pass.

Representative Pierce