

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 215 be amended to read as follows:

1 Page 18, between lines 15 and 16, begin a new paragraph and
2 insert:
3 "SECTION 27. IC 3-11-4-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) A voter who is
5 otherwise qualified to vote in person is entitled to vote by absentee
6 ballot: ~~Except~~
7 **(1) by mail;**
8 **(2) before an absentee voter board** as ~~otherwise~~ provided in
9 this article; ~~a voter voting by absentee ballot must vote~~
10 **(3) in the office of the circuit court clerk (or board of elections**
11 and registration in a county subject to IC 3-6-5.2); or
12 **(4) at a satellite office established under IC 3-11-10-26.3.**
13 (b) A county election board, by unanimous vote of its entire
14 membership, may authorize a person who is otherwise qualified to vote
15 in person to vote by absentee ballot if the board determines that the
16 person has been hospitalized or suffered an injury following the final
17 date and hour for applying for an absentee ballot that would prevent the
18 person from voting in person at the polls.
19 (c) The commission, by unanimous vote of its entire membership,
20 may authorize a person who is otherwise qualified to vote in person to
21 vote by absentee ballot if the commission determines that an
22 emergency prevents the person from voting in person at a polling place.
23 (d) The absentee ballots used in subsection (b) or (c) must be the
24 same official absentee ballots as described in section 12 and 13 of this
25 chapter. Taking into consideration the amount of time remaining before
26 the election, the commission shall determine whether the absentee
27 ballots are transmitted to and from the voter by mail or personally
28 delivered. An absentee ballot that is personally delivered shall comply
29 with the requirements in sections 19, 20, and 21 of this chapter.
30 SECTION 28. IC 3-11-4-2, AS AMENDED BY P.L.103-2005,
31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2008]: Sec. 2. (a) A voter who wants to vote by absentee

1 ballot must apply to the county election board for an official absentee
2 ballot. Except as provided in subsection (b), the voter must sign the
3 absentee ballot application.

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

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

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

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

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

30 ~~(A) by mail; or~~

31 ~~(B) before an absentee voter board (other than an absentee~~
32 ~~voter board located in the office of the circuit court clerk or~~
33 ~~a satellite office);~~

34 ~~in accordance with IC 3-11-4-18, IC 3-11-10-24, or~~
35 ~~IC 3-11-10-25.~~

36 (e) If the county election board determines that an absentee ballot
37 application does not comply with subsection (d), the board shall deny
38 the application under section 17.5 of this chapter.

39 (f) A person who assists an individual in completing any
40 information described in subsection (d) on an absentee ballot
41 application shall state under the penalties for perjury the following
42 information on the application:

- 43 (1) The full name, residence and mailing address, and daytime
44 and evening telephone numbers (if any) of the person providing
45 the assistance.
- 46 (2) The date this assistance was provided.
- 47 (3) That the person providing the assistance has complied with
48 Indiana laws governing the submission of absentee ballot
49 applications.
- 50 (4) That the person has no knowledge or reason to believe that
51 the individual submitting the application:

- 1 (A) is ineligible to vote or to cast an absentee ballot; or
 2 (B) did not properly complete and sign the application.

3 (g) This subsection does not apply to an employee of the United
 4 States Postal Service or a bonded courier company acting in the
 5 individual's capacity as an employee of the United States Postal Service
 6 or a bonded courier company. A person who receives a completed
 7 absentee ballot application from the individual who has applied for the
 8 absentee ballot shall file the application with the appropriate county
 9 election board not later than:

- 10 (1) noon seven (7) days after the person receives the application;
 11 or
 12 (2) the deadline set by Indiana law for filing the application with
 13 the board;

14 whichever occurs first.

15 (h) This subsection does not apply to an employee of the United
 16 States Postal Service or a bonded courier company acting in the
 17 individual's capacity as an employee of the United States Postal Service
 18 or a bonded courier company. A person filing an absentee ballot
 19 application, other than the person's own absentee ballot application,
 20 must sign an affidavit at the time of filing the application. The affidavit
 21 must be in a form prescribed by the commission. The form must
 22 include the following:

- 23 (1) A statement of the full name, residence and mailing address,
 24 and daytime and evening telephone numbers (if any) of the
 25 person submitting the application.
 26 (2) A statement that the person filing the affidavit has complied
 27 with Indiana laws governing the submission of absentee ballot
 28 applications.
 29 (3) A statement that the person has no knowledge or reason to
 30 believe that the individual whose application is to be filed:
 31 (A) is ineligible to vote or to cast an absentee ballot; or
 32 (B) did not properly complete and sign the application.
 33 (4) A statement that the person is executing the affidavit under
 34 the penalties of perjury.
 35 (5) A statement setting forth the penalties for perjury.

36 (i) The county election board shall record the date and time of the
 37 filing of the affidavit."

38 Page 19, between lines 11 and 12, begin a new paragraph and
 39 insert:

40 "SECTION 30. IC 3-11-4-18, AS AMENDED BY P.L.164-2006,
 41 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2008]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications~~
 43 ~~described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot~~
 44 ~~by mail~~; The county election board shall, at the request of the voter,
 45 mail the official ballot, postage fully prepaid, to the voter at the address
 46 stated in the application.

47 (b) If the county election board mails an absentee ballot to a voter
 48 required to file additional documentation with the county voter
 49 registration office before voting by absentee ballot under this chapter,
 50 the board shall include a notice to the voter in the envelope mailed to

1 the voter under section 20 of this chapter. The notice must inform the
 2 voter that the voter must file the additional documentation required
 3 under IC 3-7-33-4.5 with the county voter registration office not later
 4 than noon on election day for the absentee ballot to be counted as an
 5 absentee ballot, and that, if the documentation required under
 6 IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the
 7 ballot will be processed as a provisional ballot. The commission shall
 8 prescribe the form of this notice under IC 3-5-4-8.

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

- 11 (1) on the day of the receipt of the voter's application; or
- 12 (2) not more than five (5) days after the date of delivery of the
- 13 ballots under section 15 of this chapter;

14 whichever is later.

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

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

19 (1) must be mailed:

- 20 (A) on the day of the receipt of the voter's application; or
- 21 (B) not more than five (5) days after the latest date for
- 22 delivery of the ballots under section 13(b) of this chapter
- 23 applicable to that election;

24 whichever is later; and

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

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

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

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

40 Page 20, between lines 17 and 18, begin a new paragraph and
 41 insert:

42 "SECTION 35. IC 3-11-10-24, AS AMENDED BY P.L.103-2005,
 43 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 44 JULY 1, 2008]: Sec. 24. (a) Except as provided in subsection (b), a
 45 voter ~~who satisfies any of the following~~ is entitled to vote by mail.

46 ~~(1) The voter has a specific, reasonable expectation of being~~
 47 ~~absent from the county on election day during the entire twelve~~
 48 ~~(12) hours that the polls are open:~~

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

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

- 1 (2) A statement of the full name, residence and mailing address,
2 and daytime and evening telephone numbers (if any) of the
3 individual delivering the absentee ballot.
- 4 (3) A statement indicating whether the individual delivering the
5 absentee ballot is a member of the voter's household or is the
6 attorney in fact for the voter. If the individual is the attorney in
7 fact for the voter, the individual must attach a copy of the power
8 of attorney for the voter, unless a copy of this document has
9 already been filed with the county election board.
- 10 (4) The date and location at which the absentee ballot was
11 delivered by the voter to the individual delivering the ballot to
12 the county election board.
- 13 (5) A statement that the individual delivering the absentee ballot
14 has complied with Indiana laws governing absentee ballots.
- 15 (6) A statement that the individual delivering the absentee ballot
16 is executing the affidavit under the penalties of perjury.
- 17 (7) A statement setting forth the penalties for perjury.
- 18 (e) The county election board shall record the date and time that
19 the affidavit under subsection (d) was filed with the board.
- 20 (f) After a voter has mailed or delivered an absentee ballot to the
21 office of the circuit court clerk, the voter may not recast a ballot, except
22 as provided in:
- 23 (1) section 1.5 of this chapter; or
24 (2) section 33 of this chapter."
- 25 Renumber all SECTIONS consecutively.
(Reference is to SB 215 as printed January 18, 2008.)

Senator ERRINGTON