

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7228**

**BILL NUMBER: HB 1557**

**NOTE PREPARED: Jan 12, 2009**

**BILL AMENDED:**

**SUBJECT:** Various election law matters.

**FIRST AUTHOR:** Rep. Battles

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** \_\_\_ **GENERAL**  
                          **DEDICATED**  
                          **FEDERAL**

**IMPACT:** Pending

**Summary of Legislation:** (1) Provides that an identification document issued by the Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that has an indefinite expiration date, an identification issued by an approved institution of higher learning, or a Medicare card is an acceptable proof of identification to vote. (2) Provides that an individual confined to a long term care facility may not be challenged solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record. (3) Restates county reimbursement procedures for attending the annual election administrators' conference. (4) Provides that certain individuals under the supervision of the criminal justice system may not be employed by a county board of voter registration. (5) Provides that a person who is subject to lawful detention but has not been convicted of a crime is eligible to register and vote until the person has been convicted of a crime and imprisoned following conviction. (6) Specifies the content of statewide voter registration system reports. (7) Specifies certain procedures in connection with voter list maintenance, and updates procedures for address changes of voter registration records in the statewide voter registration system. (8) Permits a county voter registration office to return to a candidate for President of the United States, United States Senator, or governor, after the petition is certified, an original petition that accompanies a declaration of candidacy. (9) Requires that a state chairman of a political party (in addition to a county chairman) certify that a candidate is a member of the political party with which a candidate claims affiliation. (10) Changes several dates concerning the certification of ballot questions and devices to conform to the date in current law for the certification of candidates. (11) Permits the dissolution of a committee without the waiver of outstanding civil penalties previously imposed on the committee, and specifies that the chairman or treasurer of the committee remains liable for any committee debts. (12) Requires that county voter registration records be updated not later than 60 days after election day or after completion of a recount or contest. (13) Allows an overseas voter to transmit an absentee ballot application by electronic mail. (14)

Provides that poll clerks and assistant poll clerks may ask a voter to show proof of identification. (15) Provides that a voter who executes an affidavit at the polls and is indigent or has a religious objection to being photographed is not required to present proof of identification. (16) Permits a voter who is qualified to vote in person to vote by absentee ballot. Removes all other qualifications for a voter to vote by absentee ballot except for a voter with disabilities who is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope. (Such a disabled voter is currently required to vote before an absentee voter board.) (17) Provides that a voter in line behind voters in the chute at the time the polls close is entitled to vote unless the voter is otherwise not qualified to vote. (18) Provides that when a voter votes as an absentee voter, the voter's signature on the absentee ballot affidavit shall be compared with the signature on the voter's voter registration record. (19) Permits all absentee ballot envelopes and related voter applications that will be sent to the same precinct to be enclosed in the same carrier envelope. (20) Provides that the voting system technical oversight program account is nonreverting. (21) Provides that voters who reside within the area of a municipality located in a vote center pilot county may vote using vote center pilot county procedures. (22) Provides for the counting of an absentee ballot received by the county election board before the close of the polls on election day if the ballot is not otherwise successfully challenged. (23) Requires the secretary of state to publish an analysis of provisional voting in Indiana for each year in which a general or a municipal election is held. (24) Requires the counting of a ballot that has been marked and cast by a voter in compliance with election law, but otherwise may not be counted solely as the result of the act or failure to act of an election officer unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented. (25) Makes the beginning date of absentee voting in the clerk's office or a satellite office one day later than under current law. (26) Requires a rejected absentee ballot to be treated as a provisional ballot. Requires the county election board to send a notice to a voter whose absentee ballot has been rejected providing certain information. Requires the county election board to meet before noon ten days after an election to provide a provisional voter an opportunity to make a presentation in support of the validity of the voter's provisional ballot and to determine which provisional ballots shall be counted. Makes certain procedural changes in processing provisional ballots. (27) Requires the judges, in the presence of the inspector, to take all reasonable actions to register a voter's vote when the voter voting on a direct record electronic voting machine has left the voting booth without recording the voter's votes. (28) Permits a county election board to inspect the register or other recording device on an electronic voting system without obtaining the authority of the state recount commission. (29) Provides that individual votes cast by a voter for the candidates for an office of the same political party for which the voter cast a straight party ticket may not be counted unless the straight party ticket vote is not counted. (30) Amends provisions concerning candidate ballot vacancy procedures. (31) Establishes a procedure for candidate withdrawals, challenges, and write-ins for certain elected members of a county board of tax and capital projects review. (32) Revises precinct boundary change procedures. (33) Provides that the third member of a recount commission is not required to be a mechanic familiar with voting systems. Requires the court appointing a recount commission to appoint a mechanic to serve as a nonvoting advisor to the recount commission. (34) Provides for the initiation of the change of a school corporation's organization plan if 10% of the active voters in the school corporation sign a petition for the change. (Under current law, 20% of the voters in a school corporation must support a petition for a change in the school corporation's organization plan.) (35) Repeals the following statutes: a statute providing that an absentee ballot may not be counted if the ballot does not contain initials of certain election officials; a statute relating to opening absentee ballot envelopes; a statute that requires a provisional ballot to be rejected if it does not contain certain initials; a statute imposing criminal penalties for the inspection of a voting system without the permission of the recount commission; and obsolete references concerning voting instructions, paper ballots, and special polling places.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** *As of the above date, the fiscal analysis of this bill has not been completed. Please contact the Office of Fiscal and Management Analysis for an update of this fiscal impact statement.*

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:**

**Information Sources:**

**Fiscal Analyst:** Chris Baker, 317-232-9851.