

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1099 be amended to read as follows:

- 1 Page 2, between lines 41 and 42, begin a new paragraph and insert:
- 2 "SECTION 3. IC 3-11-4-18, AS AMENDED BY P.L.164-2006,
- 3 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2009]: Sec. 18. (a) If a voter satisfies any of the qualifications
- 5 described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot
- 6 by mail, the county election board shall, at the request of the voter, mail
- 7 the official ballot, postage fully prepaid, to the voter at the address
- 8 stated in the application.
- 9 (b) If the county election board mails an absentee ballot to a voter
- 10 required to file additional documentation with the county voter
- 11 registration office before voting by absentee ballot under this chapter,
- 12 the board shall include a notice to the voter in the envelope mailed to
- 13 the voter under section 20 of this chapter. The notice must inform the
- 14 voter that the voter must file the additional documentation required
- 15 under IC 3-7-33-4.5 with the county voter registration office not later
- 16 than noon on election day for the absentee ballot to be counted as an
- 17 absentee ballot, and that, if the documentation required under
- 18 IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the
- 19 ballot will be processed as a provisional ballot. The commission shall
- 20 prescribe the form of this notice under IC 3-5-4-8.
- 21 (c) (b) Except as provided in section 18.5 of this chapter, the ballot
- 22 shall be mailed:
- 23 (1) on the day of the receipt of the voter's application; or
- 24 (2) not more than five (5) days after the date of delivery of the

1 ballots under section 15 of this chapter;
2 whichever is later.

3 ~~(d)~~ **(c)** In addition to the ballot mailed under subsection ~~(c)~~; **(b)**, the
4 county election board shall mail a special absentee ballot for overseas
5 voters.

6 ~~(e)~~ **(d)** Except as provided in section 18.5 of this chapter, the ballot
7 described in subsection ~~(d)~~; **(c)**:

8 (1) must be mailed:

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

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

13 whichever is later; and

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

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

22 ~~(g)~~ **(f)** As provided by 42 U.S.C. 15481, when an absentee ballot is
23 mailed under this section, the mailing must include:

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

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

28 Page 3, between lines 9 and 10, begin a new paragraph and insert:

29 "SECTION 5. IC 3-11-10-24, AS AMENDED BY P.L.103-2005,
30 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2009]: Sec. 24. (a) Except as provided in ~~subsection~~
32 **subsections (b) and (c)**, a voter who satisfies any of the following is
33 entitled to vote by mail:

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

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

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

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

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

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

44 (3) The voter will be confined on election day to the voter's
45 residence, to a health care facility, or to a hospital because of an
46 illness or injury during the entire twelve (12) hours that the polls

- 1 are open.
- 2 (4) The voter is a voter with disabilities.
- 3 (5) The voter is an elderly voter.
- 4 (6) The voter is prevented from voting due to the voter's care of
- 5 an individual confined to a private residence because of illness or
- 6 injury during the entire twelve (12) hours that the polls are open.
- 7 (7) The voter is scheduled to work at the person's regular place of
- 8 employment during the entire twelve (12) hours that the polls are
- 9 open.
- 10 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- 11 (9) The voter is prevented from voting due to observance of a
- 12 religious discipline or religious holiday during the entire twelve
- 13 (12) hours that the polls are open.
- 14 (10) The voter is an address confidentiality program participant
- 15 (as defined in IC 5-26.5-1-6).
- 16 (b) A voter with disabilities who:
- 17 (1) is unable to make a voting mark on the ballot or sign the
- 18 absentee ballot secrecy envelope; and
- 19 (2) requests that the absentee ballot be delivered to an address
- 20 within Indiana;
- 21 must vote before an absentee voter board under section 25(b) of this
- 22 chapter.
- 23 **(c) This subsection does not apply to the following:**
- 24 **(1) A voter who is entitled to vote by absentee ballot under the**
- 25 **federal Uniformed and Overseas Citizens Absentee Voting**
- 26 **Act (42 U.S.C. 1973ff et seq.).**
- 27 **(2) A voter who is provided the right to vote otherwise than in**
- 28 **person under 42 U.S.C. 1973ee-1(b)(2)(B)(ii).**
- 29 **(3) A voter who is entitled to vote otherwise than in person**
- 30 **under any other federal law.**
- 31 **A voter described by IC 3-7-33-4.5(a) may not vote by mail.**
- 32 ~~(c)~~ **(d)** 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; or
- 41 (B) deliver the sealed envelope in person to the county
- 42 election board.
- 43 ~~(d)~~ **(e)** If a member of the voter's household or the voter's attorney
- 44 in fact delivers the sealed envelope containing a voter's absentee ballot
- 45 to the county election board, the individual delivering the ballot shall
- 46 complete an affidavit in a form prescribed by the commission. The

- 1 affidavit must contain the following information:
 2 (1) The name and residence address of the voter whose absentee
 3 ballot is being delivered.
 4 (2) A statement of the full name, residence and mailing address,
 5 and daytime and evening telephone numbers (if any) of the
 6 individual delivering the absentee ballot.
 7 (3) A statement indicating whether the individual delivering the
 8 absentee ballot is a member of the voter's household or is the
 9 attorney in fact for the voter. If the individual is the attorney in
 10 fact for the voter, the individual must attach a copy of the power
 11 of attorney for the voter, unless a copy of this document has
 12 already been filed with the county election board.
 13 (4) The date and location at which the absentee ballot was
 14 delivered by the voter to the individual delivering the ballot to the
 15 county election board.
 16 (5) A statement that the individual delivering the absentee ballot
 17 has complied with Indiana laws governing absentee ballots.
 18 (6) A statement that the individual delivering the absentee ballot
 19 is executing the affidavit under the penalties of perjury.
 20 (7) A statement setting forth the penalties for perjury.
 21 ~~(e)~~ **(f)** The county election board shall record the date and time that
 22 the affidavit under subsection ~~(d)~~ **(e)** was filed with the board.
 23 ~~(f)~~ **(g)** After a voter has mailed or delivered an absentee ballot to the
 24 office of the circuit court clerk, the voter may not recast a ballot, except
 25 as provided in:
 26 (1) section 1.5 of this chapter; or
 27 (2) section 33 of this chapter."
 28 Renumber all SECTIONS consecutively.
 (Reference is to HB 1099 as printed February 6, 2009.)

Representative Behning