



Reprinted
February 24, 2009

HOUSE BILL No. 1423

DIGEST OF HB 1423 (Updated February 23, 2009 6:04 pm - DI 75)

Citations Affected: IC 3-11; IC 3-14.

Synopsis: Satellite voting locations. Requires the county election board of a county with a population of more than 400,000 to establish a satellite office in each municipality with a population of more than 60,000. Provides that the county election board of such a county may adopt a resolution to establish the hours of the satellite offices and other provisions the board considers useful in operating the satellite offices. Provides that if the county election board does not adopt a resolution, the satellite offices must be open during the same hours that the circuit court clerk's office is open for casting absentee ballots. Requires the procedure for casting an absentee ballot at a satellite office to be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk. Makes technical changes.

Effective: July 1, 2009.

Smith V

January 13, 2009, read first time and referred to Committee on Elections and Apportionment.
February 19, 2009, reported — Do Pass.
February 23, 2009, read second time, amended, ordered engrossed.

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HB 1423—LS 6491/DI 75+



First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1423

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A voter who is otherwise
3 qualified to vote in person is entitled to vote by absentee ballot. Except
4 as otherwise provided in this article, a voter voting by absentee ballot
5 must vote in the office of the circuit court clerk (or board of elections
6 and registration in a county subject to IC 3-6-5.2) or at a satellite office
7 established under ~~IC 3-11-10-26.3~~; **IC 3-11-10**.

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

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

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1 (d) The absentee ballots used in subsection (b) or (c) must be the
 2 same official absentee ballots as described in section 12 and 13 of this
 3 chapter. Taking into consideration the amount of time remaining before
 4 the election, the commission shall determine whether the absentee
 5 ballots are transmitted to and from the voter by mail or personally
 6 delivered. An absentee ballot that is personally delivered shall comply
 7 with the requirements in sections 19, 20, and 21 of this chapter.

8 SECTION 2. IC 3-11-10-26, AS AMENDED BY P.L.164-2006,
 9 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2009]: Sec. 26. (a) As an alternative to voting
 11 by mail, a voter is entitled to cast an absentee ballot before an absentee
 12 voter board:

13 (1) in the office of the circuit court clerk (or board of elections
 14 and registration in a county subject to IC 3-6-5.2); or

15 (2) at a satellite office established under section 26.3 or 26.4 of
 16 this chapter.

17 (b) The voter must:

18 (1) sign an application on the form prescribed by the commission
 19 under IC 3-11-4-5.1; and

20 (2) provide proof of identification;

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

23 (c) The voter may vote before the board not more than twenty-nine
 24 (29) days nor later than noon on the day before election day.

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

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

38 (f) Notwithstanding subsection (e), in a county with a population of
 39 less than twenty thousand (20,000), the absentee voter board in the
 40 office of the circuit court clerk, with the approval of the county election
 41 board, may reduce the number of hours available to cast absentee
 42 ballots under this section to a minimum of four (4) hours on each of the

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two (2) Saturdays preceding election day.

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

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

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

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

(i) If:

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

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

SECTION 3. IC 3-11-10-26.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Sec. 26.4. (a) This section applies to a county with a population of more than four hundred thousand (400,000).

(b) The county election board shall establish satellite offices in the county where voters may cast absentee ballots before an absentee voter board.

(c) The county election board shall establish a satellite office in each municipality in the county that has a population of more than sixty thousand (60,000).

(d) The county election board may adopt a resolution under this section to state:

- (1) the hours at which absentee voting may occur at the satellite offices; and**

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(2) subject to subsection (e), other provisions the board considers useful in operating the satellite offices.

If the county election board does not adopt a resolution under this subsection, a satellite office must be open during the same hours that the circuit court clerk's office is open for casting absentee ballots.

(e) The procedure for casting an absentee ballot at a satellite office must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk.

(f) The county election board may establish satellite offices other than those required by this section under section 26.3 of this chapter.

SECTION 4. IC 3-11-18-4, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The application must include a plan for the administration of vote centers in the county. The plan must include at least the following:

- (1) The total number of vote centers to be established.
- (2) The location of each vote center, and the municipality, if any, in which the vote center is located.
- (3) A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election, as of the date of the application.
- (4) The total number of voters within each municipality, as of the date of the application, and the number of those voters within each municipality designated as "active" and "inactive" according to the county voter registration office.
- (5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center.
- (6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.
- (7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.
- (8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.
- (9) For each vote center designated under subdivision (2):
 - (A) the number and type of ballot variations that will be provided at the vote center; and

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- 1 (B) whether these ballots will be:
- 2 (i) delivered to the vote center before the opening of the
- 3 polls; or
- 4 (ii) printed on demand for a voter's use.
- 5 (10) A detailed description of any hardware, firmware, or
- 6 software used:
- 7 (A) to create an electronic poll list for each precinct whose
- 8 polls are to be located at a vote center; or
- 9 (B) to establish a secure electronic connection between the
- 10 county election board and the precinct election officials
- 11 administering a vote center.
- 12 (11) A description of the equipment and procedures to be used to
- 13 ensure that information concerning a voter entered into any
- 14 electronic poll list used by precinct election officers at a vote
- 15 center is immediately accessible to:
- 16 (A) the county election board; and
- 17 (B) the electronic poll lists used by precinct election officers
- 18 at all other vote centers in the county.
- 19 (12) For each precinct designated under subdivision (5), the
- 20 number of electronic poll lists to be provided for the precinct.
- 21 (13) The security and contingency plans to be implemented by the
- 22 county to:
- 23 (A) prevent a disruption of the vote center process; and
- 24 (B) ensure that the election is properly conducted if a
- 25 disruption occurs.
- 26 (14) A certification that the vote center complies with the
- 27 accessibility requirements applicable to polling places under
- 28 IC 3-11-8.
- 29 (15) A sketch depicting the planned layout of the vote center,
- 30 indicating the location of:
- 31 (A) equipment; and
- 32 (B) precinct election officers;
- 33 within the vote center.
- 34 (16) The total number of vote centers to be established at satellite
- 35 offices that are established under ~~IC 3-11-10-26.3~~ **IC 3-11-10** to
- 36 allow voters to cast absentee ballots in accordance with IC 3-11.
- 37 SECTION 5. IC 3-11-18-12, AS ADDED BY P.L.164-2006,
- 38 SECTION 119, IS AMENDED TO READ AS FOLLOWS
- 39 [EFFECTIVE JULY 1, 2009]: Sec. 12. Notwithstanding any other law,
- 40 a voter who resides in a vote center pilot county is entitled to cast an
- 41 absentee ballot at a vote center located at a satellite office of the county
- 42 election board established under ~~IC 3-11-10-26.3~~ **IC 3-11-10** in the

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1 same manner and subject to the same restrictions applicable to a voter
2 wishing to cast an absentee ballot before an absentee board located in
3 the office of the circuit court clerk or board of elections and
4 registration.

5 SECTION 6. IC 3-14-3-16, AS AMENDED BY P.L.164-2006,
6 SECTION 132, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) As used in this section,
8 "electioneering" includes expressing support or opposition to any
9 candidate or political party or expressing approval or disapproval of
10 any public question in any manner that could reasonably be expected
11 to convey that support or opposition to another individual. The term
12 does not include expressing support or opposition to a candidate or a
13 political party or expressing approval or disapproval of a public
14 question in:

- 15 (1) material mailed to a voter; or
- 16 (2) a telephone or an electronic communication with a voter.
- 17 (b) A person who knowingly does any electioneering:
 - 18 (1) on election day within:
 - 19 (A) the polls; or
 - 20 (B) the chute;
 - 21 (2) within an area in the office of the circuit court clerk or a
22 satellite office of the circuit court clerk established under
23 ~~IC 3-11-10-26.3~~ IC 3-11-10 used by an absentee voter board to
24 permit an individual to cast an absentee ballot; or
 - 25 (3) except for a voter who is:
 - 26 (A) the person's spouse;
 - 27 (B) an incapacitated person (as defined in IC 29-3-1-7.5) for
28 whom the person has been appointed the guardian (as defined
29 in IC 29-3-1-6); or
 - 30 (C) a member of the person's household;
31 in the presence of a voter whom the person knows possesses an
32 absentee ballot provided to the voter in accordance with Indiana
33 law;
 - 34 commits a Class A misdemeanor.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1423, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BATTLES, Chair

Committee Vote: yeas 10, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1423 be amended to read as follows:

Page 3, line 31, delete "two" and insert "**four**".

Page 3, line 32, delete "(200,000)" and insert "**(400,000)**".

(Reference is to HB 1423 as printed February 20, 2009.)

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