
HOUSE BILL No. 1099

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-40.5; IC 3-11.

Synopsis: Various election matters. Provides that identification issued by an approved Indiana postsecondary educational institution that has no expiration date or an indefinite expiration date is acceptable proof of identification to vote. Provides that a voter casting an absentee ballot before an absentee voter board in the office of the circuit court clerk or at a satellite office: (1) is entitled to receive assistance in casting a ballot if the voter is a voter with disabilities or is unable to read or write English; and (2) is permitted to vote if the voter is in the process of casting a ballot or is waiting to vote at the hour at which voting is designated to end.

Effective: July 1, 2009.

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January 8, 2009, read first time and referred to Committee on Elections and Apportionment.

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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. 1099



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 3-5-2-40.5, AS ADDED BY P.L.109-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 40.5. **(a) Except as provided in subsection (b),**
4 "proof of identification" refers to a document that satisfies all the
5 following:
6 (1) The document shows the name of the individual to whom the
7 document was issued, and the name conforms to the name in the
8 individual's voter registration record.
9 (2) The document shows a photograph of the individual to whom
10 the document was issued.
11 (3) The document includes an expiration date, and the document:
12 (A) is not expired; or
13 (B) expired after the date of the most recent general election.
14 (4) The document was issued by the United States or the state of
15 Indiana.
16 **(b) Notwithstanding subsection (a)(3), a document issued by an**
17 **approved postsecondary educational institution (as defined in**



1 **IC 21-7-13-6(a)) that:**
 2 **(1) otherwise complies with the requirements of subsection**
 3 **(a); and**
 4 **(2) has no expiration date or states that the document has an**
 5 **indefinite expiration date;**
 6 **is sufficient proof of identification for purposes of this title.**

7 SECTION 2. IC 3-11-9-1 IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to:

9 **(1) each precinct; and to**
 10 **(2) absentee voting, including the casting of an absentee ballot**
 11 **before an absentee voter board:**

12 **(A) in the office of the:**
 13 **(i) circuit court clerk; or**
 14 **(ii) board of elections and registration in a county**
 15 **subject to IC 3-6-5.2; or**

16 **(B) at a satellite office established under IC 3-11-10-26.3.**

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

22 **(1) in the office of the circuit court clerk (or board of elections**
 23 **and registration in a county subject to IC 3-6-5.2); or**
 24 **(2) at a satellite office established under section 26.3 of this**
 25 **chapter.**

26 **(b) The voter must:**
 27 **(1) sign an application on the form prescribed by the commission**
 28 **under IC 3-11-4-5.1; and**
 29 **(2) provide proof of identification;**

30 **before being permitted to vote. Except as provided in subsection (k),**
 31 **the application must be received by the circuit court clerk not later than**
 32 **the time prescribed by IC 3-11-4-3.**

33 **(c) Subject to subsection (k), the voter may vote before the board**
 34 **not more than twenty-nine (29) days nor later than noon on the day**
 35 **before election day.**

36 **(d) Subject to subsection (k), an absent uniformed services voter**
 37 **who is eligible to vote by absentee ballot in the circuit court clerk's**
 38 **office under IC 3-7-36-14 may vote before the board not earlier than**
 39 **twenty-nine (29) days before the election and not later than noon on**
 40 **election day. If a voter described by this subsection wishes to cast an**
 41 **absentee ballot during the period beginning at noon on the day before**
 42 **election day and ending at noon on election day, the county election**

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1 board or absentee voter board may receive and process the ballot at a
2 location designated by resolution of the county election board.

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

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

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

- 15 (1) permitted to verify in a private and independent manner the
- 16 votes selected by the voter before the ballot is cast and counted;
- 17 (2) provided with the opportunity to change the ballot or correct
- 18 any error in a private and independent manner before the ballot is
- 19 cast and counted, including the opportunity to receive a
- 20 replacement ballot if the voter is otherwise unable to change or
- 21 correct the ballot; and

- 22 (3) notified before the ballot is cast regarding the effect of casting
- 23 multiple votes for the office and provided an opportunity to
- 24 correct the ballot before the ballot is cast and counted.

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

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

31 (i) If:

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

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

39 **(j) A voter casting an absentee ballot under this section is**
40 **entitled to receive assistance in casting the voter's ballot in**
41 **accordance with IC 3-11-9.**

42 **(k) Notwithstanding subsection (c) or (d), when the hour**

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1 **designated as the time at which voting under this section ends**
2 **occurs, the absentee voter board shall permit all voters who:**
3 **(1) are in the act of voting; or**
4 **(2) have begun the procedure for casting an absentee ballot**
5 **under this section but who have not voted;**
6 **to vote. The board shall require all voters who are waiting to vote**
7 **but have not begun the procedure for casting an absentee ballot**
8 **under this section to line up in single file and shall record the**
9 **names of the voters in the line. These voters may vote under this**
10 **section unless otherwise prevented according to law.**
11 SECTION 4. IC 3-11-10-26.3 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26.3. (a) A county
13 election board may adopt a resolution to authorize the circuit court
14 clerk to establish satellite offices in the county where voters may cast
15 absentee ballots before an absentee voter board.
16 (b) To be adopted under this section, a resolution must be adopted
17 by the unanimous vote of the board's entire membership.
18 (c) A resolution adopted under this section must do the following:
19 (1) State the locations of the satellite offices.
20 (2) State the hours at which absentee voting may occur at the
21 satellite offices.
22 (d) The resolution may contain other provisions the board considers
23 useful.
24 (e) If a resolution is adopted under this section, the procedure for
25 casting an absentee ballot at a satellite office must, except as provided
26 in this section, be substantially the same as the procedure for casting an
27 absentee ballot in the office of the circuit court clerk.
28 **(f) A voter at a satellite office is entitled to receive assistance in**
29 **casting the voter's ballot in accordance with IC 3-11-9.**
30 **(g) Notwithstanding a resolution adopted under this section,**
31 **when the hour designated as the time at which voting under this**
32 **section ends occurs, the absentee voter board shall permit all**
33 **voters who:**
34 **(1) are in the act of voting; or**
35 **(2) have begun the procedure for casting an absentee ballot**
36 **under this section but who have not voted;**
37 **to vote. The board shall require all voters who are waiting to vote**
38 **but have not begun the procedure for casting an absentee ballot**
39 **under this section to line up in single file and shall record the**
40 **names of the voters in the line. These voters may vote under this**
41 **section unless otherwise prevented according to law.**

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