
HOUSE BILL No. 1223

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-40.5; IC 3-7; IC 3-10-1-7.2; IC 3-11.

Synopsis: Electronic voter registration card. Requires a county voter registration office, after December 31, 2011, to issue to each voter a voter registration card with the voter's name, address, precinct name, polling place address, and voter identification number stored in an electronically readable format. Requires that a voting system used in an election conducted after December 31, 2011, be capable of recognizing whether an individual who presents an electronic voter registration card at a polling place is: (1) by the individual inserting or swiping the card, an individual who is entitled to vote at the polling place; and (2) by the voting system's use of a biometric or another identification method approved by the election commission, the individual to whom the card was issued. Provides that an electronic voter registration card is an acceptable proof of identification for voting.

Effective: July 1, 2009.

Bartlett

January 12, 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. 1223

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), a voter registration card**
17 **issued under IC 3-7-33-5.5 is sufficient proof of identification for**



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purposes of this title.

SECTION 2. IC 3-7-13-12, AS AMENDED BY P.L.1-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. Except as otherwise provided in this article, if a county voter registration office receives a properly completed registration application during a time other than the registration period described in section 10 of this chapter, the county voter registration office shall enter the data from the application into the computerized list and designate the application as pending in the same manner as other applications received while the registration period was open are designated as pending under IC 3-7-33-5. However, the county voter registration office shall ensure that:

(1) the:

(A) notice required under IC 3-7-33-5; and

(B) after December 31, 2011, voter registration card required under IC 3-7-33-5.5;

is not mailed to the applicant before the first day that the registration period reopens; and

(2) the registration information provided by the applicant does not appear on any certified list of voters or certificate of error issued under this article.

SECTION 3. IC 3-7-33-5, AS AMENDED BY P.L.164-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) When the county voter registration office receives an application for a new registration or an application with information that revises or adds information to the applicant's current voter registration record, the county voter registration office shall determine if the applicant appears to be eligible to register to vote based on the information in the application.

(b) As required under 42 U.S.C. 1973gg-6(a)(2), the county voter registration office shall send a notice to each person from whom the county voter registration office receives a voter registration application. The county voter registration office shall send a notice to the applicant at the mailing address provided in the application.

(c) The notice required by subsection (b) must set forth the following:

(1) A statement that the application has been received.

(2) The disposition of the application by the county voter registration office.

(3) If the county voter registration office determines that the applicant appears to be eligible, the notice must state the following:

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1 (A) Except as provided under subsection (f), the applicant is
 2 registered to vote under the residence address when the
 3 applicant receives the notice. An applicant is presumed to
 4 have received the notice unless the notice is returned by the
 5 United States Postal Service due to an unknown or insufficient
 6 address and received by the county voter registration office not
 7 later than seven (7) days after the notice is mailed to the
 8 applicant.
 9 (B) The name of the precinct in which the voter is registered.
 10 (C) The address of the polling place for the precinct in which
 11 the voter is registered.
 12 (D) The voter's voter identification number.
 13 (4) In accordance with 42 U.S.C. 1973ff-1(d), if the county voter
 14 registration office has denied the application, the notice must
 15 include the reasons for the denial.
 16 (d) **Before January 1, 2012**, the notice required by subsection (b)
 17 may include a voter registration card. **After December 31, 2011, the**
 18 **county voter registration office shall send an electronic voter**
 19 **registration card described in section 5.5 of this chapter with the**
 20 **notice required by subsection (b) to an applicant whom the county**
 21 **voter registration office determines is eligible to register to vote.**
 22 (e) If the notice is returned by the United States Postal Service due
 23 to an unknown or insufficient address, the county voter registration
 24 office shall determine that the applicant is ineligible and deny the
 25 application.
 26 (f) During the seven (7) days following the mailing of the notice to
 27 the voter under this section, the county voter registration office shall
 28 indicate in the computerized list maintained under IC 3-7-26.3 that the
 29 application is pending. If the notice:
 30 (1) is not returned by the United States Postal Service and
 31 received by the county voter registration office at; or
 32 (2) is received by the applicant by United States Postal Service
 33 delivery and presented in person by the applicant to the county
 34 voter registration office before;
 35 the expiration of the seven (7) day period under subsection (c), the
 36 county voter registration office shall indicate in the computerized list
 37 that the applicant is a registered voter.
 38 (g) This subsection applies if the notice is mailed by the county
 39 voter registration office after the certified list is prepared under
 40 IC 3-7-29. If:
 41 (1) the seven (7) day period under subsection (c) expires before
 42 election day;

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1 (2) the applicant has not presented the notice mailed under
 2 subsection (b) to the county voter registration office as provided
 3 under subsection (f); and

4 (3) the applicant would otherwise have been included on the
 5 certified list;

6 the county voter registration office shall prepare a certificate of error
 7 under IC 3-7-48 to note the addition of the voter to the certified list.

8 (h) This subsection applies if the notice is mailed by the county
 9 voter registration office after the certified list is prepared under
 10 IC 3-7-29. If:

11 (1) the seven (7) day period has not expired before election day;
 12 and

13 (2) the applicant has not presented the notice mailed under
 14 subsection (b) to the county voter registration office as provided
 15 under subsection (f);

16 the county voter registration office shall notify the county election
 17 board. The county election board shall certify to the inspector of the
 18 precinct where the applicant resides that the applicant's voter
 19 registration application is pending, and that the voter, subject to
 20 fulfilling the requirements of IC 3-11.7, is entitled to cast a provisional
 21 ballot.

22 SECTION 4. IC 3-7-33-5.5 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2009]: **Sec. 5.5. (a) A county voter registration office shall issue
 25 a voter registration card described in this section:**

26 (1) before January 1, 2012, to each registered voter in the
 27 county; and

28 (2) after December 31, 2011, to each applicant whom the
 29 county voter registration office determines is eligible to
 30 register to vote.

31 (b) The voter registration card referred to in subsection (a)
 32 must be capable of storing in an electronically readable format the
 33 following information for the individual to whom the card is
 34 issued:

35 (1) The individual's name and address as it appears on the
 36 individual's voter registration record.

37 (2) The name of the precinct in which the individual is
 38 registered.

39 (3) The address of the polling place for the precinct in which
 40 the individual is registered.

41 (4) The individual's voter identification number.

42 (c) This subsection applies to a voting system used in an election

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1 conducted after December 31, 2011. A voting system must be
2 capable of recognizing whether an individual who presents a voter
3 registration card issued under this section at a polling place is:

- 4 (1) by the individual inserting or swiping the card, an
- 5 individual who is entitled to vote at the polling place; and
- 6 (2) by the voting system's use of a biometric or another
- 7 identification method approved by the commission, the
- 8 individual to whom the card was issued.

9 (d) A voter registration card issued under this section is
10 acceptable as proof of identification under IC 3-5-2-40.5.

11 SECTION 5. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006,
12 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2009]: Sec. 7.2. (a) Except as provided in subsection (e), a
14 voter who desires to vote an official ballot at a primary election shall
15 provide proof of identification.

16 (b) Except as provided in subsection (e), before the voter proceeds
17 to vote in a primary election, a member of the precinct election board
18 shall ask the voter to provide proof of identification. The voter must
19 produce the proof of identification before being permitted to sign the
20 poll list.

- 21 (c) If:
- 22 (1) the voter is unable or declines to present the proof of
- 23 identification; or
- 24 (2) a member of the precinct election board determines that the
- 25 proof of identification presented by the voter does not qualify as
- 26 proof of identification under IC 3-5-2-40.5; or
- 27 (3) after December 31, 2011, the voting system does not
- 28 recognize a voter registration card issued under IC 3-7-33-5.5
- 29 that is presented by the voter;

30 a member of the precinct election board shall challenge the voter as
31 prescribed by IC 3-11-8.

32 (d) If the voter executes a challenged voter's affidavit under section
33 9 of this chapter or IC 3-11-8-22.1, the voter may:

- 34 (1) sign the poll list; and
- 35 (2) receive a provisional ballot.

36 (e) A voter who votes in person at a precinct polling place that is
37 located at a state licensed care facility where the voter resides is not
38 required to provide proof of identification before voting in a primary
39 election.

40 SECTION 6. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006,
41 SECTION 100, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2009]: Sec. 25.1. (a) Except as provided in

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1 subsection (e), a voter who desires to vote an official ballot at an
2 election shall provide proof of identification.

3 (b) Except as provided in subsection (e), before the voter proceeds
4 to vote in the election, a member of the precinct election board shall
5 ask the voter to provide proof of identification. The voter shall produce
6 the proof of identification before being permitted to sign the poll list.

7 (c) If:

8 (1) the voter is unable or declines to present the proof of
9 identification; or

10 (2) a member of the precinct election board determines that the
11 proof of identification provided by the voter does not qualify as
12 proof of identification under IC 3-5-2-40.5; or

13 **(3) after December 31, 2011, the voting system does not**
14 **recognize a voter registration card issued under IC 3-7-33-5.5**
15 **that is presented by the voter;**

16 a member of the precinct election board shall challenge the voter as
17 prescribed by this chapter.

18 (d) If the voter executes a challenged voter's affidavit under section
19 22.1 of this chapter, the voter may:

20 (1) sign the poll list; and

21 (2) receive a provisional ballot.

22 (e) A voter who votes in person at a precinct polling place that is
23 located at a state licensed care facility where the voter resides is not
24 required to provide proof of identification before voting in an election.

25 (f) After a voter has passed the challengers or has been sworn in, the
26 voter shall be instructed by a member of the precinct election board to
27 proceed to the location where the poll clerks are stationed. The voter
28 shall announce the voter's name to the poll clerks or assistant poll
29 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct
30 election board shall require the voter to write the following on the poll
31 list:

32 (1) The voter's name.

33 (2) Except as provided in subsection (k), the voter's current
34 residence address.

35 (g) The poll clerk, an assistant poll clerk, or a member of the
36 precinct election board shall:

37 (1) ask the voter to provide or update the voter's voter
38 identification number;

39 (2) tell the voter the number the voter may use as a voter
40 identification number; and

41 (3) explain to the voter that the voter is not required to provide or
42 update a voter identification number at the polls.

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1 (h) The poll clerk, an assistant poll clerk, or a member of the
2 precinct election board shall ask the voter to provide proof of
3 identification.

4 (i) In case of doubt concerning a voter's identity, the precinct
5 election board shall compare the voter's signature with the signature on
6 the affidavit of registration or any certified copy of the signature
7 provided under IC 3-7-29. If the board determines that the voter's
8 signature is authentic, the voter may then vote. If either poll clerk
9 doubts the voter's identity following comparison of the signatures, the
10 poll clerk shall challenge the voter in the manner prescribed by section
11 21 of this chapter.

12 (j) If, in a precinct governed by subsection (g):

- 13 (1) the poll clerk does not execute a challenger's affidavit; or
14 (2) the voter executes a challenged voter's affidavit under section
15 22.1 of this chapter or executed the affidavit before signing the
16 poll list;

17 the voter may then vote.

18 (k) Each line on a poll list sheet provided to take a voter's current
19 address must include a box under the heading "Address Unchanged"
20 so that a voter whose residence address shown on the poll list is the
21 voter's current residence address may check the box instead of writing
22 the voter's current residence address on the poll list.

23 SECTION 7. IC 3-11-15-7 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Each application
25 must be in writing, sworn to or affirmed by the applicant, under the
26 penalties of perjury, on a form prescribed by the commission, and must
27 satisfy the following requirements:

- 28 (1) Provide the name and address of the vendor submitting the
29 application.
30 (2) Provide the telephone number of the vendor.
31 (3) Provide the name, address, and telephone number of the
32 individual representing the vendor regarding the application.
33 (4) Provide the model name and number of the submitted voting
34 system, stating the hardware, firmware, and software version
35 numbers of the system.
36 (5) State whether the voting system is a direct record electronic
37 voting system or an optical scan ballot card voting system.
38 (6) Provide a description of the voting system and its capabilities,
39 including the following:
40 (A) Photographs.
41 (B) Engineering drawings.
42 (C) Technical documentation.

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- 1 (D) Fail-safe and emergency backup information.
- 2 (E) Environmental requirements for storage, transportation,
- 3 and operation.
- 4 **(F) The method by which the voting system complies with**
- 5 **section 44.5 of this chapter.**
- 6 (7) Include an agreement to pay for the total costs of the
- 7 examination.
- 8 (8) Provide documentation of the escrow of the voting system's
- 9 software, firmware, source codes, and executable images with an
- 10 escrow agent approved by the election division.
- 11 (9) Provide a functional description of any software components.
- 12 (10) Provide schematics or flowcharts identifying software and
- 13 data file relationships.
- 14 (11) Describe the type of maintenance offered by the vendor.
- 15 (12) Provide the names, addresses, and telephone numbers of the
- 16 vendor's maintenance providers.
- 17 (13) Provide a description of the training courses offered by the
- 18 vendor for the voting system.
- 19 (14) Provide user manuals, operator and system manuals, and
- 20 problem solving manuals.
- 21 (15) Provide a statement of the current and future
- 22 interchangeability of all subcomponents of the voting system.
- 23 (16) Provide documentation from all independent testing
- 24 authorities that have examined the system.
- 25 (17) Provide documentation from all election jurisdictions that
- 26 have previously approved the system.
- 27 (18) Pay the application fee required under section 4 of this
- 28 chapter.

29 (b) If an application does not include any of the applicable
 30 requirements listed in subsection (a), those requirements must be filed
 31 with the election division before the application may be considered by
 32 the commission.

33 SECTION 8. IC 3-11-15-44.5 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2009]: **Sec. 44.5. (a) This section applies to a**
 36 **voting system used in an election conducted after December 31,**
 37 **2011.**

38 **(b) A voting system must be capable of recognizing whether an**
 39 **individual who presents a voter registration card issued under**
 40 **IC 3-7-33-5.5 at a polling place is:**

- 41 **(1) by the individual inserting or swiping the card, an**
- 42 **individual who is entitled to vote at the polling place; and**

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1 **(2) by the voting system's use of a biometric or another**
2 **identification method approved by the commission, the**
3 **individual to whom the card was issued.**

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