

# SENATE BILL No. 213

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-7-29-4; IC 3-10-1; IC 3-11-8; IC 3-11-10-22; IC 3-11.5-4-15; IC 3-11.5-4-16.

**Synopsis:** Picture ID required for voting. Provides that before a voter may vote at the polls, the voter must show an identification that contains a picture of the voter.

**Effective:** Upon passage.

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Miller

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January 6, 1998, read first time and referred to Committee on Elections.

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Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## SENATE BILL No. 213

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 3-7-29-4, AS ADDED BY P.L.12-1995, SECTION  
2 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
3 PASSAGE]: Sec. 4. The circuit court clerk or board of registration in  
4 a county with a computerized registration system may also provide the  
5 inspector of each precinct in the county with a certified photocopy of  
6 the signature on the affidavit of registration of each voter of the  
7 precinct for the comparison of signatures under ~~IC 3-10-1-24.5~~ or  
8 ~~IC 3-11-8-25~~. **IC 3-11-8-22.**
- 9 SECTION 2. IC 3-10-1-7, AS AMENDED BY P.L.12-1995,  
10 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 UPON PASSAGE]: Sec. 7. (a) Each county election board shall furnish  
12 the inspector of each precinct, for use on primary election day:  
13 (1) a copy of the last regularly prepared registration record; or  
14 (2) in a county with a computerized registration system, a  
15 certified copy under IC 3-7-29 of the list of all voters registered  
16 to vote in the precinct.  
17 (b) The circuit court clerk or board of registration in a county with



1 a computerized voting system may also provide the inspector of each  
 2 precinct in the county with a certified photocopy of the signature on the  
 3 affidavit or form of registration of each voter of the precinct for the  
 4 comparison of signatures under ~~section 24.5 of this chapter.~~  
 5 **IC 3-11-8-22.**

6 (c) If the name of a person offering to vote at the primary is in the  
 7 registration record or listed in the certified copy prepared for the  
 8 precinct, it is sufficient evidence of the person's right to vote unless the  
 9 person is challenged.

10 SECTION 3. IC 3-10-1-24 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) A voter who  
 12 desires to vote **at a primary election** must **do both of the following:**

13 (1) Give the voter's name and political party to the poll clerks of  
 14 the precinct on primary election day.

15 (2) **Show the poll clerks an identification of the voter that**  
 16 **contains a photograph of the voter.**

17 (b) The poll clerks shall require the voter to write the following on  
 18 the poll list:

19 (1) The voter's name.

20 (2) The voter's current residence address.

21 (3) The name of the voter's party.

22 ~~(b)~~ (c) If the voter is unable to sign the voter's name, the voter must  
 23 sign the poll list by mark, which must be witnessed by one (1) of the  
 24 poll clerks or assistant poll clerks acting under IC 3-6-6, who shall  
 25 place the poll clerk's or assistant poll clerk's initials after or under the  
 26 mark.

27 SECTION 4. IC 3-10-1-24.5, AS AMENDED BY P.L.12-1995,  
 28 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 UPON PASSAGE]: Sec. 24.5. ~~(a) This section does not apply to a~~  
 30 ~~precinct in a county with a computerized registration system whose~~  
 31 ~~inspector was:~~

32 ~~(1) furnished with a list certified under IC 3-7-29; and~~

33 ~~(2) not furnished with a certified photocopy of the signature on~~  
 34 ~~the affidavit of registration of each voter of the precinct for the~~  
 35 ~~comparison of signatures under this section.~~

36 ~~(b) In case of doubt concerning a voter's identity, the precinct~~  
 37 ~~election board shall compare the voter's signature with the signature on~~  
 38 ~~the affidavit of registration or any certified copy of the signature~~  
 39 ~~provided under section 7 of this chapter. If the board determines that~~  
 40 ~~the voter's signature is authentic, the voter may then vote.~~

41 ~~(c) If either poll clerk doubts the voter's identity, following the~~  
 42 ~~comparison of the signatures, the poll clerk shall challenge the voter in~~



1 the manner prescribed by IC 3-11-8. If the poll clerk does not execute  
 2 a challenger's affidavit under ~~IC 3-11-8-21~~ **IC 3-11-8-20** or if the voter  
 3 executes a challenged voter's affidavit under IC 3-11-8-22 is satisfied,  
 4 the voter may then vote.

5 SECTION 5. IC 3-11-8-19 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. Voters shall  
 7 approach and enter the chute in the order in which they appear for the  
 8 purpose of voting. A voter shall immediately **do both of the following:**

9 (1) Announce the voter's full and true name to the challengers.

10 (2) **Show the challengers an identification of the voter that**  
 11 **contains a photograph of the voter.**

12 **A challenger may challenge a voter under section 20 of this**  
 13 **chapter.**

14 SECTION 6. IC 3-11-8-20 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. If a voter  
 16 offering to vote is challenged by a challenger or by a member of the  
 17 precinct election board, **under this chapter**, the person challenging the  
 18 voter shall reduce the challenge to affidavit form, setting forth  
 19 succinctly the reasons for the challenge.

20 SECTION 7. IC 3-11-8-22, AS AMENDED BY P.L.12-1995,  
 21 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 UPON PASSAGE]: Sec. 22. A voter challenged under section 20 of  
 23 this chapter may vote if **all of the following are satisfied:**

24 (1) The voter makes an affidavit in writing that the voter is a legal  
 25 voter of the precinct. ~~and:~~

26 ~~(1)~~ **(2) Either of the following apply:**

27 ~~(A)~~ (A) The voter's name appears on the registration list. ~~or~~

28 ~~(2)~~ **(B)** The voter does one (1) of the following:

29 ~~(A)~~ (i) Produces a certificate of error issued by a registration  
 30 official of the county in accordance with IC 3-7-48 showing  
 31 that the voter is registered in the precinct where the voter  
 32 resides and offers to vote.

33 ~~(B)~~ (ii) Produces an affidavit executed under IC 3-10-10 or  
 34 IC 3-10-11 if the voter executed an affidavit under those  
 35 provisions.

36 ~~(C)~~ (iii) Makes an oral or a written affirmation under  
 37 IC 3-10-12.

38 **(3) This subdivision does not apply to a precinct in a county**  
 39 **with a computerized registration system whose inspector is:**

40 **(A) furnished with a list certified under IC 3-7-29; and**

41 **(B) not furnished with a certified photocopy of the**  
 42 **signature on the affidavit of registration of each voter of**



1           the precinct for the comparison of signatures under this  
2           section.

3           **The precinct election board shall compare the voter's**  
4           **signature with the signature on the affidavit of registration or**  
5           **any certified copy of the signature provided under IC 3-7-29.**  
6           **A majority of the board must determine that the voter's**  
7           **signature is authentic.**

8           **(4) A majority of the precinct election board determines that**  
9           **the voter is the individual who appears on the identification**  
10          **produced under section 19 or 25 of this chapter.**

11          SECTION 8. IC 3-11-8-25, AS AMENDED BY P.L.12-1995,  
12          SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13          UPON PASSAGE]: Sec. 25. (a) After a voter has passed the  
14          challengers or has been sworn in, the voter shall be admitted to the  
15          polls. Upon entering the polls, the voter shall **do both of the following:**

16               (1) Announce the voter's name to the poll clerks or assistant poll  
17               clerks.

18               (2) **Show the poll clerks an identification of the voter that**  
19               **contains a photograph of the voter.**

20          A poll clerk, an assistant poll clerk, or a member of the precinct  
21          election board shall require the voter to sign on the poll list the voter's  
22          name, and current address of residence.

23          (b) This subsection does not apply to a precinct in a county with a  
24          computerized registration system whose inspector was:

25               (1) furnished with a list certified under IC 3-7-29; and

26               (2) not furnished with a certified photocopy of the signature on  
27               the affidavit of registration of each voter of the precinct for the  
28               comparison of signatures under this section:

29          In case of doubt concerning a voter's identity, the precinct election  
30          board shall compare the voter's signature with the signature on the  
31          affidavit of registration or any certified copy of the signature provided  
32          under IC 3-7-29. If the board determines that the voter's signature is  
33          authentic, the voter may then vote. If either poll clerk doubts the voter's  
34          identity following comparison of the signatures the poll clerk shall  
35          challenge the voter in the manner prescribed by section 21 of this  
36          chapter.

37          (c) If, in a precinct governed by subsection (b):

38               (1) the poll clerk does not execute a challenger's affidavit; or

39               (2) the voter executes a challenged voter's affidavit under section  
40               22 of this chapter or had executed the affidavit before signing the  
41               poll list;

42          the voter may then vote.



1           **(b) If either poll clerk doubts the voter's identity, the poll clerk**  
 2 **shall challenge the voter in the manner prescribed by section 20 of**  
 3 **this chapter. A poll clerk may not challenge a voter under this**  
 4 **subsection if:**

5           **(1) the voter was challenged by a challenger under section 20**  
 6 **of this chapter; and**

7           **(2) the precinct election board has determined under section**  
 8 **22(4) of this chapter that the voter is the individual who**  
 9 **appears on the identification produced under section 19 of**  
 10 **this chapter.**

11 **However, a poll clerk who doubts the identity of the voter may**  
 12 **make a notation in the poll book that the poll clerk doubts the**  
 13 **identity of the voter.**

14           **(c) A person challenged under this section may vote only if**  
 15 **section 22 of this chapter is satisfied.**

16           SECTION 9. IC 3-11-8-27 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. **(a) If a member**  
 18 **of a precinct election board is not satisfied that a person who offers to**  
 19 **vote is the person who the person represents the person to be, the**  
 20 **member may challenge the person and the under section 20 of this**  
 21 **chapter.**

22           **(b) A member of the precinct election board may not challenge**  
 23 **a voter under subsection (a) if:**

24           **(1) the voter was challenged by a:**

25           **(A) challenger under section 19 of this chapter; or**

26           **(B) poll clerk under section 25 of this chapter; and**

27           **(2) the precinct election board has determined under section**  
 28 **22(4) of this chapter that the voter is the individual who**  
 29 **appears on the identification produced under section 19 or 25**  
 30 **of this chapter.**

31 **However, a member of the precinct election board who doubts the**  
 32 **identity of the voter may make a notation in the poll book that the**  
 33 **member doubts the identity of the voter.**

34           **(c) A person challenged under this section may vote only if the**  
 35 **person signs the affidavit required to be signed by voters who are**  
 36 **challenged under section 20 22 of this chapter is satisfied.**

37           SECTION 10. IC 3-11-10-22 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. **(a) If an**  
 39 **absentee ballot is challenged under section 21 of this chapter, the**  
 40 **absentee voter's application for an absentee ballot shall be considered**  
 41 **as the affidavit required to be made by a voter when challenged at the**  
 42 **polls while voting in person. In all other respects the challenge**



1 procedure is the same as though the ballot was cast by the voter in  
 2 person. **However, an identification of the voter containing a picture**  
 3 **of the voter is not required to be produced.**

4 (b) If a proper affidavit is made that would entitle the absentee voter  
 5 to vote if the absentee voter had personally appeared, then the absentee  
 6 ballot shall be placed in the ballot box.

7 SECTION 11. IC 3-11.5-4-15 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) The vote of  
 9 an absentee voter may be challenged at the polls for the reason that the  
 10 absentee voter is not a legal voter of the precinct where the ballot is  
 11 being cast.

12 (b) Before the inspector prepares to mark the poll list to indicate that  
 13 an absentee ballot cast by the voter has been received by the county  
 14 election board according to a certificate delivered to the polls under  
 15 section 1 or section 8 of this chapter, the inspector shall notify the  
 16 challengers and the pollbook holders that the inspector is about to mark  
 17 the poll list under this section. The inspector shall provide the  
 18 challengers and pollbook holders with the name and address of each  
 19 voter listed in the certificate so that the voter may be challenged under  
 20 this article.

21 (c) The precinct election board may hear and determine a challenge  
 22 under this section as though the ballot was cast by the voter in person.  
 23 **However, an identification of the voter containing a picture of the**  
 24 **voter is not required to be produced.**

25 SECTION 12. IC 3-11.5-4-16 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If an  
 27 absentee ballot is challenged under section 15 of this chapter, the  
 28 absentee voter's application for an absentee ballot shall be considered  
 29 as the affidavit required to be made by a voter when challenged at the  
 30 polls while voting in person. ~~In all other respects,~~ The challenge  
 31 procedure is the same as though the ballot was cast by the voter in  
 32 person. **However, an identification of the voter containing a picture**  
 33 **of the voter is not required to be produced.**

34 (b) If a proper affidavit by a qualified person in the form required by  
 35 IC 3-11-8-22 is made that would entitle the absentee voter to vote if the  
 36 absentee voter had personally appeared, the couriers shall return the  
 37 affidavit to the county election board in the same envelope as the  
 38 certificate returned under section 9 of this chapter.

39 (c) The absentee ballot cast by the challenged voter shall be counted  
 40 if the county election board makes the findings required under section  
 41 11 of this chapter.

42 SECTION 13. **An emergency is declared for this act.**

