January 14, 1998

SENATE BILL No. 166

DIGEST OF SB 166 (Updated January 12, 1998 1:59 pm - DI 77)

Citations Affected: IC 3-5-4-8.

Synopsis: Voter registration forms. Amends definition of "active voter". Authorizes the Indiana election commission to approve for voter registration purposes use of previously approved voter registration forms in addition to voter registration forms most recently approved by the commission. Requires the county voter registration office to ensure that software programs to generate jury lists do not include voter less than 18 years of age. Allows the election division to set date when contracts mush provide the division with certain lists. Requires the county voter registration office to cancel certain registrations.

Effective: Upon passage; July 1, 1997 (retroactive).

Landske

January 6, 1998, read first time and referred to Committee on Elections.
January 13, 1998, amended, reported favorably — Do Pass.

C o p y

January 14, 1998

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.

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SENATE BILL No. 166

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

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

SECTION 1. IC 3-5-2-1.7, AS AMENDED BY P.L.4-1996, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. "Active voter" refers to a voter who after November 3, 1998, satisfies either of the following:

(1) The voter has:

(A) registered or voted in any election during the preceding four (4) years **at the address indicated on the voter's registration record; and**

(B) responded in writing to an address confirmation notice sent to the address indicated on the voter's registration record under IC 3-7 not later than thirty (30) days after the notice was sent.

(2) The voter has not voted in any election during the preceding four (4) years **at the address indicated on the voter's registration record** and has responded **in writing** to ~~a change of residence~~ **an address confirmation** notice sent under IC 3-7 not later than thirty (30) days after the notice was sent.

SECTION 2. IC 3-5-4-8, AS ADDED BY P.L.3-1997, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **Except as provided in subsection (e), but** notwithstanding any other statute, whenever the commission acts under IC 3-6-4.1-14 to approve a uniform election or registration form for use throughout Indiana, or to approve a revision to an existing form, a person must use the most recent version of the form approved by the commission to comply with this title after the effective date of the commission's order approving the form.

(b) Except as provided in subsection (d) **or (f),** before an order approving a form takes effect under this section, the ~~commission~~ **election division** shall transmit a copy of each form or revised form approved by the order to the following:

(1) Each circuit court clerk, **if the commission determines that the form is primarily used by a candidate, a county election board member, a county or town political party, for absentee ballot purposes, or under IC 3-9 (campaign finance).**

(2) Each county voter registration office, if the commission determines that the form is primarily used in voter registration.

(3) The state chairman of each major political party.

(4) The state chairman of any other political party who has filed a written request with the election division during the preceding twelve (12) months to be furnished with copies of forms.

(c) The election division, an election board, a circuit court clerk, a county voter registration office, or any other official responsible for receiving a filing under this title shall reject a filing that does not comply with this section.

(d) The commission shall specify the effective date of the form or revised form and may:

(1) delay the effective date of the approval of a form or revised form; and

(2) permit an earlier approved version of the form or an alternative form to be used before the effective date of the form;

if the commission determines that an emergency requires the use of the form before copies can be transmitted to all persons entitled to receive copies of the form under subsection (b).

(e) This subsection applies to a form permitting an individual to apply for voter registration or to amend the individual's existing voter registration record. The commission may allow an earlier approved version of the form to be used if the:

(1) earlier version of the form complies with all other requirements imposed under NVRA or this title; and

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(2) commission determines that the existing stock of the form should be exhausted to prevent waste and unnecessary expense.

(f) This subsection applies to a form that the commission determines is used primarily by the election division. The commission may provide that an order concerning a form described by this subsection is effective immediately upon adoption, without any requirement to distribute the form to other persons.

SECTION 3. IC 3-5-6-6, AS ADDED BY P.L.3-1997, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a)** Whenever the signature of an individual does not substantially conform with the signature of the registered voter with the name and address in the records of the county voter registration office, the signature is invalid and may not be certified.

(b) In determining whether a signature substantially conforms with a voter's signature in the records of the county voter registration office, the office must certify the signature if the office determines that lack of conformity may reasonably be attributed to the age, disability, or impairment of the voter.

SECTION 4. IC 3-7-35-2, AS ADDED BY P.L.12-1995, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a)** The ~~circuit court clerk or board of~~ **county voter** registration **office** shall ~~include a notation on the registration record of~~ **ensure that the software program used to generate the poll list for the precinct in which** the voter ~~to indicate that~~ **resides indicates whether or not** the name of the voter should ~~not~~ be included on a poll list.

(b) The software program must generate a poll list that does not include the name of a voter unless the voter will be:

(1) at least eighteen (18) years of age when the election is conducted; or

(2) ~~the voter will be~~ eligible to vote in the election under this article.

SECTION 5. IC 3-7-35-3, AS ADDED BY P.L.12-1995, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** The ~~circuit court clerk or board of~~ **county voter** registration **office** shall ~~include a notation on the registration record of the voter to indicate that~~ **ensure that the software program used to generate a jury list indicates whether or not** the name of the voter should ~~not~~ be used for jury service.

(b) The software program must generate a jury list that does not

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include the name of a voter unless the voter will be at least eighteen (18) years of age when the jury is empaneled.

SECTION 6. IC 3-7-38.1-4, AS AMENDED BY P.L.3-1997, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1997 (RETROACTIVE)]: Sec. 4. (a) A contract entered into under section 3 of this chapter must require the following:

(1) The contractor shall determine the following information regarding each voter with duplicate registrations:

(A) The voter's name.

(B) Each address at which the voter is registered.

(C) Other information the commission determines is necessary to implement this chapter.

The contractor shall obtain the information required by this subdivision from the information submitted to the election division under IC 3-7-26-4. ~~and from voter registration records of counties that do not keep voter registration records by computer.~~

(2) The contractor shall compile the information determined under subdivision (1) and provide the following with the information compiled under subdivision (1) in the form required by the commission:

(A) The election division.

(B) Each county in which a voter with a duplicate registration is registered to vote.

(3) The contractor shall print, prepare for mailing, and mail a postcard addressed to each voter with duplicate registrations at each address found for that voter. Each postcard must contain the following:

(A) The election division's mailing address as a return address.

(B) A return postcard that contains all of the following:

(i) A mailing address to the election division.

(ii) A listing of all the addresses at which the voter is believed to be registered.

(iii) Instructions to the voter to indicate ~~on the listing of~~ **whether** addresses ~~all of the voter's~~ **listed on the postcard are** previous addresses **of the voter.**

(iv) A place for the voter to state the voter's current address.

(v) A statement of the voter authorizing cancellation of the voter's registration at other addresses in Indiana.

(vi) A statement informing the voter that the voter must return the postcard to the election division not later than a date specified by the election division.

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(vii) A place for the voter's signature or mark.

(C) A statement of the consequences to the voter of the voter's failure to return the return postcard to the election division not later than a date specified by the election division.

(4) Before ~~April 10 of~~ **a date specified by the election division for** each year, the contractor shall provide to the election division the following lists:

(A) A list of all voters with duplicate registrations who have returned postcards to the election division before a date specified by the election division. The list must indicate for each voter the following information:

(i) The voter's current address, including the county, as provided by the voter.

(ii) Each former address, including the county of each former address, at which the voter is registered.

(B) A list of all voters with duplicate registrations who have not returned postcards to the election division before a date specified by the election division. The list must indicate each county in which each voter is registered to vote.

(5) Not later than a date specified by the election division, the contractor shall mail to each county the following lists:

(A) A list of all voters with duplicate registrations who have:

(i) returned postcards to the election division before a date specified by the election division; and

(ii) indicated a current residence within the county.

(B) A list of all voters with duplicate registrations who:

(i) have returned postcards to the election division before a date specified by the election division;

(ii) are registered to vote in the county; and

(iii) have indicated a current residence in another county.

(C) A list of all voters with duplicate registrations who:

(i) have not returned postcards to the election division before a date specified by the election division; and

(ii) are registered to vote in the county.

(6) Not later than a date specified by the election division, the contractor shall do the following:

(A) Send a postcard to each voter described in subdivision (5)(B) informing the voter how the voter may register to vote in the county of the voter's current residence.

(B) Send a postcard to each voter described in subdivision (5)(C) notifying the voter:

(i) that if the voter does not notify the county voter

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registration office of the voter's current residence before a date specified by the election division, the voter's registration will be placed on inactive status; and

(ii) of the consequences of the voter's registration being placed on inactive status.

Postcards and information supplied on postcards sent under this subdivision must comply with 42 U.S.C. 1973gg-6(d).

(7) Not later than a date specified by the election division, the contractor shall assist the election division in updating the statewide voter registration file using information obtained from the county voter registration offices under section 6 of this chapter.

(b) The contract may require the contractor to perform other services the election division requires.

SECTION 7. IC 3-7-38.1-4.5, AS ADDED BY P.L.3-1997, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. The election division may require the contractor to provide each county voter registration office with original postcards returned to the ~~commission~~ **election division** or photocopies of the postcards instead of the lists required under section 4 of this chapter.

SECTION 8. IC 3-7-38.1-5, AS AMENDED BY P.L.3-1997, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1997 (RETROACTIVE)]: Sec. 5. After receiving lists under section 4(a)(5) of this chapter or postcards under section 4.5 of this chapter, each county voter registration office shall do the following:

(1) Change the registration records of all voters described in section 4(a)(5)(A) of this chapter to show the voter's current address.

(2) Cancel the registration of all voters described in section 4(a)(5)(B) of this chapter.

(3) Place on inactive status the name of each voter described in section 4(a)(5)(C) who has not notified the county voter registration office before ~~June 15 of~~ **a date specified by the election division for** each year.

SECTION 9. IC 3-7-38.1-6, AS ADDED BY P.L.4-1996, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1997 (RETROACTIVE)]: Sec. 6. Before ~~May 25 of~~ **a date specified by the election division for** each year, each ~~circuit court clerk or board of~~ **county voter** registration **office** shall provide to the contractor ~~a list of~~ **information concerning** all voters registered

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in the county:

(1) in the format prescribed under IC 3-7-26; and

(2) current as of ~~May 15 of~~ **a date specified by the election division for** each year.

SECTION 10. IC 3-7-38.1-7, AS ADDED BY P.L.4-1996, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a)** A ~~circuit court clerk or board of~~ **county voter** registration **office** shall cancel the registration of a voter who is described by both of the following:

(1) The voter is described in section 4(a)(5)(C) of this chapter.

(2) The voter has not voted (or appeared to vote or to correct the registration record stating the voter's address) in an election during the period:

(A) beginning on the date of the notice sent under section 4(a)(3) of this chapter; and

(B) ending on the day after the date of the second general election that occurs after the date of the notice sent under section 4(a)(3) of this chapter.

(b) At the expiration of the period ending thirty (30) days after the second general election described in subsection (a)(2)(B), the county voter registration office shall cancel the registration of a voter described by this section.

SECTION 11. IC 3-7-38.2-10, AS ADDED BY P.L.3-1997, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a)** As provided in 42 U.S.C. 1973gg-6(c)(1)(B)(i), if the county voter registration office determines from information provided under this chapter that a voter has moved to an address different from the address where voter is currently registered, the voter registration office shall:

(1) change the registration record to show the new address; and

(2) send the voter a notice of the change;

if the information provided under this chapter includes a forwarding address.

(b) If the information provided under this chapter:

(1) indicates that a voter has moved to an address different from the address where the voter is currently registered; and

(2) does not include a forwarding address;

the county voter registration office shall indicate on the registration record that the voter is an inactive voter at that address, and shall remove the voter's name from the registration rolls under the procedures of this chapter if the voter has not voted, appeared to vote, or has failed to correct the voter

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registration record within the period described in section 14(2)(B) of this chapter.

SECTION 12. IC 3-7-38.2-13, AS ADDED BY P.L.3-1997, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. After the county voter registration office has determined under this chapter that a voter's residence may have changed, the ~~voter registration office~~ **election division** shall send a notice to the voter that sets forth substantially the following statements as provided in 42 U.S.C. 1973gg-6(d)(2):

(1) If the voter did not change the voter's residence or changed the residence but remained in the same county where the voter was listed on the voter registration record, the voter must return the card enclosed with the notice in person to the county voter registration office not later than twenty-nine (29) days before the election or by regular United States mail:

(A) with a postmark not later than twenty-nine (29) days before the election; or

(B) if a postmark is missing or illegible, to the county voter registration office not later than ~~twenty-four (24)~~ **twenty-one (21)** days before the election.

(2) If the card is not returned under subdivision (1), the voter may be required to affirm or confirm the voter's address before the voter is permitted to vote in an election during the period:

(A) beginning on the date of the notice; and

(B) ending on the day after the date of the second general election scheduled to occur after the date of the notice.

(3) If the voter does not vote in an election described in subdivision (2), the voter's name will be removed from the voter registration list.

(4) If the voter changed residence to a place outside the county in which the voter is included on the voter registration list, information concerning how the voter can continue to be eligible to vote in the county where the voter currently resides.

SECTION 13. IC 3-7-38.2-15, AS ADDED BY P.L.3-1997, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. At the expiration of the period ending thirty (30) days after **the second general election following** the date on which notices are mailed to a voter described in section 14(2) of this chapter, the county voter registration office shall cancel the registration of a voter who has not responded to the notice sent under section 13 of this chapter.

SECTION 14. IC 3-7-38.2-17, AS ADDED BY P.L.3-1997,

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SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. The mailing sent under section 16 of this chapter must inquire whether the voter still resides at the residence address indicated on the person's voter registration. If the postcard is returned as undeliverable and the voter does not vote in either of the two (2) general elections following the mailing of the postcard, the county voter registration office shall remove the voter's name from the list of registered voters **at the expiration of the period ending thirty (30) days after the second general election following the date on which notices are mailed to a voter under section 16 of this chapter.**

SECTION 15. IC 3-7-45-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. (a) The election division (or a contractor acting on behalf of the election division under IC 3-7-38.1) may obtain a list of Indiana residents identified as deceased by the federal Social Security Administration.**

(b) The election division (or the contractor acting on behalf of the election division under IC 3-7-38.1) shall provide each county voter registration office with a report identifying the deceased individuals who are shown as residing in the county according to the statewide voter file prepared under IC 3-7-38.1.

(c) Except as provided in section 7 of this chapter, the county voter registration office shall cancel the registration of each deceased person listed in the report provided under subsection (b).

SECTION 16. IC 3-7-45-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) If a county voter registration office determines that:**

(1) a voter has been identified as deceased in a list or report described by this chapter; and

(2) this identification is in error;

the voter registration office may decline to cancel the registration and shall note the apparent error on the voter registration record.

(b) If a county voter registration office determines that a registration has been previously canceled in error due to a report that the voter is deceased, the voter registration office shall reinstate the registration by:

(1) correcting the registration record before a certified list of voters is prepared under IC 3-7-29-1; or

(2) issuing a certificate of error under IC 3-7-48.

SECTION 17. IC 3-8-2-9 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 9. **(a)** A petition required by section 8 of this chapter must request that the name of the candidate be placed on the ballot at the primary election. ~~In order for the secretary of state to consider a petition valid, the circuit court clerk or board of~~

(b) The county voter registration **office** in the county where a petitioner is registered must certify ~~that~~ **whether** each petitioner is a voter of the county. The certification must accompany and be part of the petition.

(c) If a county is part of more than one (1) congressional district, the certificate must indicate the number of petitioners from that county who reside in each congressional district.

SECTION 18. IC 3-11-4-12, AS AMENDED BY P.L.3-1997, SECTION 276, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The absentee ballots for:

(1) President and Vice President of the United States;

(2) United States Senator;

(3) all state offices; and

(4) the ratification or rejection of a public question to be voted for by the electorate of the entire state or for the retention of a judge of the Indiana court of appeals;

shall be prepared and printed under the direction of the election division.

(b) The election division shall have the ballots printed upon certification of the political party tickets and independent candidates.

(c) Ballots prepared under this section must provide space for the voter to cast a write-in ballot.

(d) The election division shall prepare a special absentee ballot for ~~the~~ use by:

(1) absent uniformed services voters; and

(2) overseas voters;

who will be outside of the United States on general election day.

(e) The ballot described by subsection (d):

(1) must indicate each state office to be elected by the voters at the general election;

(2) must set forth each public question to be voted for at the general election by the electorate of the entire state;

(3) may not state the name of any political party or candidate for election; ~~and~~

(4) must permit the voter to write in the name of a political party or a candidate for election to each office; **and**

~~(f) The special absentee ballot described in subsection (d)~~

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(5) must include

(~~1) a form permitting registration under IC 3-7-36; and~~

~~(2)~~ a notice stating that regular absentee ballots will be mailed to the voter by the county election board as soon as the ballots are available.

SECTION 19. IC 3-7-35-4 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 20. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)]: **(a) This SECTION applies to a voter registration application form approved by the Indiana election commission (or its predecessor, the state election board), after November 1, 1994, and before January 1, 1999.**

(b) Notwithstanding IC 3-5-4-8 and IC 3-7-31-5, both as amended by this act:

(1) an applicant to register to vote may submit; and

(2) a county voter registration office may approve;

a properly completed voter registration application form described in subsection (a) from an otherwise qualified applicant to register even though the application form is not the most recent version of the registration application form approved by the commission.

(c) This SECTION expires January 1, 2000.

SECTION 21. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, to which was referred Senate Bill 166, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-1.7, AS AMENDED BY P.L.4-1996, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. "Active voter" refers to a voter who after November 3, 1998, satisfies either of the following:

(1) The voter has:

(A) registered or voted in any election during the preceding four (4) years **at the address indicated on the voter's registration record; and**

(B) responded in writing to an address confirmation notice sent to the address indicated on the voter's registration record under IC 3-7 not later than thirty (30) days after the notice was sent.

(2) The voter has not voted in any election during the preceding four (4) years **at the address indicated on the voter's registration record** and has responded **in writing** to ~~a change of residence~~ **an address confirmation** notice sent under IC 3-7 not later than thirty (30) days after the notice was sent.".

Page 1, line 10, delete "," and insert "**or (f),**".

Page 1, line 14, delete "." and insert ", **if the commission determines that the form is primarily used by a candidate, a county election board member, a county or town political party, for absentee ballot purposes, or under IC 3-9 (campaign finance).**".

Page 2, line 17, delete "approved by the" and insert "**permitting**".

Page 2, line 18, delete "commission for".

Page 2, line 25, delete "must" and insert "**should**".

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"**(f) This subsection applies to a form that the commission determines is used primarily by the election division. The commission may provide that an order concerning a form described by this subsection is effective immediately upon adoption, without any requirement to distribute the form to other persons.**

SECTION 3. IC 3-5-6-6, AS ADDED BY P.L.3-1997, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a)** Whenever the signature of an individual does

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not substantially conform with the signature of the registered voter with the name and address in the records of the county voter registration office, the signature is invalid and may not be certified.

(b) In determining whether a signature substantially conforms with a voter's signature in the records of the county voter registration office, the office must certify the signature if the office determines that lack of conformity may reasonably be attributed to the age, disability, or impairment of the voter.

SECTION 4. IC 3-7-35-2, AS ADDED BY P.L.12-1995, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a)** The ~~circuit court clerk or board of~~ **county voter** registration **office** shall ~~include a notation on the registration record of~~ **ensure that the software program used to generate the poll list for the precinct in which** the voter ~~to indicate that~~ **resides indicates whether or not** the name of the voter should ~~not~~ be included on a poll list.

(b) The software program must generate a poll list that does not include the name of a voter unless the voter will be:

(1) at least eighteen (18) years of age when the election is conducted; or

(2) ~~the voter will be~~ eligible to vote in the election under this article.

SECTION 5. IC 3-7-35-3, AS ADDED BY P.L.12-1995, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** The ~~circuit court clerk or board of~~ **county voter** registration **office** shall ~~include a notation on the registration record of the voter to indicate that~~ **ensure that the software program used to generate a jury list indicates whether or not** the name of the voter should ~~not~~ be used for jury service.

(b) The software program must generate a jury list that does not include the name of a voter unless the voter will be at least eighteen (18) years of age when the jury is empaneled.

SECTION 6. IC 3-7-38.1-4, AS AMENDED BY P.L.3-1997, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1997 (RETROACTIVE)]: Sec. 4. (a) A contract entered into under section 3 of this chapter must require the following:

(1) The contractor shall determine the following information regarding each voter with duplicate registrations:

(A) The voter's name.

(B) Each address at which the voter is registered.

(C) Other information the commission determines is necessary to implement this chapter.

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The contractor shall obtain the information required by this subdivision from the information submitted to the election division under IC 3-7-26-4. ~~and from voter registration records of counties that do not keep voter registration records by computer.~~

(2) The contractor shall compile the information determined under subdivision (1) and provide the following with the information compiled under subdivision (1) in the form required by the commission:

(A) The election division.

(B) Each county in which a voter with a duplicate registration is registered to vote.

(3) The contractor shall print, prepare for mailing, and mail a postcard addressed to each voter with duplicate registrations at each address found for that voter. Each postcard must contain the following:

(A) The election division's mailing address as a return address.

(B) A return postcard that contains all of the following:

(i) A mailing address to the election division.

(ii) A listing of all the addresses at which the voter is believed to be registered.

(iii) Instructions to the voter to indicate ~~on the listing of~~ **whether** addresses ~~all of the voter's~~ **listed on the postcard are** previous addresses **of the voter.**

(iv) A place for the voter to state the voter's current address.

(v) A statement of the voter authorizing cancellation of the voter's registration at other addresses in Indiana.

(vi) A statement informing the voter that the voter must return the postcard to the election division not later than a date specified by the election division.

(vii) A place for the voter's signature or mark.

(C) A statement of the consequences to the voter of the voter's failure to return the return postcard to the election division not later than a date specified by the election division.

(4) Before ~~April 10 of~~ **a date specified by the election division for** each year, the contractor shall provide to the election division the following lists:

(A) A list of all voters with duplicate registrations who have returned postcards to the election division before a date specified by the election division. The list must indicate for each voter the following information:

(i) The voter's current address, including the county, as

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provided by the voter.

(ii) Each former address, including the county of each former address, at which the voter is registered.

(B) A list of all voters with duplicate registrations who have not returned postcards to the election division before a date specified by the election division. The list must indicate each county in which each voter is registered to vote.

(5) Not later than a date specified by the election division, the contractor shall mail to each county the following lists:

(A) A list of all voters with duplicate registrations who have:

(i) returned postcards to the election division before a date specified by the election division; and

(ii) indicated a current residence within the county.

(B) A list of all voters with duplicate registrations who:

(i) have returned postcards to the election division before a date specified by the election division;

(ii) are registered to vote in the county; and

(iii) have indicated a current residence in another county.

(C) A list of all voters with duplicate registrations who:

(i) have not returned postcards to the election division before a date specified by the election division; and

(ii) are registered to vote in the county.

(6) Not later than a date specified by the election division, the contractor shall do the following:

(A) Send a postcard to each voter described in subdivision (5)(B) informing the voter how the voter may register to vote in the county of the voter's current residence.

(B) Send a postcard to each voter described in subdivision (5)(C) notifying the voter:

(i) that if the voter does not notify the county voter registration office of the voter's current residence before a date specified by the election division, the voter's registration will be placed on inactive status; and

(ii) of the consequences of the voter's registration being placed on inactive status.

Postcards and information supplied on postcards sent under this subdivision must comply with 42 U.S.C. 1973gg-6(d).

(7) Not later than a date specified by the election division, the contractor shall assist the election division in updating the statewide voter registration file using information obtained from the county voter registration offices under section 6 of this chapter.

C o p y

(b) The contract may require the contractor to perform other services the election division requires.

SECTION 7. IC 3-7-38.1-4.5, AS ADDED BY P.L.3-1997, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. The election division may require the contractor to provide each county voter registration office with original postcards returned to the ~~commission~~ **election division** or photocopies of the postcards instead of the lists required under section 4 of this chapter.

SECTION 8. IC 3-7-38.1-5, AS AMENDED BY P.L.3-1997, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1997 (RETROACTIVE)]: Sec. 5. After receiving lists under section 4(a)(5) of this chapter or postcards under section 4.5 of this chapter, each county voter registration office shall do the following:

(1) Change the registration records of all voters described in section 4(a)(5)(A) of this chapter to show the voter's current address.

(2) Cancel the registration of all voters described in section 4(a)(5)(B) of this chapter.

(3) Place on inactive status the name of each voter described in section 4(a)(5)(C) who has not notified the county voter registration office before ~~June 15 of~~ **a date specified by the election division for** each year.

SECTION 9. IC 3-7-38.1-6, AS ADDED BY P.L.4-1996, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1997 (RETROACTIVE)]: Sec. 6. Before ~~May 25 of~~ **a date specified by the election division for** each year, each ~~circuit court clerk or board of~~ **county voter** registration **office** shall provide to the contractor ~~a list of~~ **information concerning** all voters registered in the county:

(1) in the format prescribed under IC 3-7-26; and

(2) current as of ~~May 15 of~~ **a date specified by the election division for** each year.

SECTION 10. IC 3-7-38.1-7, AS ADDED BY P.L.4-1996, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a)** A ~~circuit court clerk or board of~~ **county voter** registration **office** shall cancel the registration of a voter who is described by both of the following:

(1) The voter is described in section 4(a)(5)(C) of this chapter.

(2) The voter has not voted (or appeared to vote or to correct the registration record stating the voter's address) in an election

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during the period:

(A) beginning on the date of the notice sent under section 4(a)(3) of this chapter; and

(B) ending on the day after the date of the second general election that occurs after the date of the notice sent under section 4(a)(3) of this chapter.

(b) At the expiration of the period ending thirty (30) days after the second general election described in subsection (a)(2)(B), the county voter registration office shall cancel the registration of a voter described by this section.

SECTION 11. IC 3-7-38.2-10, AS ADDED BY P.L.3-1997, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a)** As provided in 42 U.S.C. 1973gg-6(c)(1)(B)(i), if the county voter registration office determines from information provided under this chapter that a voter has moved to an address different from the address where voter is currently registered, the voter registration office shall:

(1) change the registration record to show the new address; and

(2) send the voter a notice of the change;

if the information provided under this chapter includes a forwarding address.

(b) If the information provided under this chapter:

(1) indicates that a voter has moved to an address different from the address where the voter is currently registered; and

(2) does not include a forwarding address;

the county voter registration office shall indicate on the registration record that the voter is an inactive voter at that address, and shall remove the voter's name from the registration rolls under the procedures of this chapter if the voter has not voted, appeared to vote, or has failed to correct the voter registration record within the period described in section 14(2)(B) of this chapter.

SECTION 12. IC 3-7-38.2-13, AS ADDED BY P.L.3-1997, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. After the county voter registration office has determined under this chapter that a voter's residence may have changed, the ~~voter registration office~~ **election division** shall send a notice to the voter that sets forth substantially the following statements as provided in 42 U.S.C. 1973gg-6(d)(2):

(1) If the voter did not change the voter's residence or changed the residence but remained in the same county where the voter was listed on the voter registration record, the voter must return

C o p y

the card enclosed with the notice in person to the county voter registration office not later than twenty-nine (29) days before the election or by regular United States mail:

(A) with a postmark not later than twenty-nine (29) days before the election; or

(B) if a postmark is missing or illegible, to the county voter registration office not later than ~~twenty-four (24)~~ **twenty-one (21)** days before the election.

(2) If the card is not returned under subdivision (1), the voter may be required to affirm or confirm the voter's address before the voter is permitted to vote in an election during the period:

(A) beginning on the date of the notice; and

(B) ending on the day after the date of the second general election scheduled to occur after the date of the notice.

(3) If the voter does not vote in an election described in subdivision (2), the voter's name will be removed from the voter registration list.

(4) If the voter changed residence to a place outside the county in which the voter is included on the voter registration list, information concerning how the voter can continue to be eligible to vote in the county where the voter currently resides.

SECTION 13. IC 3-7-38.2-15, AS ADDED BY P.L.3-1997, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. At the expiration of the period ending thirty (30) days after **the second general election following** the date on which notices are mailed to a voter described in section 14(2) of this chapter, the county voter registration office shall cancel the registration of a voter who has not responded to the notice sent under section 13 of this chapter.

SECTION 14. IC 3-7-38.2-17, AS ADDED BY P.L.3-1997, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. The mailing sent under section 16 of this chapter must inquire whether the voter still resides at the residence address indicated on the person's voter registration. If the postcard is returned as undeliverable and the voter does not vote in either of the two (2) general elections following the mailing of the postcard, the county voter registration office shall remove the voter's name from the list of registered voters **at the expiration of the period ending thirty (30) days after the second general election following the date on which notices are mailed to a voter under section 16 of this chapter.**

SECTION 15. IC 3-7-45-6 IS ADDED TO THE INDIANA CODE

C o p y

AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. (a) The election division (or a contractor acting on behalf of the election division under IC 3-7-38.1) may obtain a list of Indiana residents identified as deceased by the federal Social Security Administration.**

(b) The election division (or the contractor acting on behalf of the election division under IC 3-7-38.1) shall provide each county voter registration office with a report identifying the deceased individuals who are shown as residing in the county according to the statewide voter file prepared under IC 3-7-38.1.

(c) Except as provided in section 7 of this chapter, the county voter registration office shall cancel the registration of each deceased person listed in the report provided under subsection (b).

SECTION 16. IC 3-7-45-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) If a county voter registration office determines that:**

(1) a voter has been identified as deceased in a list or report described by this chapter; and

(2) this identification is in error;

the voter registration office may decline to cancel the registration and shall note the apparent error on the voter registration record.

(b) If a county voter registration office determines that a registration has been previously canceled in error due to a report that the voter is deceased, the voter registration office shall reinstate the registration by:

(1) correcting the registration record before a certified list of voters is prepared under IC 3-7-29-1; or

(2) issuing a certificate of error under IC 3-7-48.

SECTION 17. IC 3-8-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 9. **(a)** A petition required by section 8 of this chapter must request that the name of the candidate be placed on the ballot at the primary election. ~~In order for the secretary of state to consider a petition valid, the circuit court clerk or board of~~

(b) The county voter registration **office** in the county where a petitioner is registered must certify ~~that~~ **whether** each petitioner is a voter of the county. The certification must accompany and be part of the petition.

(c) If a county is part of more than one (1) congressional district, the certificate must indicate the number of petitioners from that county who reside in each congressional district.

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SECTION 18. IC 3-11-4-12, AS AMENDED BY P.L.3-1997, SECTION 276, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The absentee ballots for:

(1) President and Vice President of the United States;

(2) United States Senator;

(3) all state offices; and

(4) the ratification or rejection of a public question to be voted for by the electorate of the entire state or for the retention of a judge of the Indiana court of appeals;

shall be prepared and printed under the direction of the election division.

(b) The election division shall have the ballots printed upon certification of the political party tickets and independent candidates.

(c) Ballots prepared under this section must provide space for the voter to cast a write-in ballot.

(d) The election division shall prepare a special absentee ballot for ~~the~~ use by:

(1) absent uniformed services voters; and

(2) overseas voters;

who will be outside of the United States on general election day.

(e) The ballot described by subsection (d):

(1) must indicate each state office to be elected by the voters at the general election;

(2) must set forth each public question to be voted for at the general election by the electorate of the entire state;

(3) may not state the name of any political party or candidate for election; ~~and~~

(4) must permit the voter to write in the name of a political party or a candidate for election to each office; **and**

~~(f) The special absentee ballot described in subsection (d)~~

(5) must include

~~(1) a form permitting registration under IC 3-7-36; and~~

~~(2)~~ a notice stating that regular absentee ballots will be mailed to the voter by the county election board as soon as the ballots are available.

SECTION 19. IC 3-7-35-4 IS REPEALED [EFFECTIVE UPON PASSAGE].".

Page 2, line 31, delete "," and insert "**and IC 3-7-31-5, both**".

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Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.
(Reference is to Senate Bill 166 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 8, Nays 0.

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