

# COMMITTEE REPORT

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## MR. PRESIDENT:

The Senate Committee on Elections, to which was referred Senate Bill No. 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:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 3-5-2-1.7, AS AMENDED BY P.L.4-1996,  
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]: Sec. 1.7. "Active voter" refers to a voter who after  
6 November 3, 1998, satisfies either of the following:  
7           (1) The voter has:  
8               (A) registered or voted in any election during the preceding  
9               four (4) years **at the address indicated on the voter's**  
10              **registration record; and**  
11              **(B) responded in writing to an address confirmation**  
12              **notice sent to the address indicated on the voter's**  
13              **registration record under IC 3-7 not later than thirty**  
14              **(30) days after the notice was sent.**  
15           (2) The voter has not voted in any election during the preceding  
16           four (4) years **at the address indicated on the voter's**  
17           **registration record** and has responded **in writing** to a **change**  
18           **of residence an address confirmation** notice sent under IC 3-7

1 not later than thirty (30) days after the notice was sent."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (A) The voter's name.

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

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

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

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

34 (A) The election division.

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

37 (3) The contractor shall print, prepare for mailing, and mail a  
38 postcard addressed to each voter with duplicate registrations at

- 1 each address found for that voter. Each postcard must contain  
 2 the following:
- 3 (A) The election division's mailing address as a return  
 4 address.
  - 5 (B) A return postcard that contains all of the following:
    - 6 (i) A mailing address to the election division.
    - 7 (ii) A listing of all the addresses at which the voter is  
 8 believed to be registered.
    - 9 (iii) Instructions to the voter to indicate ~~on the listing~~  
 10 **of whether** addresses ~~all of the voter's listed on the~~  
 11 **postcard are** previous addresses **of the voter.**
    - 12 (iv) A place for the voter to state the voter's current  
 13 address.
    - 14 (v) A statement of the voter authorizing cancellation of  
 15 the voter's registration at other addresses in Indiana.
    - 16 (vi) A statement informing the voter that the voter must  
 17 return the postcard to the election division not later  
 18 than a date specified by the election division.
    - 19 (vii) A place for the voter's signature or mark.
  - 20 (C) A statement of the consequences to the voter of the  
 21 voter's failure to return the return postcard to the election  
 22 division not later than a date specified by the election  
 23 division.
- 24 (4) Before ~~April 10~~ **of a date specified by the election division**  
 25 **for** each year, the contractor shall provide to the election  
 26 division the following lists:
- 27 (A) A list of all voters with duplicate registrations who have  
 28 returned postcards to the election division before a date  
 29 specified by the election division. The list must indicate for  
 30 each voter the following information:
    - 31 (i) The voter's current address, including the county, as  
 32 provided by the voter.
    - 33 (ii) Each former address, including the county of each  
 34 former address, at which the voter is registered.
  - 35 (B) A list of all voters with duplicate registrations who have  
 36 not returned postcards to the election division before a date  
 37 specified by the election division. The list must indicate  
 38 each county in which each voter is registered to vote.

- 1 (5) Not later than a date specified by the election division, the
- 2 contractor shall mail to each county the following lists:
- 3 (A) A list of all voters with duplicate registrations who
- 4 have:
- 5 (i) returned postcards to the election division before a
- 6 date specified by the election division; and
- 7 (ii) indicated a current residence within the county.
- 8 (B) A list of all voters with duplicate registrations who:
- 9 (i) have returned postcards to the election division
- 10 before a date specified by the election division;
- 11 (ii) are registered to vote in the county; and
- 12 (iii) have indicated a current residence in another
- 13 county.
- 14 (C) A list of all voters with duplicate registrations who:
- 15 (i) have not returned postcards to the election division
- 16 before a date specified by the election division; and
- 17 (ii) are registered to vote in the county.
- 18 (6) Not later than a date specified by the election division, the
- 19 contractor shall do the following:
- 20 (A) Send a postcard to each voter described in subdivision
- 21 (5)(B) informing the voter how the voter may register to
- 22 vote in the county of the voter's current residence.
- 23 (B) Send a postcard to each voter described in subdivision
- 24 (5)(C) notifying the voter:
- 25 (i) that if the voter does not notify the county voter
- 26 registration office of the voter's current residence
- 27 before a date specified by the election division, the
- 28 voter's registration will be placed on inactive status;
- 29 and
- 30 (ii) of the consequences of the voter's registration being
- 31 placed on inactive status.
- 32 Postcards and information supplied on postcards sent under this
- 33 subdivision must comply with 42 U.S.C. 1973gg-6(d).
- 34 (7) Not later than a date specified by the election division, the
- 35 contractor shall assist the election division in updating the
- 36 statewide voter registration file using information obtained from
- 37 the county voter registration offices under section 6 of this
- 38 chapter.

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

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

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

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

19 (2) Cancel the registration of all voters described in section  
20 4(a)(5)(B) of this chapter.

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

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

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

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

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

1 described by both of the following:

- 2 (1) The voter is described in section 4(a)(5)(C) of this chapter.  
 3 (2) The voter has not voted (or appeared to vote or to correct the  
 4 registration record stating the voter's address) in an election  
 5 during the period:  
 6 (A) beginning on the date of the notice sent under section  
 7 4(a)(3) of this chapter; and  
 8 (B) ending on the day after the date of the second general  
 9 election that occurs after the date of the notice sent under  
 10 section 4(a)(3) of this chapter.

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

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

- 22 (1) change the registration record to show the new address; and  
 23 (2) send the voter a notice of the change;

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

26 **(b) If the information provided under this chapter:**

- 27 (1) indicates that a voter has moved to an address different  
 28 from the address where the voter is currently registered; and  
 29 (2) does not include a forwarding address;

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

37 SECTION 12. IC 3-7-38.2-13, AS ADDED BY P.L.3-1997,  
 38 SECTION 104, IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE UPON PASSAGE]: Sec. 13. After the county voter  
 2 registration office has determined under this chapter that a voter's  
 3 residence may have changed, the ~~voter registration office~~ **election**  
 4 **division** shall send a notice to the voter that sets forth substantially the  
 5 following statements as provided in 42 U.S.C. 1973gg-6(d)(2):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (2) **this identification is in error;**

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

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

- 1           **(1) correcting the registration record before a certified list of**
- 2           **voters is prepared under IC 3-7-29-1; or**
- 3           **(2) issuing a certificate of error under IC 3-7-48.**

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

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

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

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

- 20           (1) President and Vice President of the United States;
- 21           (2) United States Senator;
- 22           (3) all state offices; and
- 23           (4) the ratification or rejection of a public question to be voted
- 24           for by the electorate of the entire state or for the retention of a
- 25           judge of the Indiana court of appeals;

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

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

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

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

- 34           (1) absent uniformed services voters; and
  - 35           (2) overseas voters;
- 36 who will be outside of the United States on general election day.

37           **(e)** The ballot described by subsection (d):  
 38           (1) must indicate each state office to be elected by the voters at

1 the general election;

2 (2) must set forth each public question to be voted for at the

3 general election by the electorate of the entire state;

4 (3) may not state the name of any political party or candidate for

5 election; ~~and~~

6 (4) must permit the voter to write in the name of a political party

7 or a candidate for election to each office; **and**

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

9 **(5)** must include

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

11 ~~(2) a notice stating that regular absentee ballots will be mailed~~

12 ~~to the voter by the county election board as soon as the ballots~~

13 ~~are available.~~

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

15 PASSAGE]."

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

17 Renumber all SECTIONS consecutively.

(Reference is to SB 166 as introduced.)

**and when so amended that said Bill do pass.**

Committee Vote: Yeas 8, Nays 0.

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**Senator Landske, Chairperson**