

HOUSE BILL No. 1079

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-10-1-28.5; IC 3-11-13.

Synopsis: Voting systems. Provides that statutes relating to ballot card stubs do not apply to an optical scan ballot card voting system. (The introduced version of this bill was prepared by the census data advisory commission.)

Effective: January 1, 1999 (retroactive).

Kromkowski

January 6, 1999, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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HOUSE BILL No. 1079



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 3-10-1-28.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
3 Sec. 28.5. (a) **This section does not apply to an optical scan ballot**
4 **card voting system.**

5 (b) If a ballot card voting system is used in a precinct, after a voter
6 has marked a ballot card the voter shall place it inside the envelope
7 provided for this purpose and return it to the judge, who shall remove
8 the stub.

9 ~~(b)~~ (c) The judge shall then offer to return the envelope with the
10 ballot card inside to the voter. The voter shall:

11 (1) accept the envelope and deposit it with the ballot card inside
12 into the ballot box; or

13 (2) decline the envelope and require the judge to deposit it in the
14 ballot box.

15 ~~(c)~~ (d) The voter then shall leave the polls.

16 SECTION 2. IC 3-11-13-18 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:



1 Sec. 18. (a) **This section does not apply to an optical scan ballot**
2 **card voting system.**

3 (b) Each ballot card provided under section 17 of this chapter must
4 have two (2) attached perforated stubs on which is printed the same
5 serial number. The top stub shall be bound or stapled in the package of
6 ballot cards retained by the precinct election officers. The following
7 information must be printed on the second stub:

- 8 (1) The name of the political subdivision holding the election.
9 (2) The designation of the election.
10 (3) The date of the election.
11 (4) The instructions to the voters.
12 (5) In a primary election, the name of the political party.

13 ~~(b)~~ (c) The county election board in a county using a ballot card
14 voting system shall provide ballot cards to the precinct election board
15 that permit voters to cast write-in votes for each officer to be voted for
16 at that election.

17 ~~(c)~~ (d) The ballot cards provided under subsection (b) must be:

- 18 (1) designed to be folded; or
19 (2) accompanied by a secrecy envelope;

20 to ensure the secrecy of each of the votes cast by a voter.

21 ~~(d)~~ (e) A write-in vote shall be cast by printing the name of the
22 candidate and the title of the office in the space provided for write-in
23 votes on a ballot card or secrecy envelope.

24 SECTION 3. IC 3-11-13-28.5 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:

26 Sec. 28.5. (a) **This section does not apply to an optical scan ballot**
27 **card voting system.**

28 (b) Unless challenged, a voter may proceed to vote. After a voter
29 has signed the poll list, the poll clerk holding the ballot card shall
30 remove the top stub, as described in section 18 of this chapter, and
31 deliver to the voter one (1) of each ballot card that the voter is entitled
32 to vote at the election. The top stub (and any second stub declined by
33 the voter under section 33 of this chapter) shall be retained by the
34 precinct election board and returned to the election board following the
35 close of the polls.

36 ~~(b)~~ (c) As each successive voter calls for a ballot, the poll clerks
37 shall deliver to the voter the first initialed ballot of each type. The
38 inspector shall then deliver to the poll clerks another ballot of each
39 type, which the clerks shall initial as before.

40 SECTION 4. IC 3-11-13-33 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:

42 Sec. 33. (a) **This section does not apply to an optical scan ballot**



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1 **card voting system.**

2 (b) After a voter has marked a ballot card, the voter shall place it
3 inside the envelope provided for this purpose and return the ballot card
4 to the judge, who shall remove the second stub, as described in section
5 18 of this chapter, from the envelope. The judge shall then offer to
6 return the envelope with the ballot card inside and the second stub to
7 the voter, who shall:

- 8 (1) accept the envelope and deposit it in the ballot box; or
9 (2) decline the envelope and require the judge to deposit it in the
10 ballot box.

11 ~~(b)~~ (c) If a voter offers to vote a ballot card that is not inside the
12 envelope provided for this purpose, the precinct election board shall
13 direct the voter to return to the booth and place the ballot card in the
14 envelope provided for this purpose.

15 ~~(c)~~ (d) After a voter's ballot cards have been deposited in the ballot
16 box, the poll clerks shall make a voting mark after the voter's name on
17 the poll list.

18 ~~(d)~~ (e) After voting, a voter shall leave the polls. However, a voter
19 to whom ballot cards and a marking device have been delivered may
20 not leave the polls without voting the ballot cards or returning them to
21 the poll clerk from whom the voter received them.

22 SECTION 5. IC 3-11-13-34 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
24 Sec. 34. (a) **This section does not apply to an optical scan ballot
25 card voting system.**

26 (b) The judge in charge of the ballot box may not accept a ballot
27 card from which the second stub, as described in section 18 of this
28 chapter, has been detached. Such a card and stub shall be marked
29 "VOID" and placed with the void ballots.

30 SECTION 6. IC 3-11-13-34.5 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
32 Sec. 34.5. (a) **This section does not apply to an optical scan ballot
33 card voting system.**

34 (b) Notwithstanding section 34 of this chapter, if:
35 (1) a ballot card has been cast as an absentee ballot;
36 (2) the stub has been detached from the ballot card; and
37 (3) both the stub and the ballot card have been sealed within the
38 absentee ballot secrecy envelope;
39 the ballot card shall be counted if the ballot card is otherwise valid
40 under this title.

41 SECTION 7. IC 3-11-13-35 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:



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1 Sec. 35. (a) **This section does not apply to an optical scan ballot**
2 **card voting system.**

3 (b) If a voter spoils or defaces a ballot card or marks it erroneously,
4 the voter shall return the card with the stub folded so as not to disclose
5 any choices that the voter has made. The voter then may receive
6 another ballot card. Upon receipt of a defective ballot card, the precinct
7 election board shall:

8 (1) immediately cancel the defective card by writing on the back
9 of the card and stub the word "VOID" in ink or in indelible pencil;
10 and

11 (2) without detaching the stub, place the card in the container for
12 voided ballots in a manner that does not expose the choices of the
13 voter.

14 **SECTION 8. An emergency is declared for this act.**

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