

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1024 be amended to read as follows:

1 Page 5, delete lines 36 through 42, begin a new paragraph and
2 insert:
3 "SECTION 8. IC 3-11-13-22, AS AMENDED BY P.L.176-1999,
4 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 NOVEMBER 1, 1999 (RETROACTIVE)]: Sec. 22. (a) At least
6 fourteen (14) days before election day, the county election board of
7 each county planning to use automatic tabulating machines at the next
8 election shall have the automatic tabulating machines tested to
9 ascertain that the machines will correctly count the votes cast in all
10 precincts for all candidates and on all public questions. Not later than
11 seven (7) days after conducting the test under this subsection, the
12 county election board shall certify to the election division that the
13 pretest test has been conducted in conformity with this subsection.
14 (b) ~~At least seven (7) days before election day, a county election~~
15 ~~board required to conduct a pretest under subsection (a) shall conduct~~
16 ~~a public test under this subsection. The public test conducted under this~~
17 ~~subsection consists of a sample of precincts designated by the county~~
18 ~~election board. However, the sample must include at least one (1)~~
19 ~~precinct in each election district in which each candidate appears on~~
20 ~~the ballot. Public notice of the time and place shall be given at least~~
21 ~~forty-eight (48) hours before the test. The notice shall be published~~
22 ~~once in accordance with IC 5-3-1-4.~~
23 SECTION 9. IC 3-11-13-23, AS AMENDED BY P.L.176-1999,
24 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 NOVEMBER 1, 1999 (RETROACTIVE)]: Sec. 23. (a) The two (2)
 2 appointed members of the county election board shall observe the ~~tests~~
 3 ~~test~~ required by section 22 of this chapter and certify the ~~tests test~~ as
 4 meeting the requirements of section 22 of this chapter.

5 (b) A copy of the certification of the test conducted under section
 6 22(b) of this chapter shall be transmitted to the election division
 7 immediately, and another copy shall be filed with the election returns.

8 (c) The ~~tests test~~ must be open to representatives of political parties,
 9 candidates, the media, and the public.

10 SECTION 10. IC 3-11-13-24 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE NOVEMBER 1, 1999 (RETROACTIVE)]:
 12 Sec. 24. The ~~tests test~~ required by section 22 of this chapter must:

13 (1) include the visual inspection of the voting devices for the
 14 correct alignment of the card stock and the templates for proper
 15 punching;

16 (2) be conducted by processing a preaudited group of ballot cards
 17 punched or marked so as to record a predetermined number of
 18 valid votes for each candidate and on each public question; and

19 (3) include for each office one (1) or more ballot cards that have
 20 votes in excess of the number allowed by law in order to test the
 21 ability of the automatic tabulating machines to reject the votes.

22 SECTION 11. IC 3-11-13-25 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE NOVEMBER 1, 1999 (RETROACTIVE)]:
 24 Sec. 25. If an error is detected during the ~~tests test~~ required by section
 25 22 of this chapter, the cause of the error shall be determined and
 26 corrected, and an errorless count shall be made before the automatic
 27 tabulating machines are approved.

28 SECTION 12. IC 3-11-13-26, AS AMENDED BY P.L.176-1999,
 29 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 NOVEMBER 1, 1999 (RETROACTIVE)]: Sec. 26. (a) **This section**
 31 **does not apply to an optical scan ballot card voting system.** The
 32 ~~public~~ test required by section 22(b) of this chapter shall be repeated
 33 and certified again in the same manner immediately before the start of
 34 the official count of the ballot cards.

35 (b) The certification shall be filed with the election returns but is not
 36 required to be filed with the election division.

37 (c) ~~After the completion of the count, the county election board shall~~
 38 ~~conduct a posttest using the same sample included in the public test~~
 39 ~~conducted under section 22(b) of this chapter. The county election~~
 40 ~~board shall certify the results of the posttest and file the certification~~
 41 ~~with the election returns. A copy of the posttest certification is not~~
 42 ~~required to be filed with the election division.~~

43 (d) ~~After completion of the posttest, the tested tabulating machines~~
 44 ~~shall be sealed in the same manner as voting machines under~~
 45 ~~IC 3-12-2.5-6. The ballot cards and all other election materials shall be~~
 46 ~~sealed, retained, and disposed of as provided for paper ballots.~~

1 SECTION 13. IC 3-11-13-26.3 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE NOVEMBER 1, 1999 (RETROACTIVE)]: **Sec. 26.3.**
4 **After completion of the count, the tabulating machines shall be**
5 **sealed in the same manner as voting machines under IC 3-12-2.5-6.**
6 **The ballot cards and all other election materials shall be sealed,**
7 **retained, and disposed of as provided for paper ballots."**

8 Page 6, delete lines 1 through 13.

9 Re-number all SECTIONS consecutively.

(Reference is to HB 1024 as printed January 20, 2000.)

Representative Richardson