

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 37 be amended to read as follows:

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

3 "SECTION 1. IC 3-10-1-7.2 IS ADDED TO THE INDIANA  
4 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]: **Sec. 7.2. (a) Before a voter proceeds to vote in  
6 a primary election, the poll clerk, an assistant poll clerk, or a  
7 member of the precinct election board shall ask the voter to  
8 provide a current and valid photo identification issued by the  
9 government of the United States, the state of Indiana, or an  
10 Indiana political subdivision. Except as provided in subsection (b),  
11 the voter must produce the identification before being permitted  
12 to vote. If the voter is unable or declines to produce the  
13 identification, the board shall provide a provisional ballot to the  
14 voter under IC 3-11.7 after the poll clerk, assistant poll clerk, or  
15 precinct election board member executes a challenge affidavit in  
16 accordance with IC 3-11.7.**

17 **(b) A voter is not required to produce identification under  
18 subsection (a) if the voter executes an affidavit, in the form  
19 prescribed by the commission, affirming under the penalties for  
20 perjury that either of the following applies to the voter:**

21 **(1) The voter is indigent and unable to obtain identification  
22 without the payment of a fee.**

1           **(2) The voter has a religious objection to being**  
2           **photographed."**

3           Page 8, after line 42, begin a new paragraph and insert:

4           "SECTION 9. IC 3-11-8-25, AS AMENDED BY P.L.209-2003,  
5           SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6           JULY 1, 2004]: Sec. 25. (a) After a voter has passed the challengers or  
7           has been sworn in, the voter shall be admitted to the polls. Upon  
8           entering the polls, the voter shall announce the voter's name to the poll  
9           clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a  
10          member of the precinct election board shall require the voter to write  
11          the following on the poll list:

12               (1) The voter's name.

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

14          (b) The poll clerk, an assistant poll clerk, or a member of the  
15          precinct election board shall:

16               (1) ask the voter to provide the voter's voter identification  
17               number;

18               (2) tell the voter the number the voter may use as a voter  
19               identification number; and

20               (3) explain to the voter that the voter is not required to provide a  
21               voter identification number at the polls.

22          **(c)The poll clerk, an assistant poll clerk, or a member of the**  
23          **precinct election board shall ask the voter to provide a current**  
24          **and valid photo identification issued by the government of the**  
25          **United States, the state of Indiana, or an Indiana political**  
26          **subdivision. Except as provided in subsection (k), the voter must**  
27          **produce the identification before being permitted to vote. If the**  
28          **voter is unable or declines to produce the identification, the board**  
29          **shall provide a provisional ballot to the voter under IC 3-11.7 after**  
30          **the poll clerk, assistant poll clerk, or precinct election board**  
31          **member executes a challenge affidavit in accordance with**  
32          **IC 3-11.7.**

33          ~~(c)~~ **(d)** This subsection applies after December 31, 2003. The poll  
34          clerk or assistant poll clerk shall examine the list provided under  
35          IC 3-7-29-1 or IC 3-11-3-18 to determine if the county election board  
36          has indicated that the voter is required to provide additional personal  
37          identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting  
38          in person. If the list (or a certification concerning absentee voters under  
39          IC 3-11-10-12) indicates that the voter is required to present this  
40          identification before voting in person, the poll clerk shall advise the  
41          voter that the voter must present a piece of identification described in  
42          subsection ~~(d)~~ **(e)** to the poll clerk.

43          ~~(d)~~ **(e)** This subsection applies after December 31, 2003. As  
44          required by 42 U.S.C. 15483, a voter described by IC 3-7-33-4.5 who  
45          has not complied with IC 3-7-33-4.5 before appearing at the polls on  
46          election day must present one (1) of the following documents to the poll  
47          clerk:

48               (1) a current and valid photo identification; or

49               (2) a current utility bill, bank statement, government check,  
50               paycheck, or government document that shows the name and

1 address of the voter.

2 ~~(e)~~ (f) This subsection applies after December 31, 2003. If a voter  
3 presents a document under subsection ~~(d)~~, (e), the poll clerk shall add  
4 a notation to the list indicating the type of document presented by the  
5 voter. The election division shall prescribe a standardized coding system  
6 to classify documents presented under this subsection for entry into the  
7 county voter registration system.

8 ~~(f)~~ (g) This subsection applies after December 31, 2003. If a voter  
9 required to present documentation under subsection ~~(d)~~ (e) is unable to  
10 present the documentation to the poll clerk while present in the polls,  
11 the poll clerk shall notify the precinct election board. The board shall  
12 provide a provisional ballot to the voter under IC 3-11.7-2.

13 ~~(g)~~ (h) This subsection applies after December 31, 2003. The  
14 precinct election board shall advise the voter that the voter may file a  
15 copy of the documentation with the county voter registration office to  
16 permit the provisional ballot to be counted under IC 3-11.7.

17 ~~(h)~~ (i) This subsection does not apply to a precinct in a county  
18 with a computerized registration system whose inspector was:

- 19 (1) furnished with a list certified under IC 3-7-29; and
- 20 (2) not furnished with a certified photocopy of the signature on  
21 the affidavit of registration of each voter of the precinct for the  
22 comparison of signatures under this section.

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

31 ~~(i)~~ (j) If, in a precinct governed by subsection ~~(h)~~: (i):

- 32 (1) the poll clerk does not execute a challenger's affidavit; or
- 33 (2) the voter executes a challenged voter's affidavit under section  
34 22 of this chapter or had executed the affidavit before signing the  
35 poll list;

36 the voter may then vote.

37 **(k) A voter is not required to produce identification under**  
38 **subsection (c) if the voter executes an affidavit, in the form**  
39 **prescribed by the commission, affirming under the penalties for**  
40 **perjury that either of the following applies to the voter:**

- 41 **(1) The voter is indigent and unable to obtain identification**  
42 **without the payment of a fee.**
- 43 **(2) The voter has a religious objection to being**  
44 **photographed.**

45 ~~(j)~~ (l) This section expires January 1, 2006.

46 SECTION 10. IC 3-11-8-25.1, AS ADDED BY P.L.209-2003,  
47 SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
48 JULY 1, 2004]: Sec. 25.1. (a) This section applies after December 31,

1 2005.

2 (b) After a voter has passed the challengers or has been sworn in,  
3 the voter shall be admitted to the polls. Upon entering the polls, the  
4 voter shall announce the voter's name to the poll clerks or assistant poll  
5 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct  
6 election board shall require the voter to write the following on the poll  
7 list:

- 8 (1) The voter's name.  
9 (2) The voter's current residence address.

10 (c) The poll clerk, an assistant poll clerk, or a member of the  
11 precinct election board shall:

- 12 (1) ask the voter to provide or update the voter's voter  
13 identification number;  
14 (2) tell the voter the number the voter may use as a voter  
15 identification number; and  
16 (3) explain to the voter that the voter is not required to provide or  
17 update a voter identification number at the polls.

18 **(d) The poll clerk, an assistant poll clerk, or a member of the**  
19 **precinct election board shall ask the voter to provide a current**  
20 **and valid photo identification issued by the government of the**  
21 **United States, the state of Indiana, or an Indiana political**  
22 **subdivision. Except as provided in subsection (e), the voter must**  
23 **produce the identification before being permitted to vote. If the**  
24 **voter is unable or declines to produce the identification, the board**  
25 **shall provide a provisional ballot to the voter under IC 3-11.7 after**  
26 **the poll clerk, assistant poll clerk, or precinct election board**  
27 **member executes a challenge affidavit in accordance with**  
28 **IC 3-11.7.**

29 **(e) A voter is not required to produce identification under**  
30 **subsection (d) if the voter executes an affidavit, in the form**  
31 **prescribed by the commission, affirming under the penalties for**  
32 **perjury that either of the following applies to the voter:**

- 33 **(1) The voter is indigent and unable to obtain identification**  
34 **without the payment of a fee.**  
35 **(2) The voter has a religious objection to being**  
36 **photographed.**

37 ~~(d)~~ **(f)** In case of doubt concerning a voter's identity, the precinct  
38 election board shall compare the voter's signature with the signature on  
39 the affidavit of registration or any certified copy of the signature  
40 provided under IC 3-7-29. If the board determines that the voter's  
41 signature is authentic, the voter may then vote. If either poll clerk  
42 doubts the voter's identity following comparison of the signatures, the  
43 poll clerk shall challenge the voter in the manner prescribed by section  
44 21 of this chapter.

45 ~~(e)~~ **(g)** If, in a precinct governed by subsection (c):

- 46 (1) the poll clerk does not execute a challenger's affidavit; or  
47 (2) the voter executes a challenged voter's affidavit under section  
48 22 of this chapter or executed the affidavit before signing the poll

- 1 list;
- 2 the voter may then vote."
- 3 Renumber all SECTIONS consecutively.  
(Reference is to ESB 37 as printed February 20, 2004.)

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Representative THOMPSON