

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 72, 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 2, delete lines 3 through 29.
- 2 Page 4, delete lines 11 through 38.
- 3 Page 7, between lines 37 and 38, begin a new paragraph and insert:
- 4 "SECTION 16. IC 3-7-30-2 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As provided in 42
- 6 U.S.C. 1973gg-3(c), the fact that an applicant declined to register at a
- 7 license branch ~~or~~ at a voter registration agency ~~or by mail~~ is
- 8 confidential."
- 9 Page 15, delete lines 2 through 42.
- 10 Delete page 16.
- 11 Page 17, delete line 1.
- 12 Page 24, line 22, delete ".".
- 13 Page 24, line 22, after "of the county" insert "**at any time after the**
- 14 **registration period resumes under IC 3-7-13-10.**"
- 15 Page 25, between lines 6 and 7, begin a new paragraph and insert:
- 16 "SECTION 30. IC 3-10-4-5, AS AMENDED BY P.L.66-2003,
- 17 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2004]: Sec. 5. (a) This subsection applies to a major political
- 19 party and to a political party subject to IC 3-8-4-10. The state chairman
- 20 of each political party shall certify to the election division the names of

1 the nominees of the party for President and Vice President of the United
2 States and the state of which each nominee is a resident.

3 (b) If candidates for presidential electors are nominated by
4 petitioners instead of by a convention of a major political party or a
5 party subject to IC 3-8-4-10, the petitioners shall certify with the list of
6 names of electors:

7 (1) the names of their nominees for President and Vice President
8 of the United States;

9 (2) the state of which each nominee is a resident; and

10 (3) the name of the political party of the nominees, or that the
11 nominees are an independent ticket.

12 (c) This subsection applies to a political party described in
13 subsection (a) and to candidates nominated by petitioners under
14 subsection (b). The names of:

15 (1) all candidates for presidential electors; and

16 (2) all nominees for President and Vice President of the United
17 States;

18 shall be certified to the election division not later than noon on the
19 second Tuesday in September before the general election. The election
20 division shall certify to each county election board not later than noon
21 on the ~~second~~ **next following** Thursday in September before the
22 general election the names of the nominees for President and Vice
23 President of the United States certified to the election division under this
24 subsection.

25 (d) The names of all candidates for presidential electors for a
26 write-in candidate shall be included on the declaration for candidacy
27 filed by a write-in candidate for the office of President or Vice President
28 of the United States filed under IC 3-8-2."

29 Page 25, delete lines 22 through 36.

30 Page 27, between lines 16 and 17, begin a new paragraph and insert:

31 "SECTION 37. IC 3-10-8-9 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) If the special
33 election occurs during the period when registration is open under
34 IC 3-7-13, the registration period continues through the twenty-ninth
35 day before the special election occurs and resumes on the ~~first day of~~
36 ~~the month following the month in which the special election is~~
37 ~~conducted.~~ **date specified by IC 3-7-13-10(d).**

1 (b) The election board conducting the special election shall provide
 2 poll lists for use at the precincts that include the names of voters in the
 3 precinct who:

4 (1) have registered through the twenty-ninth day before the special
 5 election is to be conducted; or

6 (2) are absent uniformed services voters or overseas voters
 7 registered under IC 3-7-36.

8 (c) This subsection applies when a special election is ordered by a
 9 court under IC 3-12-8-17 or the state recount commission under
 10 IC 3-12-11-18. A candidate may not be placed on the special election
 11 ballot unless the candidate was on the ballot or was a declared write-in
 12 candidate for the office at the general election preceding the special
 13 election.

14 (d) The restrictions on the sale of alcoholic beverages set forth in
 15 IC 7.1-5-10-1 apply in each precinct in which the special election is
 16 conducted."

17 Page 29, line 24, delete "6(g)" and insert "**6(h)**".

18 Page 30, line 39, delete ".".

19 Page 30, line 39, after "counted" insert "**as an absentee ballot, and**
 20 **that, if the documentation required under IC 3-7-33-4.5 is filed**
 21 **after noon and before 6 p.m. on election day, the ballot will be**
 22 **processed as a provisional ballot.**".

23 Page 31, delete lines 28 through 42.

24 Page 32, delete lines 1 through 16.

25 Page 33, between lines 26 and 27, begin a new paragraph and insert:

26 "SECTION 47. IC 3-11-10-21 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. The vote of an
 28 absentee voter may be challenged at the polls for the reason that the
 29 absentee voter is not a legal voter of the precinct where the ballot is
 30 being cast. The ~~precinct election board may hear and determine a~~
 31 ~~challenge under this section as though the ballot was cast by the voter~~
 32 ~~in person.~~ **regarding the absentee ballot must be determined using**
 33 **the procedures for counting a provisional ballot under IC 3-11.7.**".

34 Page 36, delete lines 12 through 38.

35 Page 37, between lines 10 and 11, begin a new paragraph and insert:

36 "SECTION 53. IC 3-11-13-23, AS AMENDED BY P.L.26-2000,
 37 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 UPON PASSAGE]: Sec. 23. (a) The two (2) appointed members of the
 2 county election board shall observe the test required by section 22 of
 3 this chapter and certify the test as meeting the requirements of section
 4 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 test must be open to representatives of political parties,
 9 candidates, the media, and the public."

10 Page 38, between lines 29 and 30, begin a new paragraph and insert:

11 "SECTION 56. IC 3-11.5-4-15 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) The vote of
 13 an absentee voter may be challenged at the polls for the reason that the
 14 absentee voter is not a legal voter of the precinct where the ballot is
 15 being cast.

16 (b) Before the inspector prepares to mark the poll list to indicate that
 17 an absentee ballot cast by the voter has been received by the county
 18 election board according to a certificate delivered to the polls under
 19 section 1 or section 8 of this chapter, the inspector shall notify the
 20 challengers and the pollbook holders that the inspector is about to mark
 21 the poll list under this section. The inspector shall provide the
 22 challengers and pollbook holders with the name and address of each
 23 voter listed in the certificate so that the voter may be challenged under
 24 this article.

25 (c) The ~~precinct election board may hear and determine a challenge~~
 26 ~~under this section as though the ballot was cast by the voter in person.~~
 27 **must be determined using the procedures for counting a**
 28 **provisional ballot under IC 3-11.7."**

29 Page 39, between lines 34 and 35, begin a new paragraph and insert:

30 "SECTION 59. IC 3-11.7-1-5, AS AMENDED BY P.L.209-2003,
 31 SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2004]: Sec. 5. (a) Provisional ballots for:

- 33 (1) Electors for President and Vice President of the United States;
 34 (2) United States Senator;
 35 (3) United States Representative;
 36 (4) all state offices; and
 37 (5) the ratification or rejection of a public question to be voted for

1 by the electorate of the entire state or for the retention of a judge
 2 of the Indiana supreme court or the Indiana court of appeals;
 3 shall be prepared and printed under the direction of the election division.

4 (b) The election division shall have the ballots printed upon
 5 certification of the political party tickets, independent candidates, and
 6 public questions.

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

9 (d) The provisional ballots that are prepared and printed under this
 10 section shall be delivered to the circuit court clerk or the clerk's
 11 authorized deputy not later than forty-five (45) days before a general
 12 election or twenty-nine (29) days before a special election. The
 13 provisional ballots shall be delivered in the same manner that other
 14 official ballots are delivered.

15 **(e) This subsection applies to the printing of provisional ballots**
 16 **for a general election in which the names of the nominees for**
 17 **President and Vice President of the United States are to be printed**
 18 **on the ballot. The provisional ballots that are prepared and printed**
 19 **under this section must be delivered to the circuit court clerk or**
 20 **the clerk's authorized deputy not later than thirty-eight (38) days**
 21 **before the general election.**

22 SECTION 60. IC 3-11.7-1-6, AS ADDED BY P.L.126-2002,
 23 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2004]: Sec. 6. (a) All provisional ballots other than those
 25 described in section 5 of this chapter shall be prepared and printed
 26 under the direction of each county election board.

27 (b) After completing the estimate required by section 4 of this
 28 chapter, the county election board shall immediately prepare the ballots
 29 and have the ballots printed.

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

32 (d) The provisional ballots that are prepared and printed under this
 33 section shall be delivered to the circuit court clerk not later than:

34 (1) forty-five (45) days before a general, primary, or municipal
 35 election; or

36 (2) thirty-two (32) days before a special election.

37 **(e) This subsection applies to the printing of provisional ballots**

1 **for a general election in which the names of the nominees for**
2 **President and Vice President of the United States are to be printed**
3 **on the ballot. The provisional ballots that are prepared and printed**
4 **under this section must be delivered to the circuit court clerk or**
5 **the clerk's authorized deputy not later than thirty-eight (38) days**
6 **before the general election.**

7 SECTION 61. IC 3-11.7-3-2, AS ADDED BY P.L.126-2002,
8 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 2. An otherwise qualified person is eligible to
10 serve as a counter unless the person:

- 11 (1) is unable to read, write, and speak the English language;
- 12 (2) has any property bet or wagered on the result of the election;
- 13 (3) is a candidate to be voted for at the election **in any part of the**
14 **county**, except as an unopposed candidate for precinct
15 committeeman or state convention delegate; or
- 16 (4) is the spouse, parent, father-in-law, mother-in-law, child,
17 son-in-law, daughter-in-law, grandparent, grandchild, brother,
18 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece
19 of a candidate or declared write-in candidate to be voted for at the
20 election **in any part of the county**, except as an unopposed
21 candidate. This subdivision disqualifies a person whose
22 relationship to the candidate is the result of birth, marriage, or
23 adoption.

24 SECTION 62. IC 3-11.7-3-5, AS AMENDED BY P.L.209-2003,
25 SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]: Sec. 5. If a county chairman fails to make any
27 recommendations not later than the deadline specified under section 4
28 of this chapter, the county election board may appoint any voters of the
29 county **who comply with section 2 of this chapter.**".

30 Page 41, between lines 27 and 28, begin a new paragraph and insert:

31 "SECTION 66. IC 3-12-9-4 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) The fiscal body
33 of a political subdivision that receives notice under section 3 of this
34 chapter shall resolve the tie vote by electing a person to fill the office ~~at~~
35 **its organizational meeting in January not later than December 31**
36 following the election at which the tie vote occurred. The fiscal body
37 shall select one (1) of the candidates who was involved in the tie vote

1 to fill the office. **If a tie vote has occurred for the election of more**
 2 **than one (1) at-large seat on a legislative or fiscal body, the fiscal**
 3 **body shall select the number of individuals necessary to fill each**
 4 **of the at-large seats for which the tie vote occurred.** However, a
 5 member of a fiscal body who runs for reelection and is involved in a tie
 6 vote may not cast a vote under this section.

7 (b) The executive of the political subdivision (other than a town)
 8 may cast the deciding vote to break a tie vote in a fiscal body acting
 9 under this section. The clerk-treasurer of the town may cast the
 10 deciding vote to break a tie vote in a town fiscal body acting under this
 11 section."

12 Page 44, between lines 16 and 17, begin a new paragraph and insert:

13 "SECTION 70. IC 3-12-11-19.5 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19.5. As required under
 15 3 U.S.C. 5, any recount or contest proceeding concerning the election
 16 of presidential electors must be concluded not later than six (6) days
 17 before the ~~third Tuesday in December following the general election at~~
 18 ~~which the electors were elected:~~ **time fixed by federal law for the**
 19 **meeting of the electors."**

20 Page 46, between lines 17 and 18, begin a new paragraph and insert:

21 "SECTION 78. IC 3-14-3-15 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. A person not
 23 authorized by this title who recklessly:

- 24 (1) enters the polls;
 25 (2) enters within the railing leading from the challenge window or
 26 door to the entrance of the polls without having been passed by
 27 the challengers or having been sworn in; or
 28 (3) remains within the polls or within ~~fifty (50) feet of the~~
 29 ~~entrance to the polls chute~~ in violation of IC 3-11-8-15 or
 30 IC 3-11-8-16;

31 commits a Class A misdemeanor."

32 Page 50, between lines 30 and 31, begin a new paragraph and insert:

33 "SECTION 81. IC 36-2-2-5 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) To be eligible for
 35 election to the executive, a person must meet the qualifications
 36 prescribed by IC 3-8-1-21.

37 (b) A member of the executive must reside within:

1 (1) the county as provided in Article 6, Section 6 of the
2 Constitution of the State of Indiana; and

3 (2) the district from which the member was elected.

4 (c) If the person does not remain a resident of the county and
5 district after taking office, the person forfeits the office. The county
6 fiscal body shall declare the office vacant whenever a member of the
7 executive forfeits office under this subsection.

8 (d) In a county having a population of:

9 (1) more than four hundred thousand (400,000) but less than
10 seven hundred thousand (700,000); or

11 (2) more than two hundred thousand (200,000) but less than three
12 hundred thousand (300,000);

13 one (1) member of the executive shall be elected by the voters of each
14 of the three (3) single-member districts established under section 4(b)
15 or 4(c) of this chapter. In other counties, all three (3) members of the
16 executive shall be elected by the voters of the whole county.

17 ~~(e) A member of the executive who wants to resign must send~~
18 ~~written notice to the president of the county fiscal body. The fiscal~~
19 ~~body shall then declare the member's office vacant."~~

20 Renumber all SECTIONS consecutively.

(Reference is to SB 72 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Lawson C

Chairperson