



Reprinted
March 1, 2005

HOUSE BILL No. 1439

DIGEST OF HB 1439 (Updated February 28, 2005 6:12 pm - DI 75)

Citations Affected: IC 3-5; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 9-24; IC 9-29; noncode.

Synopsis: Voter identification. Requires a precinct election officer to ask a voter to provide proof of identification before the voter is permitted to vote. Provides that a proof of identification is a document issued by the United States or the state of Indiana that shows the name of the individual to whom the document was issued and a photograph of that individual. Permits the use of an expired document as proof of identification if the document expired after the date of the most recent general election. Specifies that a voter who is unable or declines to produce proof of identification at the polls receives a provisional ballot if the voter signs the affidavit required for a provisional ballot. Requires the county election board to count the provisional ballot if: (1) the voter appears before the board after leaving the polls and before noon on the Monday following the election, and: (A) produces proof of identification; or (B) executes an affidavit stating that the voter cannot obtain proof of identification, because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason. Specifies that a voter casting an absentee ballot is not required to provide proof of identification. Requires a voter who registered by mail and is voting for the first time in a county election to continue to provide the documentation required by federal law as well producing proof of identification. Requires the secretary of state to mail notice to certain voters before each primary and general
(Continued next page)

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Effective: July 1, 2005.

**Brown T, Borders, Walorski,
Behning**

January 18, 2005, read first time and referred to Committee on Elections and Apportionment.
February 21, 2005, amended, reported — Do Pass.
February 28, 2005, read second time, amended, ordered engrossed; returned to second reading. Reread second time, ordered engrossed.

HB 1439—LS 7659/DI 75+



Digest Continued

election describing the requirements of Indiana law for a voter to show proof of identification at the polls. Provides that the bureau of motor vehicles may not impose a fee for issuance of an identification card. Voids the bureau of motor vehicle's administrative rule that sets fees for an identification card.

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HB 1439—LS 7659/DI 75+



First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1439

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 3-5-2-40.4 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 40.4. "Proof of identification" refers to a document
4 that satisfies all the following:**
5 (1) **The document shows the name of the individual to whom
6 the document was issued, and the name conforms to the name
7 in the individual's voter registration record.**
8 (2) **The document shows a photograph of the individual to
9 whom the document was issued.**
10 (3) **The document includes an expiration date, and the
11 document:**
12 (A) **is not expired; or**
13 (B) **expired after the date of the most recent general
14 election.**
15 (4) **The document was issued by the United States or the state
16 of Indiana.**
17 SECTION 2. IC 3-5-8-6 IS ADDED TO THE INDIANA CODE AS



1 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
2 2005]: **Sec. 6. Not:**

- 3 (1) earlier than thirty (30) days; or
- 4 (2) later than fifteen (15) days;

5 before each primary and general election, the secretary of state
6 shall mail to each voter who registered to vote after the most recent
7 primary or general election a mailing describing in detail the
8 requirements of Indiana law for a voter to show proof of
9 identification before being permitted to vote.

10 SECTION 3. IC 3-10-1-7.2 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2005]: **Sec. 7.2. (a)** A voter who desires to vote an official ballot
13 at a primary election shall provide proof of identification.

14 (b) Before the voter proceeds to vote in a primary election, a
15 member of the precinct election board shall ask the voter to
16 provide proof of identification. The voter must produce the proof
17 of identification before being permitted to sign the poll list.

- 18 (c) If:
 - 19 (1) the voter is unable or declines to present the proof of
 - 20 identification; or
 - 21 (2) a member of the precinct election board determines that
 - 22 the proof of identification presented by the voter does not
 - 23 qualify as proof of identification under IC 3-5-2-40.4;
- 24 a member of the precinct election board shall challenge the voter
25 as prescribed by IC 3-11-8.

26 (d) If the voter executes a challenged voter's affidavit under
27 section 9 of this chapter or IC 3-11-8-22, the voter may:

- 28 (1) sign the poll list; and
- 29 (2) receive a provisional ballot.

30 SECTION 4. IC 3-11-8-25 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 25. (a)** A voter who
32 desires to vote an official ballot at an election shall provide proof
33 of identification.

34 (b) Before the voter proceeds to vote in the election, a member
35 of the precinct election board shall ask the voter to provide proof
36 of identification. The voter shall produce the proof of identification
37 before being permitted to sign the poll list.

- 38 (c) If:
 - 39 (1) the voter is unable or declines to present the proof of
 - 40 identification; or
 - 41 (2) a member of the precinct election board determines that
 - 42 the proof of identification provided by the voter does not

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1 **qualify as proof of identification under IC 3-5-2-40.4;**
2 **a member of the precinct election board shall challenge the voter**
3 **as prescribed by this chapter.**

4 **(d) If the voter executes a challenged voter's affidavit under**
5 **section 22 of this chapter, the voter may:**

- 6 **(1) sign the poll list; and**
- 7 **(2) receive a provisional ballot.**

8 ~~(a)~~ **(e)** After a voter has passed the challengers or has been sworn in,
9 the voter shall be ~~admitted to the polls. Upon entering the polls,~~
10 **instructed by a member of the precinct election board to proceed**
11 **to the location where the poll clerks are stationed.** The voter shall
12 announce the voter's name to the poll clerks or assistant poll clerks. A
13 poll clerk, an assistant poll clerk, or a member of the precinct election
14 board shall require the voter to write the following on the poll list:

- 15 (1) The voter's name.
- 16 (2) The voter's current residence address.

17 ~~(b)~~ **(f)** The poll clerk, an assistant poll clerk, or a member of the
18 precinct election board shall:

- 19 (1) ask the voter to provide the voter's voter identification
20 number;
- 21 (2) tell the voter the number the voter may use as a voter
22 identification number; and
- 23 (3) explain to the voter that the voter is not required to provide a
24 voter identification number at the polls.

25 ~~(c)~~ **This subsection applies after December 31, 2003.**

26 **(g)** The poll clerk or assistant poll clerk shall examine the list
27 provided under IC 3-7-29-1 or IC 3-11-3-18 to determine if the county
28 election board has indicated that the voter is required to provide
29 additional personal identification under 42 U.S.C. 15483 and
30 IC 3-7-33-4.5 before voting in person. If the list (or a certification
31 concerning absentee voters under IC 3-11-10-12) indicates that the
32 voter is required to present this identification before voting in person,
33 the poll clerk shall advise the voter that the voter must present, **in**
34 **addition to the proof of identification required under subsection**
35 **(b),** a piece of identification described in subsection ~~(d)~~ **(h)** to the poll
36 clerk.

37 ~~(d)~~ **This subsection applies after December 31, 2003.**

38 **(h)** As required by 42 U.S.C. 15483, **in addition to the proof of**
39 **identification required under subsection (b),** a voter described by
40 IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before
41 appearing at the polls on election day must present one (1) of the
42 following documents to the poll clerk:

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1 (1) a current and valid photo identification; or
 2 (2) a current utility bill, bank statement, government check,
 3 paycheck, or government document that shows the name and
 4 address of the voter.
 5 ~~(e)~~ This subsection applies after December 31, 2003.
 6 (i) If a voter presents a document under subsection ~~(d)~~; (h), the poll
 7 clerk shall add a notation to the list indicating the type of document
 8 presented by the voter. The election division shall prescribe a
 9 standardized coding system to classify documents presented under this
 10 subsection for entry into the county voter registration system.
 11 ~~(f)~~ This subsection applies after December 31, 2003.
 12 (j) If a voter required to present documentation under subsection ~~(d)~~
 13 (h) is unable to present the documentation to the poll clerk while
 14 present in the polls, the poll clerk shall notify the precinct election
 15 board. The board shall provide a provisional ballot to the voter under
 16 IC 3-11.7-2.
 17 ~~(g)~~ This subsection applies after December 31, 2003.
 18 (k) The precinct election board shall advise the voter that the voter
 19 may file a copy of the documentation with the county voter registration
 20 office to permit the provisional ballot to be counted under IC 3-11.7.
 21 ~~(h)~~ (l) This subsection does not apply to a precinct in a county with
 22 a computerized registration system whose inspector was:
 23 (1) furnished with a list certified under IC 3-7-29; and
 24 (2) not furnished with a certified photocopy of the signature on
 25 the affidavit of registration of each voter of the precinct for the
 26 comparison of signatures under this section.
 27 In case of doubt concerning a voter's identity, the precinct election
 28 board shall compare the voter's signature with the signature on the
 29 affidavit of registration or any certified copy of the signature provided
 30 under IC 3-7-29. If the board determines that the voter's signature is
 31 authentic, the voter may then vote. If either poll clerk doubts the voter's
 32 identity following comparison of the signatures, the poll clerk shall
 33 challenge the voter in the manner prescribed by section 21 of this
 34 chapter.
 35 ~~(i)~~ (m) If, in a precinct governed by subsection ~~(h)~~; (l):
 36 (1) the poll clerk does not execute a challenger's affidavit; or
 37 (2) the voter executes a challenged voter's affidavit under section
 38 22 of this chapter or had executed the affidavit before signing the
 39 poll list;
 40 the voter may then vote.
 41 ~~(j)~~ (n) This section expires January 1, 2006.
 42 SECTION 5. IC 3-11-8-25.1 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.1. (a) This section
2 applies after December 31, 2005.

3 **(b) A voter who desires to vote an official ballot at an election
4 shall provide proof of identification.**

5 **(c) Before the voter proceeds to vote in the election, a member
6 of the precinct election board shall ask the voter to provide proof
7 of identification. The voter shall produce the proof of identification
8 before being permitted to sign the poll list.**

9 **(d) If:**

10 **(1) the voter is unable or declines to present the proof of
11 identification; or**

12 **(2) a member of the precinct election board determines that
13 the proof of identification provided by the voter does not
14 qualify as proof of identification under IC 3-5-2-40.4;**

15 **a member of the precinct election board shall challenge the voter
16 as prescribed by this chapter.**

17 **(e) If the voter executes a challenged voter's affidavit under
18 section 22 of this chapter, the voter may:**

19 **(1) sign the poll list; and**

20 **(2) receive a provisional ballot.**

21 ~~(f)~~ **(f) After a voter has passed the challengers or has been sworn in,
22 the voter shall be admitted to the polls. Upon entering the polls,
23 instructed by a member of the precinct election board to proceed
24 to the location where the poll clerks are stationed. The voter shall
25 announce the voter's name to the poll clerks or assistant poll clerks. A
26 poll clerk, an assistant poll clerk, or a member of the precinct election
27 board shall require the voter to write the following on the poll list:**

28 **(1) The voter's name.**

29 **(2) Except as provided in subsection ~~(f)~~; (k), the voter's current
30 residence address.**

31 ~~(g)~~ **(g) The poll clerk, an assistant poll clerk, or a member of the
32 precinct election board shall:**

33 **(1) ask the voter to provide or update the voter's voter
34 identification number;**

35 **(2) tell the voter the number the voter may use as a voter
36 identification number; and**

37 **(3) explain to the voter that the voter is not required to provide or
38 update a voter identification number at the polls.**

39 **(h) The poll clerk, an assistant poll clerk, or a member of the
40 precinct election board shall ask the voter to provide proof of
41 identification.**

42 ~~(i)~~ **(i) In case of doubt concerning a voter's identity, the precinct**

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1 election board shall compare the voter's signature with the signature on
 2 the affidavit of registration or any certified copy of the signature
 3 provided under IC 3-7-29. If the board determines that the voter's
 4 signature is authentic, the voter may then vote. If either poll clerk
 5 doubts the voter's identity following comparison of the signatures, the
 6 poll clerk shall challenge the voter in the manner prescribed by section
 7 21 of this chapter.

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

- 9 (1) the poll clerk does not execute a challenger's affidavit; or
 10 (2) the voter executes a challenged voter's affidavit under section
 11 22 of this chapter or executed the affidavit before signing the poll
 12 list;

13 the voter may then vote.

14 ~~(f)~~ **(k)** Each line on a poll list sheet provided to take a voter's current
 15 address must include a box under the heading "Address Unchanged"
 16 so that a voter whose residence address shown on the poll list is the
 17 voter's current residence address may check the box instead of writing
 18 the voter's current residence address on the poll list.

19 SECTION 6. IC 3-11-8-25.2 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.2. (a) This section
 21 applies after December 31, 2005.

22 (b) The poll clerk or assistant poll clerk shall examine the list
 23 provided under IC 3-7-29-1 to determine if the county election board
 24 has indicated that the voter is required to provide additional personal
 25 identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting
 26 in person. If the list (or a certification concerning absentee voters under
 27 IC 3-11-10-12) indicates that the voter is required to present this
 28 identification before voting in person, the poll clerk shall advise the
 29 voter that the voter must present, **in addition to the proof of**
 30 **identification required by section 25.1(b) of this chapter**, a piece of
 31 identification described in subsection (c) to the poll clerk.

32 (c) As required by 42 U.S.C. 15483, **and in addition to the proof**
 33 **of identification required by section 25.1(b) of this chapter**, a voter
 34 described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5
 35 before appearing at the polls on election day must present one (1) of the
 36 following documents to the poll clerk:

- 37 (1) A current and valid photo identification.
 38 (2) A current utility bill, bank statement, government check,
 39 paycheck, or government document that shows the name and
 40 address of the voter.

41 (d) If a voter presents a document under subsection (c), the poll
 42 clerk shall add a notation to the list indicating the type of document

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1 presented by the voter. The election division shall prescribe a
 2 standardized coding system to classify documents presented under this
 3 subsection for entry into the county voter registration system.

4 (e) If a voter required to present documentation under subsection (c)
 5 is unable to present the documentation to the poll clerk while present
 6 in the polls, the poll clerk shall notify the precinct election board. The
 7 board shall provide a provisional ballot to the voter under IC 3-11.7-2.

8 (f) The precinct election board shall advise the voter that the voter
 9 may file a copy of the documentation with the county voter registration
 10 office to permit the provisional ballot to be counted under IC 3-11.7.

11 SECTION 7. IC 3-11-8-25.5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.5. If an individual
 13 signs the individual's name and either:

14 (1) signs the individual's address; or

15 (2) after December 31, 2005, checks the "Address Unchanged"
 16 box;

17 on the poll list under section 25 or 25.1 of this chapter and then leaves
 18 the polls without casting a ballot or after casting a provisional ballot,
 19 the voter may not be permitted to reenter the polls to cast a ballot at the
 20 election.

21 SECTION 8. IC 3-11-8-29 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. **(a) This section
 23 does not apply to a list kept by a poll clerk under section 10.5 of
 24 this chapter.**

25 **(b)** A precinct election board may not keep a poll list other than the
 26 poll list required by section 25 or 25.1 of this chapter.

27 SECTION 9. IC 3-11-10-1.2 IS ADDED TO THE INDIANA CODE
 28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 2005]: **Sec. 1.2. An absentee voter is not required to provide
 30 proof of identification when:**

31 **(1) mailing, delivering, or transmitting an absentee ballot
 32 under section 1 of this chapter; or**

33 **(2) voting before an absentee board under this chapter.**

34 SECTION 10. IC 3-11-10-22 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. **(a)** If an absentee
 36 ballot is challenged under section 21 of this chapter, the absentee
 37 voter's application for an absentee ballot shall be considered as the
 38 affidavit required to be made by a voter when challenged at the polls
 39 while voting in person. ~~in all other respects~~

40 **(b) Except as provided in subsection (c), the challenge procedure
 41 under this section is the same as though the ballot was cast by the
 42 voter in person.**

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(c) An absentee voter is not required to provide proof of identification.

(d) If a proper affidavit is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, then the absentee ballot shall be placed in the ballot box.

SECTION 11. IC 3-11.5-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person. ~~In all other respects;~~

(b) Except as provided in subsection (c), the challenge procedure **under this section** is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification.

~~(b)~~ **(d)** If a proper affidavit by a qualified person in the form required by IC 3-11-8-22 is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, the couriers shall return the affidavit to the county election board in the same envelope as the certificate returned under section 9 of this chapter.

~~(c)~~ **(e)** The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under section 11 of this chapter.

SECTION 12. IC 3-11.7-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The precinct election board shall affix to the envelope the challenger's affidavit and the affidavit executed by the provisional voter under section 1 of this chapter.

(b) The form of the envelope is prescribed under IC 3-6-4.1-14. The envelope must permit a member of a precinct election board to indicate whether the voter has been issued a provisional ballot as the result of a challenge based on the voter's inability or declination to provide proof of identification.

~~(b)~~ **(c)** Except as provided in subsection ~~(c)~~ **(d)** and in accordance with 42 U.S.C. 15482, the precinct election board shall securely keep the sealed envelope, along with the affidavits affixed to the envelope, in another envelope or container marked "Provisional Ballots".

~~(c)~~ **(d)** This subsection applies to the sealed envelope and the affidavits affixed to the envelope of a provisional voter described in section 1(a)(3) of this chapter. As required by 42 U.S.C. 15482, the precinct election board shall keep the sealed envelope or container

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1 separate from the envelope or container described in subsection (b).
2 (c). The envelope or container described in this subsection must be
3 labeled "Provisional Ballots Issued After Regular Poll Closing Hours".

4 SECTION 13. IC 3-11.7-5-2 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as
6 provided in section 5 of this chapter, if the county election board
7 determines that all the following apply, a provisional ballot is valid and
8 shall be counted under this chapter:

9 (1) The affidavit executed by the provisional voter under
10 IC 3-11.7-2-1 is properly executed.

11 (2) The provisional voter is a qualified voter of the precinct **and**
12 **has provided proof of identification, if required, under**
13 **IC 3-10-1 or IC 3-11-8.**

14 (3) Based on all the information available to the county election
15 board, including:

16 (A) information provided by the provisional voter;

17 (B) information contained in the county's voter registration
18 records; and

19 (C) information contained in the statewide voter registration
20 file;

21 the provisional voter registered to vote at a registration agency
22 under this article on a date within the registration period.

23 (b) If the provisional voter has provided information regarding the
24 registration agency where the provisional voter registered to vote, the
25 board shall promptly make an inquiry to the agency regarding the
26 alleged registration. The agency shall respond to the board not later
27 than noon of the first Friday after the election, indicating whether the
28 agency's records contain any information regarding the registration. If
29 the agency does not respond to the board's inquiry, or if the agency
30 responds that the agency has no record of the alleged registration, the
31 board shall reject the provisional ballot. The board shall endorse the
32 ballot with the word "Rejected" and document on the ballot the inquiry
33 and response, if any, by the agency.

34 (c) ~~This subsection applies after December 31, 2003.~~ Except as
35 provided in section 5 of this chapter, a provisional ballot cast by a voter
36 described in IC 3-11.7-2-1(b) is valid and shall be counted if the county
37 election board determines under this article that the voter filed the
38 documentation required under IC 3-7-33-4.5 and 42 U.S.C. 15483 with
39 the county voter registration office not later than the closing of the polls
40 on election day.

41 SECTION 14. IC 3-11.7-5-2.5 IS ADDED TO THE INDIANA
42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. (a) A voter who:**
 2 **(1) was challenged under IC 3-10-1 or IC 3-11-8 as a result of**
 3 **the voter's inability or declination to provide proof of**
 4 **identification; and**
 5 **(2) cast a provisional ballot;**
 6 **may personally appear before the circuit court clerk or the county**
 7 **election board not later than the deadline specified by section 1 of**
 8 **this chapter for the county election board to determine whether to**
 9 **count a provisional ballot.**
 10 **(b) Except as provided in subsection (c) or (e), if the voter:**
 11 **(1) provides proof of identification to the circuit court clerk or**
 12 **county election board; and**
 13 **(2) executes an affidavit before the clerk or board, in the form**
 14 **prescribed by the commission, affirming under the penalties**
 15 **of perjury that the voter is the same individual who:**
 16 **(A) personally appeared before the precinct election**
 17 **board; and**
 18 **(B) cast the provisional ballot on election day;**
 19 **the county election board shall find that the voter's provisional**
 20 **ballot is valid and direct that the provisional ballot be opened**
 21 **under section 4 of this chapter and processed in accordance with**
 22 **this chapter.**
 23 **(c) If the voter executes an affidavit before the circuit court**
 24 **clerk or county election board, in the form prescribed by the**
 25 **commission, affirming under the penalties of perjury that:**
 26 **(1) the voter is the same individual who:**
 27 **(A) personally appeared before the precinct election**
 28 **board; and**
 29 **(B) cast the provisional ballot on election day; and**
 30 **(2) the voter:**
 31 **(A) is:**
 32 **(i) indigent; and**
 33 **(ii) unable to obtain proof of identification without the**
 34 **payment of a fee; or**
 35 **(B) has a religious objection to being photographed;**
 36 **the county election board shall determine whether the voter has**
 37 **been challenged for any reason other than the voter's inability or**
 38 **declination to present proof of identification to the precinct**
 39 **election board.**
 40 **(d) If the county election board determines that the voter**
 41 **described in subsection (c) has been challenged solely for the**
 42 **inability or declination of the voter to provide proof of**

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identification, the county election board shall:

- (1) find that the voter's provisional ballot is valid; and**
- (2) direct that the provisional ballot be:**
 - (A) opened under section 4 of this chapter; and**
 - (B) processed in accordance with this chapter.**

(e) If the county election board determines that a voter described in subsection (b) or (c) has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:

- (1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and**
- (2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.**

(f) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) to:

- (1) appear before the county election board; and**
- (2) execute an affidavit in the manner prescribed by subsection (b) or (c);**

the county election board shall find that the voter's provisional ballot is invalid.

SECTION 15. IC 3-11.7-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) If the board determines that the affidavit executed by the provisional voter has not been properly executed, that the provisional voter is not a qualified voter of the precinct, **that the voter failed to provide proof of identification when required under IC 3-10-1 or IC 3-11-8**, or that the provisional voter did not register to vote at a registration agency under this article on a date within the registration period, the board shall make the following findings:

- (1) The provisional ballot is invalid.
- (2) The provisional ballot may not be counted.
- (3) The provisional ballot envelope containing the ballots cast by the provisional voter may not be opened.

(b) If the county election board determines that a provisional ballot is invalid, a notation shall be made on the provisional ballot envelope: "Provisional ballot determined invalid".

SECTION 16. IC 9-24-16-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. The bureau may adopt rules under IC 4-22-2 and prescribe all forms necessary to implement this chapter. **However, the bureau may not impose a fee**

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1 **for the issuance of:**
 2 **(1) an original;**
 3 **(2) a renewal of an; or**
 4 **(3) a duplicate;**
 5 **identification card.**

6 SECTION 17. IC 9-29-1-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Money from the
 8 increases in fees levied by the 1969 regular session of the general
 9 assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9,
 10 IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7,
 11 IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, **and**
 12 IC 9-24-14, ~~and IC 9-29-9-15~~ (IC 9-1-4 before its repeal on July 1,
 13 1991) shall be deposited daily with the treasurer of state and credited
 14 to the highway, road and street fund established under IC 8-14-2-2.1.

15 (b) For the purpose of providing adequate and sufficient funds for
 16 the crossroads 2000 fund established under IC 8-14-10-9, and subject
 17 to subsection (c), after June 30, 1997, with the approval of the bureau
 18 of motor vehicles commission the bureau of motor vehicles may adopt
 19 rules under IC 4-22-2 to increase, by an amount that is in addition to
 20 the fees specified by statute, the fees under the following:

- 21 IC 9-29-4-3
- 22 IC 9-29-5
- 23 IC 9-29-9-1
- 24 IC 9-29-9-2
- 25 IC 9-29-9-3
- 26 IC 9-29-9-4
- 27 IC 9-29-9-5
- 28 IC 9-29-9-6
- 29 IC 9-29-9-7
- 30 IC 9-29-9-8
- 31 IC 9-29-9-9
- 32 IC 9-29-9-10
- 33 IC 9-29-9-11
- 34 IC 9-29-9-13
- 35 IC 9-29-9-14
- 36 IC 9-29-15-1
- 37 IC 9-29-15-2
- 38 IC 9-29-15-3
- 39 IC 9-29-15-4

40 The amount of fees increased under this section shall first be deposited
 41 into the crossroads 2000 fund established under IC 8-14-10-9.

42 (c) The bureau's authority to adopt rules under subsection (b) is

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1 subject to the condition that a fee increase must be uniform throughout
2 all license branches and at all partial service locations in Indiana.

3 SECTION 18. IC 9-29-16-5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2005.]: Sec. 5. The fund consists
5 of the following:

6 (1) Fifty cents (\$0.50) of each service charge or fee collected by
7 license branches under the following:

8 (A) IC 9-29-3-4.

9 (B) IC 9-29-3-6.

10 (C) IC 9-29-3-7.

11 (D) IC 9-29-3-8.

12 (E) IC 9-29-3-9.

13 (F) IC 9-29-3-10.

14 (G) IC 9-29-3-11.

15 (H) IC 9-29-3-12.

16 ~~(I) IC 9-29-3-14.~~

17 ~~(I)~~ (I) IC 9-29-3-18.

18 ~~(K)~~ (J) IC 9-29-15-1.

19 ~~(L)~~ (K) IC 9-29-15-4.

20 (2) Money deposited with the approval of the budget agency in
21 the fund from any part of:

22 (A) a service fee established under IC 9-29-3-19; or

23 (B) an increase of a service fee increased under IC 9-29-3-19.

24 (3) Money received from any other source, including
25 appropriations.

26 SECTION 19. THE FOLLOWING ARE REPEALED [EFFECTIVE
27 JULY 1, 2005]: IC 9-29-3-14; IC 9-29-9-15.

28 SECTION 20. [EFFECTIVE JULY 1, 2005] **(a) It is the intent of
29 the general assembly that no fee or charge be imposed for the
30 issuance of:**

31 **(1) an original;**

32 **(2) a renewal of an; or**

33 **(3) a duplicate;**

34 **identification card.**

35 **(b) 140 IAC 8-3-20 is void. The publisher of the Indiana
36 Administrative Code and the Indiana Register shall remove this
37 section from the Indiana Administrative Code.**

38 SECTION 21. [EFFECTIVE JULY 1, 2005] **(a) Notwithstanding
39 IC 3-5-8-6, as added by this act, not:**

40 **(1) earlier than thirty (30) days; or**

41 **(2) later than fifteen (15) days;**

42 **before the 2006 primary election and the 2006 general election, the**

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1 **secretary of state shall send to all registered voters a mailing**
2 **describing in detail the requirements of Indiana law for a voter to**
3 **show proof of identification before being permitted to vote.**
4 **(b) This SECTION expires January 1, 2007.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1439, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "UPON PASSAGE]" and insert "JULY 1, 2005]:".

Page 1, delete lines 5 through 17, begin a new line block indented and insert:

"(1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.

(2) The document shows a photograph of the individual to whom the document was issued.

(3) The document includes an expiration date, and the document:

(A) is not expired; or

(B) expired after the date of the most recent general election.

(4) The document was issued by the United States or the state of Indiana.

SECTION 2. IC 3-10-1-7.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7.2. (a) A voter who desires to vote an official ballot at a primary election shall provide proof of identification.**

(b) Before the voter proceeds to vote in a primary election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.4;

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

SECTION 3. IC 3-11-8-25 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. (a) A voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.4;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22 of this chapter, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

~~(a)~~ (e) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

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

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

- (1) ask the voter to provide the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

~~(c)~~ This subsection applies after December 31, 2003.

(g) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 or IC 3-11-3-18 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification

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concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, **in addition to the proof of identification required under subsection (b)**, a piece of identification described in subsection ~~(d)~~ **(h)** to the poll clerk.

~~(d)~~ This subsection applies after December 31, 2003.

(h) As required by 42 U.S.C. 15483, **in addition to the proof of identification required under subsection (b)**, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) a current and valid photo identification; or
- (2) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

~~(e)~~ This subsection applies after December 31, 2003.

(i) If a voter presents a document under subsection ~~(d)~~; **(h)**, the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

~~(f)~~ This subsection applies after December 31, 2003.

(j) If a voter required to present documentation under subsection ~~(d)~~ **(H)** is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

~~(g)~~ This subsection applies after December 31, 2003.

(k) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

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

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

In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is

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authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

~~(i)~~ **(m)** If, in a precinct governed by subsection ~~(h)~~: **(l)**:

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

the voter may then vote.

~~(j)~~ **(n)** This section expires January 1, 2006.

SECTION 4. IC 3-11-8-25.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.1. (a) This section applies after December 31, 2005.

(b) A voter who desires to vote an official ballot at an election shall provide proof of identification.

(c) Before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(d) If:

- (1) the voter is unable or declines to present the proof of identification; or**
- (2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.4;**

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(e) If the voter executes a challenged voter's affidavit under section 22 of this chapter, the voter may:

- (1) sign the poll list; and**
- (2) receive a provisional ballot.**

~~(b)~~ **(f)** After a voter has passed the challengers or has been sworn in, the voter shall be ~~admitted to the polls. Upon entering the polls,~~ **instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed.** The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

- (1) The voter's name.
- (2) Except as provided in subsection ~~(f)~~, **(k)**, the voter's current residence address.

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

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

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

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

(c) (j) If, in a precinct governed by subsection (c) (g):

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

the voter may then vote.

(f) (k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 5. IC 3-11-8-25.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.2. (a) This section applies after December 31, 2005.

(b) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, **in addition to the proof of identification required by section 25.1(b) of this chapter**, a piece of

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identification described in subsection (c) to the poll clerk.

(c) As required by 42 U.S.C. 15483, **and in addition to the proof of identification required by section 25.1(b) of this chapter**, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) A current and valid photo identification.
- (2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

(d) If a voter presents a document under subsection (c), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(e) If a voter required to present documentation under subsection (c) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(f) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

SECTION 6. IC 3-11-8-25.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.5. If an individual signs the individual's name and either:

- (1) signs the individual's address; or
- (2) after December 31, 2005, checks the "Address Unchanged" box;

on the poll list under section 25 **or 25.1** of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls to cast a ballot at the election.

SECTION 7. IC 3-11-8-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. **(a) This section does not apply to a list kept by a poll clerk under section 10.5 of this chapter.**

(b) A precinct election board may not keep a poll list other than the poll list required by section 25 **or 25.1** of this chapter.

SECTION 8. IC 3-11-10-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.2. An absentee voter is not required to provide proof of identification when:**

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(1) mailing, delivering, or transmitting an absentee ballot under section 1 of this chapter; or

(2) voting before an absentee board under this chapter.

SECTION 9. IC 3-11-10-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. **(a)** If an absentee ballot is challenged under section 21 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person. ~~In all other respects~~

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification.

(d) If a proper affidavit is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, then the absentee ballot shall be placed in the ballot box.

SECTION 10. IC 3-11.5-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. **(a)** If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person. ~~In all other respects,~~

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification.

~~(b)~~ **(d)** If a proper affidavit by a qualified person in the form required by IC 3-11-8-22 is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, the couriers shall return the affidavit to the county election board in the same envelope as the certificate returned under section 9 of this chapter.

~~(c)~~ **(e)** The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under section 11 of this chapter.

SECTION 11. IC 3-11.7-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. **(a)** The precinct election board shall affix to the envelope the challenger's affidavit and the affidavit executed by the provisional voter under section 1 of this chapter.

(b) The form of the envelope is prescribed under IC 3-6-4.1-14.

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The envelope must permit a member of a precinct election board to indicate whether the voter has been issued a provisional ballot as the result of a challenge based on the voter's inability or declination to provide proof of identification.

~~(b)~~ (c) Except as provided in subsection ~~(c)~~ (d) and in accordance with 42 U.S.C. 15482, the precinct election board shall securely keep the sealed envelope, along with the affidavits affixed to the envelope, in another envelope or container marked "Provisional Ballots".

~~(c)~~ (d) This subsection applies to the sealed envelope and the affidavits affixed to the envelope of a provisional voter described in section 1(a)(3) of this chapter. As required by 42 U.S.C. 15482, the precinct election board shall keep the sealed envelope or container separate from the envelope or container described in subsection ~~(b)~~: (c). The envelope or container described in this subsection must be labeled "Provisional Ballots Issued After Regular Poll Closing Hours".

SECTION 12. IC 3-11.7-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as provided in section 5 of this chapter, if the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

- (1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.
- (2) The provisional voter is a qualified voter of the precinct **and has provided proof of identification, if required, under IC 3-10-1 or IC 3-11-8.**
- (3) Based on all the information available to the county election board, including:
 - (A) information provided by the provisional voter;
 - (B) information contained in the county's voter registration records; and
 - (C) information contained in the statewide voter registration file;

the provisional voter registered to vote at a registration agency under this article on a date within the registration period.

(b) If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the board shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election, indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency responds that the agency has no record of the alleged registration, the

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board shall reject the provisional ballot. The board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.

(c) ~~This subsection applies after December 31, 2003:~~ Except as provided in section 5 of this chapter, a provisional ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that the voter filed the documentation required under IC 3-7-33-4.5 and 42 U.S.C. 15483 with the county voter registration office not later than the closing of the polls on election day.

SECTION 13. IC 3-11.7-5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. (a) A voter who:**

(1) was challenged under IC 3-10-1 or IC 3-11-8 as a result of the voter's inability or declination to provide proof of identification; and

(2) cast a provisional ballot;

may personally appear before the circuit court clerk or the county election board not later than the deadline specified by section 1 of this chapter for the county election board to determine whether to count a provisional ballot.

(b) Except as provided in subsection (c) or (e), if the voter:

(1) provides proof of identification to the circuit court clerk or county election board; and

(2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

(c) If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:

(1) the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day; and

(2) the voter:

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(A) is:

- (i) indigent; and
- (ii) unable to obtain proof of identification without the payment of a fee; or

(B) has a religious objection to being photographed;

the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board.

(d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:

- (1) find that the voter's provisional ballot is valid; and
- (2) direct that the provisional ballot be:
 - (A) opened under section 4 of this chapter; and
 - (B) processed in accordance with this chapter.

(e) If the county election board determines that a voter described in subsection (b) or (c) has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:

- (1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and
- (2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.

(f) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) to:

- (1) appear before the county election board; and
- (2) execute an affidavit in the manner prescribed by subsection (b) or (c);

the county election board shall find that the voter's provisional ballot is invalid.

SECTION 14. IC 3-11.7-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) If the board determines that the affidavit executed by the provisional voter has not been properly executed, that the provisional voter is not a qualified voter of the precinct, **that the voter failed to provide proof of identification when required under IC 3-10-1 or IC 3-11-8**, or that the provisional voter did not register to vote at a registration agency under this article on a date within the registration period, the board

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shall make the following findings:

- (1) The provisional ballot is invalid.
- (2) The provisional ballot may not be counted.
- (3) The provisional ballot envelope containing the ballots cast by the provisional voter may not be opened.

(b) If the county election board determines that a provisional ballot is invalid, a notation shall be made on the provisional ballot envelope: "Provisional ballot determined invalid".

Delete pages 2 through 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1439 as introduced.)

THOMAS, Chair

Committee Vote: yeas 7, nays 5.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1439 be amended to read as follows:

Page 4, line 3, delete "(H)" and insert "**(h)**".

Page 11, after line 28, begin a new paragraph and insert:

"SECTION 15. IC 9-24-16-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. The bureau may adopt rules under IC 4-22-2 and prescribe all forms necessary to implement this chapter. **However, the bureau may not impose a fee for the issuance of:**

- (1) an original;
- (2) a renewal of an; or
- (3) a duplicate;

identification card.

SECTION 16. IC 9-29-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Money from the increases in fees levied by the 1969 regular session of the general assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, **and** IC 9-24-14, ~~and IC 9-29-9-15~~ (IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily with the treasurer of state and credited to the highway, road and street fund established under IC 8-14-2-2.1.

(b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection (c), after June 30, 1997, with the approval of the bureau of motor vehicles commission the bureau of motor vehicles may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:

- IC 9-29-4-3
- IC 9-29-5
- IC 9-29-9-1
- IC 9-29-9-2
- IC 9-29-9-3
- IC 9-29-9-4
- IC 9-29-9-5
- IC 9-29-9-6
- IC 9-29-9-7
- IC 9-29-9-8
- IC 9-29-9-9
- IC 9-29-9-10
- IC 9-29-9-11

HB 1439—LS 7659/DI 75+



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IC 9-29-9-13
 IC 9-29-9-14
 IC 9-29-15-1
 IC 9-29-15-2
 IC 9-29-15-3
 IC 9-29-15-4

The amount of fees increased under this section shall first be deposited into the crossroads 2000 fund established under IC 8-14-10-9.

(c) The bureau's authority to adopt rules under subsection (b) is subject to the condition that a fee increase must be uniform throughout all license branches and at all partial service locations in Indiana.

SECTION 17. IC 9-29-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005.]: Sec. 5. The fund consists of the following:

(1) Fifty cents (\$0.50) of each service charge or fee collected by license branches under the following:

- (A) IC 9-29-3-4.
- (B) IC 9-29-3-6.
- (C) IC 9-29-3-7.
- (D) IC 9-29-3-8.
- (E) IC 9-29-3-9.
- (F) IC 9-29-3-10.
- (G) IC 9-29-3-11.
- (H) IC 9-29-3-12.
- ~~(I) IC 9-29-3-14.~~
- ~~(J) IC 9-29-3-18.~~
- ~~(K) IC 9-29-15-1.~~
- ~~(L) IC 9-29-15-4.~~

(2) Money deposited with the approval of the budget agency in the fund from any part of:

- (A) a service fee established under IC 9-29-3-19; or
- (B) an increase of a service fee increased under IC 9-29-3-19.

(3) Money received from any other source, including appropriations.

SECTION 18. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 9-29-3-14; IC 9-29-9-15.

SECTION 19. [EFFECTIVE JULY 1, 2005] **(a) It is the intent of the general assembly that no fee or charge be imposed for the issuance of:**

- (1) an original;**
- (2) a renewal of an; or**
- (3) a duplicate;**



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identification card.

(b) 140 IAC 8-3-20 is void. The publisher of the Indiana Administrative Code and the Indiana Register shall remove this section from the Indiana Administrative Code."

Renumber all SECTIONS consecutively.

(Reference is to HB 1439 as printed February 22, 2005.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1439 be amended to read as follows:

Page 1, between lines 16 and 17, begin a new paragraph and insert:
"SECTION 2. IC 3-5-8-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 6. Not:**

- (1) earlier than thirty (30) days; or**
- (2) later than fifteen (15) days;**

before each primary and general election, the secretary of state shall mail to each voter who registered to vote after the most recent primary or general election a mailing describing in detail the requirements of Indiana law for a voter to show proof of identification before being permitted to vote."

Page 11, after line 28, begin a new paragraph and insert:

"SECTION 16. [EFFECTIVE JULY 1, 2005] **(a) Notwithstanding IC 3-5-8-6, as added by this act, not:**

- (1) earlier than thirty (30) days; or**
- (2) later than fifteen (15) days;**

before the 2006 primary election and the 2006 general election, the secretary of state shall send to all registered voters a mailing describing in detail the requirements of Indiana law for a voter to show proof of identification before being permitted to vote.

(b) This SECTION expires January 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to HB 1439 as printed February 22, 2005.)

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