

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 483 be amended to read as follows:

- 1 Page 1, line 4, delete "or documents".
- 2 Page 1, line 4, delete "satisfy" and insert "**satisfies**".
- 3 Page 1, delete lines 5 through 17.
- 4 Page 2, delete lines 1 through 35, begin a new line block indented
- 5 and insert:
 - 6 "**(1) The document shows the name of the individual to whom**
 - 7 **the document was issued, and the name conforms to the name**
 - 8 **in the individual's voter registration record.**
 - 9 **(2) The document shows a photograph of the individual to**
 - 10 **whom the document was issued.**
 - 11 **(3) The document includes an expiration date, and the**
 - 12 **document:**
 - 13 **(A) is not expired; or**
 - 14 **(B) expired after the date of the most recent general**
 - 15 **election.**
 - 16 **(4) The document was issued by the United States or the state**
 - 17 **of Indiana.**
- 18 SECTION 2. IC 3-10-1-7.2 IS ADDED TO THE INDIANA CODE
- 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2005]: **Sec. 7.2. (a) A voter who desires to vote an official**
- 21 **ballot at a primary election shall provide proof of identification (as**
- 22 **defined in IC 3-5-2-40.5).**
 - 23 **(b) Before the voter proceeds to vote in a primary election, a**
 - 24 **member of the precinct election board shall ask the voter to**
 - 25 **provide proof of identification. The voter must produce the proof**
 - 26 **of identification before being permitted to sign the poll list.**
 - 27 **(c) If:**
 - 28 **(1) the voter is unable or declines to present the proof of**
 - 29 **identification; or**
 - 30 **(2) a member of the precinct election board determines that**

1 **the proof of identification presented by the voter does not**
 2 **qualify as proof of identification under IC 3-5-2-40.5;**
 3 **a member of the precinct election board shall challenge the voter**
 4 **as prescribed by IC 3-11-8.**

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

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

8 **(2) receive a provisional ballot."**

9 Page 2, line 37, after "(a)" insert "**A voter who desires to vote an**
 10 **official ballot at an election shall provide proof of identification (as**
 11 **defined in IC 3-5-2-40.5).**

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

16 **(c) If:**

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

19 **(2) a member of the precinct election board determines that**
 20 **the proof of identification provided by the voter does not**
 21 **qualify as proof of identification under IC 3-5-2-40.5;**

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

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

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

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

28 **(e)".**

29 Page 2, line 38, strike "admitted".

30 Page 2, line 39, strike "to the polls. Upon entering the polls, the" and
 31 insert "**instructed by a member of the precinct election board to**
 32 **proceed to the location where the poll clerks are stationed. The"**.

33 Page 3, line 3, strike "(b)" and insert "(f)".

34 Page 3, delete lines 11 through 13.

35 Page 3, line 14, delete "(d)" and insert "(g)".

36 Page 3, line 22, delete "present" and insert "present, **in addition to**
 37 **the proof of identification required under subsection (b),"**.

38 Page 3, line 23, delete "(e)" and insert "(h)".

39 Page 3, line 24, delete "(e)" and insert "(h)".

40 Page 3, line 25, after "42 U.S.C. 15483," insert "**in addition to the**
 41 **proof of identification required under subsection (b),"**.

42 Page 3, line 33, delete "(f)" and insert "(i)".

43 Page 3, line 34, delete "(e)," and insert "(h),"

44 Page 3, line 39, delete "(g)" and insert "(j)".

45 Page 3, line 40, delete "(e)" and insert "(h)".

46 Page 4, line 2, delete "(h)" and insert "(k)".

47 Page 4, line 6, delete "(i)" and insert "(l)".

- 1 Page 4, line 20, delete "(j)" and insert "**(m)**".
- 2 Page 4, line 20, delete "(i):" and insert "**(I):**".
- 3 Page 4, line 26, delete "(k)" and insert "**(n)**".
- 4 Page 4, between lines 29 and 30, begin a new paragraph and insert:
- 5 "**(b) A voter who desires to vote an official ballot at an election**
- 6 **shall provide proof of identification (as defined in IC 3-5-2-40.5).**
- 7 **(b) Before the voter proceeds to vote in the election, a member**
- 8 **of the precinct election board shall ask the voter to provide proof**
- 9 **of identification. The voter shall produce the proof of identification**
- 10 **before being permitted to sign the poll list.**
- 11 **(c) If:**
- 12 **(1) the voter is unable or declines to present the proof of**
- 13 **identification; or**
- 14 **(2) a member of the precinct election board determines that**
- 15 **the proof of identification provided by the voter does not**
- 16 **qualify as proof of identification under IC 3-5-2-40.5;**
- 17 **a member of the precinct election board shall challenge the voter**
- 18 **as prescribed by this chapter.**
- 19 **(d) If the voter executes a challenged voter's affidavit under**
- 20 **section 22 of this chapter, the voter may:**
- 21 **(1) sign the poll list; and**
- 22 **(2) receive a provisional ballot.**
- 23 ~~(b)~~ **(e)**".
- 24 Page 4, line 31, strike "admitted to the polls. Upon entering the
- 25 polls, the" and insert "**instructed by a member of the precinct**
- 26 **election board to proceed to the location where the poll clerks are**
- 27 **stationed. The**".
- 28 Page 4, line 37, delete "(g)," and insert "**(i)**".
- 29 Page 4, line 39, strike "(c)" and insert "**(f)**".
- 30 Page 5, delete lines 5 through 7.
- 31 Page 5, line 8, delete "(e)" and insert "**(g)**".
- 32 Page 5, line 16, delete "(f)" and insert "**(h)**".
- 33 Page 5, line 16, strike "(c):" and insert "**(f):**".
- 34 Page 5, line 22, delete "(g)" and insert "**(i)**".
- 35 Page 5, delete lines 27 through 34, begin a new paragraph and insert:
- 36 "**SECTION 5. IC 3-11-8-25.2 IS AMENDED TO READ AS**
- 37 **FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.2. (a) This section**
- 38 **applies after December 31, 2005.**
- 39 **(b) The poll clerk or assistant poll clerk shall examine the list**
- 40 **provided under IC 3-7-29-1 to determine if the county election board**
- 41 **has indicated that the voter is required to provide additional personal**
- 42 **identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting**
- 43 **in person. If the list (or a certification concerning absentee voters under**
- 44 **IC 3-11-10-12) indicates that the voter is required to present this**
- 45 **identification before voting in person, the poll clerk shall advise the**
- 46 **voter that the voter must present, in addition to the proof of**
- 47 **identification required by section 25.1(b) of this chapter, a piece of**

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

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

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

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

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

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

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

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

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

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

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

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

- 43 **(1) mailing, delivering, or transmitting an absentee ballot**
 44 **under section 1 of this chapter; or**
 45 **(2) voting before an absentee board under this chapter.**

46 SECTION 9. IC 3-11-10-22 IS AMENDED TO READ AS
 47 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. **(a)** If an absentee
 48 ballot is challenged under section 21 of this chapter, the absentee

1 voter's application for an absentee ballot shall be considered as the
 2 affidavit required to be made by a voter when challenged at the polls
 3 while voting in person. ~~In all other respects~~

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

6 **(c) An absentee voter is not required to provide proof of**
 7 **identification (as defined in IC 3-5-2-40.5).**

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

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

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

20 **(c) An absentee voter is not required to provide proof of**
 21 **identification (as defined in IC 3-5-2-40.5).**

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

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

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

35 **(b) The form of the envelope is prescribed under IC 3-5-4-8. The**
 36 **envelope must permit a member of a precinct election board to**
 37 **indicate whether the voter has been issued a provisional ballot as**
 38 **the result of a challenge based on the voter's inability or declination**
 39 **to provide proof of identification under IC 3-5-2-40.5.**

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

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

1 The envelope or container described in this subsection must be labeled
2 "Provisional Ballots Issued After Regular Poll Closing Hours".

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

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

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

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

15 (A) information provided by the provisional voter;

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

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

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

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

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

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

43 **(1) was challenged under IC 3-10-1 or IC 3-11-8 as a result of**
44 **the voter's inability or declination to provide proof of**
45 **identification as defined by IC 3-5-2-40.5; and**

46 **(2) cast a provisional ballot;**

47 **may personally appear before the circuit court clerk or the county**
48 **election board not later than the deadline specified by section 1 of**

1 **this chapter for the county election board to determine whether to**
 2 **count a provisional ballot.**

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

4 **(1) provides proof of identification (as defined in**
 5 **IC 3-5-2-40.5) to the circuit court clerk or county election**
 6 **board; and**

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

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

12 **(B) cast the provisional ballot on election day;**

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

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

20 **(1) the voter is the same individual who:**

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

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

24 **(2) the voter:**

25 **(A) is:**

26 **(i) indigent; and**

27 **(ii) unable to obtain proof of identification without the**
 28 **payment of a fee; or**

29 **(B) has a religious objection to being photographed;**

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

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

38 **(1) find that the voter's provisional ballot is valid; and**

39 **(2) direct that:**

40 **(A) the provisional ballot be opened under section 4 of this**
 41 **chapter; and**

42 **(B) processed in accordance with this chapter.**

43 **(e) If the county election board determines that a voter**
 44 **described in subsection (b) or (c) has been challenged for a cause**
 45 **other than the voter's inability or declination to provide proof of**
 46 **identification (as defined in IC 3-5-2-40.5), the board shall:**

47 **(1) note on the envelope containing the provisional ballot that**

- 1 **the voter has complied with the proof of identification**
 2 **requirement; and**
 3 **(2) proceed to determine the validity of the remaining**
 4 **challenges set forth in the challenge affidavit before ruling on**
 5 **the validity of the voter's provisional ballot.**
 6 **(f) If a voter described by subsection (a) fails by the deadline for**
 7 **counting provisional ballots referenced in subsection (a) to:**
 8 **(1) appear before the county election board; and**
 9 **(2) execute an affidavit in the manner prescribed by**
 10 **subsection (b) or (c);**
 11 **the county election board shall find that the voter's provisional**
 12 **ballot is invalid.**
 13 SECTION 14. IC 3-11.7-5-3 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) If the board
 15 determines that the affidavit executed by the provisional voter has not
 16 been properly executed, that the provisional voter is not a qualified
 17 voter of the precinct, **that the voter failed to provide proof of**
 18 **identification when required under IC 3-10-1 or IC 3-11-8**, or that
 19 the provisional voter did not register to vote at a registration agency
 20 under this article on a date within the registration period, the board shall
 21 make the following findings:
 22 (1) The provisional ballot is invalid.
 23 (2) The provisional ballot may not be counted.
 24 (3) The provisional ballot envelope containing the ballots cast by
 25 the provisional voter may not be opened.
 26 (b) If the county election board determines that a provisional ballot
 27 is invalid, a notation shall be made on the provisional ballot envelope:
 28 "Provisional ballot determined invalid".
 29 Re-number all SECTIONS consecutively.
 (Reference is to SB 483 as printed February 8, 2005.)

Senator HEINOLD