



February 25, 2005

SENATE BILL No. 500

DIGEST OF SB 500 (Updated February 22, 2005 6:30 pm - DI 102)

Citations Affected: IC 3-6; IC 3-7; IC 3-9; IC 3-11; IC 3-14; IC 9-24; IC 12-14; IC 12-15; IC 16-35; IC 33-42; noncode.

Synopsis: Election commission and election division. Designates the secretary of state as the state's chief election official for all purposes. Provides that the secretary of state serves as a member and the chair of the election commission (commission). Provides that a member of the commission may not be a lobbyist, an officeholder for two years before appointment, or a political party officer (except for precinct committeeman, vice committeeman, or state convention delegate). Abolishes the process by which a state political party chairman disapproves of a governor's appointment to the commission. Requires a proxy of record and an alternate proxy to meet the same qualifications as the member in whose place the proxy serves. Provides that the election division is administered by a director, who serves at the pleasure of the secretary of state. Abolishes the current positions of co-director. Specifies that the election division staff must include an assistant director selected from a list of two names submitted by the chairman of the political party whose candidate received the second highest number of votes for secretary of state at the most recent election for that office. Permits the election division to enter into an agreement with a person subject to a campaign finance civil penalty to permit the person to pay the proposed penalty in full and waive further proceedings. Permits the election division to authorize county adoption of a proposed precinct establishment order submitted by a county if a voter of the county does not file an objection to the proposed order. Removes provisions requiring the consent of the co-directors of the election division for state administration and implementation of the Help America Vote Act. Makes technical changes. Repeals obsolete statutes relating to the co-directors of the election division.

Effective: Upon passage.

Young R Michael, Lawson C

January 18, 2005, read first time and referred to Committee on Elections and Civic Affairs.
February 24, 2005, amended, reported favorably — Do Pass.

SB 500—LS 7937/DI 75+



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February 25, 2005

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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SENATE BILL No. 500



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 3-6-3.7-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~Except as~~
- 3 ~~provided by IC 3-7-11-1~~, The secretary of state is the state's chief
- 4 election official.
- 5 SECTION 2. IC 3-6-3.7-2 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. In addition to
- 7 performing the duties related to elections specified in this title, the
- 8 secretary of state ~~with the consent of the co-directors of the election~~
- 9 ~~division~~ shall do the following:
- 10 (1) Work with the federal Election Assistance Commission to
- 11 encourage students enrolled at institutions of higher education
- 12 (including community colleges) to assist state and local
- 13 governments in the administration of elections by serving as
- 14 nonpartisan poll workers or assistants.
- 15 (2) Consult with the federal Election Assistance Commission in
- 16 the development of materials, seminars, and advertising targeted
- 17 at students to implement the Help America Vote College Program

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1 conducted by the Election Assistance Commission under 42
2 U.S.C. 15521.

3 (3) Consult with the Help America Vote Foundation established
4 under 36 U.S.C. 1526 in developing programs to encourage
5 secondary school students (including students educated in the
6 home) to participate in the election process in a nonpartisan
7 manner as poll workers or assistants to local election officials in
8 precinct polling places.

9 ~~(4) Consult and coordinate with (and provide administrative
10 support to) the co-directors of the election division in the
11 development and implementation of~~ **Implement** the state plan
12 under HAVA (42 U.S.C. 15401 through 15406).

13 (5) Perform all duties required to be performed by the state or the
14 chief state election official under HAVA.

15 SECTION 3. IC 3-6-4.1-2 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The
17 commission consists of **the following:**

18 (1) Four (4) individuals appointed by the governor.

19 (2) **The secretary of state.**

20 (b) Each member of the commission **appointed by the governor**
21 must be a registered voter.

22 (c) Each member of the commission **appointed by the governor**
23 must be a member of a major political party of the state. Not more than
24 two (2) members of the commission **appointed by the governor** may
25 be a member of the same political party.

26 (d) **After June 30, 2005, the governor may not appoint as a**
27 **member of the commission an individual who is a lobbyist (as**
28 **defined in IC 2-7-1-10).**

29 (e) **After June 30, 2005, the governor may not appoint as a**
30 **member of the commission an individual who:**

31 (1) **holds an office; or**

32 (2) **in the two (2) years before the date of appointment, has**
33 **held an office;**

34 **under the Constitution of the State of Indiana or state law.**

35 (f) **After June 30, 2005, the governor may not appoint as a**
36 **member of the commission an individual who is an officer of a**
37 **bona fide political party, except for an individual who holds a**
38 **position described by IC 3-6-1-15(1), IC 3-6-1-15(2), or**
39 **IC 3-6-1-15(3).**

40 SECTION 4. IC 3-6-4.1-3 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **This section**
42 **applies to a commission member appointed by the governor.**

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1 ~~(a)~~ **(b)** The term of an individual serving as a member of the
2 commission begins on the later of the following:

3 (1) The day the term of the member whom the individual is
4 appointed to succeed expires.

5 (2) The day the individual is appointed.

6 ~~(b)~~ **(c)** The term of a member expires July 1 of the second year after
7 the member's current term begins.

8 ~~(c)~~ **(d)** A member may be reappointed to the commission. A member
9 reappointed to the commission is the member's own successor for
10 purposes of subsection ~~(a)~~: **(b)**.

11 SECTION 5. IC 3-6-4.1-4 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) This section**
13 **applies only to a commission member appointed by the governor.**

14 ~~(a)~~ **(b)** ~~Before May + Not later than noon of the last Friday of~~
15 **May** of a year that the term of a member of the commission expires, the
16 state chairman of the major political party of the state represented by
17 that member may nominate ~~in writing~~, **an individual to be a**
18 **commission member by filing a statement with the governor setting**
19 **forth the names of** two (2) individuals of the state chairman's own
20 political party to succeed the member whose term will expire. **The**
21 **individuals nominated must meet the qualifications for**
22 **appointment established under section 2 of this chapter.**

23 ~~(b)~~ **(c)** The state chairman of a political party may nominate the
24 individual whose term will expire that year to serve a new term.

25 ~~(c)~~ **(d)** If the state chairman ~~makes files~~ the nominations ~~before May~~
26 ~~+~~, **not later than the date and time specified in subsection (b)**, the
27 governor shall appoint one (1) of the nominees to the commission.

28 ~~(d)~~ **(e)** If the state chairman fails to ~~make file~~ the nominations ~~before~~
29 ~~May +~~, **not later than the date and time specified in subsection (b)**,
30 the governor shall, within another ten (10) days, appoint a member of
31 the same political party as the state chairman. ~~The state chairman may~~
32 ~~disapprove the selection by notifying the governor within seven (7)~~
33 ~~days after receiving notice of the governor's appointment:~~

34 **(e)** If the state chairman disapproves the selection within the seven
35 ~~(7)~~ day period under subsection ~~(d)~~, the governor shall make another
36 appointment under subsection ~~(d)~~ that is also subject to the disapproval
37 of the state chairman under subsection ~~(d)~~:

38 **(f)** If the state chairman does not disapprove an appointment under
39 subsection ~~(d)~~ within the seven ~~(7)~~ day period, the individual appointed
40 by the governor is a member of the commission.

41 SECTION 6. IC 3-6-4.1-5 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) If a member

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1 of the commission (**other than the secretary of state**) resigns, dies, or
 2 becomes unable to serve on the commission, the governor shall notify
 3 the state chairman of the major political party ~~of the state~~ represented
 4 by the member.

5 (b) The state chairman may nominate in writing, within ten (10)
 6 days after notice of the vacancy, two (2) individuals of the state
 7 chairman's own political party to succeed the member. **The individuals**
 8 **nominated must meet the qualifications for appointment**
 9 **established under section 2 of this chapter.** If the state chairman
 10 makes the nominations within ten (10) days, the governor shall appoint
 11 one (1) of the nominees to the commission.

12 (c) If the state chairman fails to make the nominations within ten
 13 (10) days, the governor shall, within another ten (10) days, appoint a
 14 member of the same political party as the state chairman. ~~The state~~
 15 ~~chairman may disapprove the selection by notifying the governor~~
 16 ~~within seven (7) days after receiving notice of the governor's~~
 17 ~~appointment.~~

18 (d) If the state chairman disapproves the selection within the seven
 19 (7) day period under subsection (c), the governor shall make another
 20 appointment under subsection (c) that is also subject to the disapproval
 21 of the state chairman under subsection (c).

22 (e) If the state chairman does not disapprove an appointment under
 23 subsection (c) within the seven (7) day period, the individual appointed
 24 by the governor is a member of the commission.

25 SECTION 7. IC 3-6-4.1-6 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The ~~governor~~
 27 ~~shall appoint one (1) of the members~~ **secretary of state serves as the**
 28 **chair** of the commission. ~~to be the chair and~~ **The secretary of state**
 29 **shall designate** one (1) of the members of the commission to be the
 30 vice chair of the commission. ~~The chair of the commission must be a~~
 31 ~~member of the same political party as the individual who is the~~
 32 ~~secretary of state. The vice chair and the chair may not be affiliated~~
 33 ~~with the same political party.~~

34 (b) The individuals appointed **individual designated** as chair and
 35 vice chair ~~serve in their respective positions~~ **serves in that capacity**
 36 until ~~each the~~ individual's term as a member of the commission
 37 expires.

38 (c) **The vice chair serves as acting chair of the commission in the**
 39 **absence of the secretary of state (or a proxy designated by the**
 40 **secretary of state to act as chair under section 8 of this chapter).**

41 SECTION 8. IC 3-6-4.1-7 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Three (3)

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1 members of the commission, **including:**

2 **(1) the secretary of state; or**

3 **(2) an individual designated as the secretary of state's proxy**
 4 **under section 8 of this chapter;**

5 constitute a quorum.

6 (b) Except as otherwise provided in this title, the affirmative vote of
 7 at least three (3) members of the commission is necessary for the
 8 commission to take official action other than to meet to take testimony.

9 **(c) The secretary of state does not cast a vote as a member of the**
 10 **commission unless the casting of that vote is necessary to take**
 11 **official action under subsection (b) or to break a tie that has**
 12 **occurred in the votes cast by other members of the commission.**

13 SECTION 9. IC 3-6-4.1-8 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A member of
 15 the commission **(including the secretary of state)** may designate
 16 another individual to serve as a proxy of record in the member's place
 17 as a member **(or in the case of the secretary of state, as chair)** of the
 18 commission by filing a written instrument designating the proxy of
 19 record with the election division. **An individual who is designated to**
 20 **serve as a proxy of record by a member of the commission who is**
 21 **appointed by the governor must meet the same qualifications for**
 22 **service on the commission as the member in whose place the**
 23 **individual serves. An individual who is designated to serve as a**
 24 **proxy of record by the secretary of state must meet the**
 25 **qualifications for appointment to the commission established under**
 26 **section 2 of this chapter and be a member of the same political**
 27 **party as the secretary of state.** The proxy of record has the same
 28 authority to act and vote on all matters as does the member **(or the**
 29 **secretary of state, as chair).** The member **or the secretary of state**
 30 may revoke the authority of the proxy of record at any time. The
 31 authority of the proxy of record may be either limited or general with
 32 regard to duration or subject matter as set forth by the member in the
 33 written instrument designating the proxy.

34 (b) If both the member and the member's proxy of record are
 35 unavailable, the member **(including the secretary of state)** may
 36 designate another individual in writing to serve as an alternate proxy
 37 in the member's place as a member **(or in the case of the secretary of**
 38 **state, as chair)** of the commission. This designation must be filed with
 39 the election division before taking effect. **An individual who is**
 40 **designated to serve as an alternate proxy by a member of the**
 41 **commission who is appointed by the governor must meet the same**
 42 **qualifications for service on the commission as the member in**

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1 **whose place the individual serves. An individual who is designated**
 2 **to serve as an alternate proxy by the secretary of state must meet**
 3 **the qualifications for appointment to the commission established**
 4 **under section 2 of this chapter and be a member of the same**
 5 **political party as the secretary of state.** The alternate proxy has the
 6 same authority to act and vote on all matters as does the member (**or**
 7 **the secretary of state, as chair**). The member **or the secretary of**
 8 **state** may revoke the authority of the alternate proxy at any time. The
 9 authority of the alternate proxy may be either limited or general with
 10 regard to duration or subject matter as set forth by the member in the
 11 written instrument designating the proxy.

12 SECTION 10. IC 3-6-4.1-9 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The chair shall:

- 14 (1) call a meeting of the commission whenever the chair considers
- 15 it necessary for the performance of the commission's duties; **and**
- 16 (2) **set the agenda for the meeting.**

17 SECTION 11. IC 3-6-4.1-10 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. If the chair for
 19 any reason fails to call a meeting of the commission, then:

- 20 (1) the vice chair, with the written approval of ~~the~~ **remaining at**
- 21 **least two** (2) commission members, may convene a meeting of the
- 22 commission; and
- 23 (2) the three (3) members of the commission may meet to execute
- 24 the powers and perform the duties of the commission.

25 SECTION 12. IC 3-6-4.1-11 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. **(a) This**
 27 **section does not apply to the secretary of state.**

28 ~~(a)~~ **(b)** Each member of the commission who is not a state employee
 29 is entitled to receive both of the following:

- 30 (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
- 31 (2) Reimbursement for travel expenses and other expenses
- 32 actually incurred in connection with the member's duties, as
- 33 provided in the state travel policies and procedures established by
- 34 the Indiana department of administration and approved by the
- 35 budget agency.

36 ~~(b)~~ **(c)** Each member of the commission who is a state employee is
 37 entitled to reimbursement for travel expenses and other expenses
 38 actually incurred in connection with the member's duties, as provided
 39 in the state travel policies and procedures established by the Indiana
 40 department of administration and approved by the budget agency.

41 SECTION 13. IC 3-6-4.1-19 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The

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1 commission has the power of subpoena and may require a person to
 2 appear before the commission, a member of the commission, or the
 3 ~~co-directors~~ **director** to be examined with regard to any matter with
 4 which the commission or the ~~co-directors~~ **director** are charged with a
 5 duty under this title.

6 (b) The commission or the ~~co-directors~~ **director** may require
 7 appearances at the office of the commission or at a place fixed by the
 8 commission or ~~co-directors~~ **director** in the county of residence of the
 9 person subpoenaed.

10 (c) A witness who is subpoenaed under this section is entitled to be
 11 paid the same mileage and fee as witnesses in court actions. Mileage
 12 and fees shall be paid as other election expenses are paid.

13 SECTION 14. IC 3-6-4.1-20 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. A member of
 15 the commission, the ~~co-directors~~, **director**, or an employee of the
 16 election division may administer an oath required or permitted by this
 17 title.

18 SECTION 15. IC 3-6-4.2-3 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The ~~governor~~
 20 **secretary of state** shall appoint two (2) ~~co-directors~~ **a director** for the
 21 election division. **The director serves at the pleasure of the**
 22 **secretary of state.**

23 (1) The ~~co-directors~~ **director** shall do the following:

24 (A) Carry out the policies, decisions, and recommendations of
 25 the **secretary of state and the** commission.

26 (B) Maintain an office for the election division.

27 (b) ~~The co-directors may not be members of the same political party.~~

28 (c) ~~The co-directors have equal authority and responsibilities under~~
 29 ~~this title.~~

30 (d) ~~The co-directors must:~~

31 (1) ~~be classified the same under the state's personnel system; and~~

32 (2) ~~except for differences due to years of service as co-directors,~~
 33 ~~receive the same compensation.~~

34 SECTION 16. IC 3-6-4.2-4 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **The director**
 36 **shall employ a general counsel, who serves as acting director if the**
 37 **director is absent or a vacancy occurs in the office.**

38 (b) ~~The co-directors~~ **director** shall employ other employees as
 39 necessary in the execution of the powers and duties of the ~~commission~~.
 40 **division.**

41 SECTION 17. IC 3-6-4.2-8 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **The director**

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1 shall employ an assistant director selected from a list containing
 2 the names of two (2) individuals submitted by the state chairman
 3 of the major political party whose candidate received the second
 4 highest number of votes cast at the most recent election for
 5 secretary of state.

6 (a) (b) When a vacancy in a ~~co-director~~ the position of assistant
 7 director occurs, the secretary of state shall notify, ~~the governor and by~~
 8 certified mail, return receipt requested, the state chairman of the
 9 political party of which the individual vacating the position is a
 10 member.

11 (b) (c) The state chairman may submit to the ~~governor~~ secretary of
 12 state in writing, within thirty (30) days after receiving notice of the
 13 vacancy, the names of two (2) individuals to fill the vacancy. If the
 14 state chairman submits the names of two (2) individuals within the
 15 thirty (30) day period, the ~~governor~~ director shall ~~appoint~~ employ one
 16 (1) of the two (2) individuals to fill the vacancy. If the state chairman
 17 fails to submit the names of two (2) individuals within the thirty (30)
 18 day period, the ~~governor~~ director shall, within another ten (10) days,
 19 appoint an individual of the same political party as the state chairman
 20 to fill the vacancy.

21 (c) (d) If a state chairman fails to submit in writing the name of a
 22 qualified successor within thirty (30) days after the state chairman is
 23 notified by the secretary of state receives notice of a vacancy under
 24 subsection (c), the ~~governor~~ director shall:

- 25 (1) appoint a member of the political party of the state chairman
 26 to fill the vacancy; and
- 27 (2) notify the state chairman of the selection.

28 (d) The state chairman may disapprove the selection by notifying the
 29 governor within seven (7) days after receiving notice of the governor's
 30 appointment. If the state chairman disapproves the selection within the
 31 seven (7) day period, the governor shall make another appointment
 32 under subsection (b) which is subject to disapproval of the state
 33 chairman under this subsection. If the state chairman does not
 34 disapprove the appointment within the seven (7) day period, the
 35 individual appointed by the governor shall be employed as the
 36 ~~co-director~~.

37 SECTION 18. IC 3-6-4.2-10 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) An audit or
 39 investigation authorized by the commission concerning administration
 40 of election laws shall be conducted by at least two (2) state employees
 41 divided equally between the major political parties of the state.

42 (b) Notwithstanding subsection (a) or any statutory provisions to the

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1 contrary, the ~~co-directors~~ **director** shall assist in the following actions
2 upon authorization of the commission:

- 3 (1) A hearing or an investigation conducted by the commission
- 4 under:
 - 5 (A) IC 3-7-11 (voter registration violations under NVRA or
 - 6 IC 3-7); or
 - 7 (B) IC 3-9-4-15 (campaign finance violations).
- 8 (2) An examination or a test of a voting system for the
- 9 commission.

10 SECTION 19. IC 3-6-4.2-12 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The election
12 division shall do the following:

- 13 ~~(1) Prepare and distribute paper ballots for the election or~~
- 14 ~~retention of persons to federal and state offices and for public~~
- 15 ~~questions in compliance with this title:~~
- 16 ~~(2) (1) Maintain complete and uniform descriptions and maps of~~
- 17 ~~all precincts in Indiana.~~
- 18 ~~(3) (2) Promptly update the information required by subdivision~~
- 19 ~~(2) (1) after each precinct establishment order is filed with the~~
- 20 ~~commission under IC 3-11-1.5.~~
- 21 ~~(4) (3) Issue media watcher cards under IC 3-6-10-6.~~
- 22 ~~(5) (4) Prepare and transfer to the department of state revenue~~
- 23 ~~voter registration affidavits for inclusion in state adjusted gross~~
- 24 ~~income tax booklets under IC 6-8.1-3-19.~~
- 25 ~~(6) After December 31, 2003; (5) Serve in accordance with 42~~
- 26 ~~U.S.C. 1973ff-1(b) as the office in Indiana responsible for~~
- 27 ~~providing information regarding voter registration procedures and~~
- 28 ~~absentee ballot procedures to absent uniformed services voters~~
- 29 ~~and overseas voters.~~
- 30 ~~(7) (6) As required by 42 U.S.C. 1973ff-1(c), submit a report to~~
- 31 ~~the federal Election Assistance Commission not later than ninety~~
- 32 ~~(90) days after each general election setting forth the combined~~
- 33 ~~number of absentee ballots:~~
 - 34 (A) transmitted to absent uniformed services voters and
 - 35 overseas voters for the election; and
 - 36 (B) returned by absent uniformed services voters and overseas
 - 37 voters and cast in the election.
- 38 ~~(8) Implement (7) Assist the secretary of state with the~~
- 39 ~~implementation of the state plan in accordance with the~~
- 40 ~~requirements of HAVA (42 U.S.C. 15401 through 15406) and this~~
- 41 ~~title. and appoint members of the committee established under 42~~
- 42 ~~U.S.C. 15405.~~

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1 ~~(9)~~ **(8)** Submit reports required under 42 U.S.C. 15408 to the
2 federal Election Assistance Commission concerning the use of
3 federal funds under Title II, Subtitle D, Part I of HAVA.
4 SECTION 20. IC 3-6-4.2-12.1 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.1. (a) This
6 section applies to the development, implementation, and amendment
7 of the state plan under HAVA (42 U.S.C. 15401 through 15406). **The**
8 **secretary of state shall appoint the members of the committee**
9 **established to maintain and amend the state plan to implement**
10 **HAVA.**
11 (b) An individual appointed by the ~~co-directors~~ **secretary of state**
12 to serve on the committee established to develop the state plan to
13 implement HAVA under 42 U.S.C. 15405 is entitled to receive the
14 compensation or reimbursement provided under subsection (d) or (e).
15 (c) For purposes of subsection (d), an individual who holds:
16 (1) a state office is considered an employee of the state; or
17 (2) an office of a political subdivision is considered an employee
18 of the political subdivision.
19 (d) Each member of the committee who is not a state employee or
20 an employee of a political subdivision is entitled to receive both of the
21 following:
22 (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
23 (2) Reimbursement for travel expenses and other expenses
24 actually incurred in connection with the member's duties, as
25 provided in the state travel policies and procedures established by
26 the Indiana department of administration and approved by the
27 budget agency.
28 (e) Each member of the committee who is a state employee or an
29 employee of a political subdivision is entitled to reimbursement for
30 travel expenses and other expenses actually incurred in connection with
31 the member's duties, as provided in the state travel policies and
32 procedures established by the Indiana department of administration and
33 approved by the budget agency.
34 (f) The committee's expenses, including the payment of per diem
35 and reimbursements under this section, shall be paid from the Section
36 101 account of the election administration assistance fund established
37 under IC 3-11-6.5.
38 SECTION 21. IC 3-6-4.2-12.5 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.5. (a) As
40 authorized under 42 U.S.C. 15421, the secretary of state ~~with the~~
41 ~~consent of the co-directors of the election division~~ shall apply to the
42 Secretary of Health and Human Services for payments under the

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1 HAVA (42 U.S.C. 15421 through 15425) to do the following:

2 (1) Make polling places (including the path of travel, entrances,

3 exits, and voting areas of each polling place) more accessible to

4 individuals with disabilities, including the blind and visually

5 impaired, in a manner that provides the same opportunity for

6 access and participation (including privacy and independence) as

7 other voters.

8 (2) Provide individuals with disabilities and other individuals

9 described in subdivision (1) with information about the

10 accessibility of polling places, including outreach programs to

11 inform the individuals about the availability of accessible polling

12 places and training election officials, poll workers, and election

13 volunteers on how best to promote the access and participation of

14 individuals with disabilities in elections.

15 (b) If the secretary of state receives payments from the Secretary of

16 Health and Human Services under 42 U.S.C. 15421 through 15425, the

17 election division shall expend the money as described in the

18 application submitted under 42 U.S.C. 15423.

19 SECTION 22. IC 3-6-4.2-14 IS AMENDED TO READ AS

20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Each year

21 in which a general or municipal election is held, the election division

22 shall call a meeting of all the members of the county election boards

23 and the boards of registration to instruct them as to their duties under

24 this title and federal law (including HAVA and NVRA). The election

25 division may, but is not required to, call a meeting under this section

26 during a year in which a general or a municipal election is not held.

27 (b) Each circuit court clerk shall attend a meeting called by the

28 election division under this section.

29 (c) The ~~co-directors of the~~ election division shall set the time and

30 place of the instructional meeting. In years in which a primary election

31 is held, the election division:

32 (1) may conduct the meeting before the first day of the year; and

33 (2) shall conduct the meeting before primary election day.

34 The instructional meeting may not last for more than two (2) days.

35 (d) Each member of a county election board or board of registration

36 and an individual who has been elected or selected to serve as circuit

37 court clerk but has not yet begun serving in that office is entitled to

38 receive all of the following:

39 (1) A per diem of twenty-four dollars (\$24) for attending the

40 instructional meeting called by the election division under this

41 section.

42 (2) A mileage allowance at the state rate for the distance

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1 necessarily traveled in going and returning from the place of the
2 instructional meeting called by the election division under this
3 section.

4 (3) Reimbursement for the payment of the instructional meeting
5 registration fee from the county general fund without
6 appropriation.

7 (4) An allowance for lodging for each night preceding conference
8 attendance equal to the lodging allowance provided to state
9 employees in travel status.

10 SECTION 23. IC 3-6-4.5-26 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. A complaint
12 described by section 25 of this chapter shall be resolved by referral to
13 an arbitrator selected **jointly** by the ~~commission and the person who~~
14 ~~filed the complaint.~~ **secretary of state.**

15 SECTION 24. IC 3-7-11-1 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The ~~co-directors~~
17 ~~of the commission are jointly~~ **secretary of state** is designated under 42
18 U.S.C. 1973gg-8 as the chief state election official responsible for the
19 coordination of state responsibilities under NVRA.

20 SECTION 25. IC 3-7-11-3 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section
22 applies when a person aggrieved by a violation of:

- 23 (1) NVRA; or
 - 24 (2) this article;
- 25 files a written notice of the violation with the NVRA official under 42
26 U.S.C. 1973gg-9(b) or this chapter. A person who files a written notice
27 of violation under this section must state in the notice whether the
28 person has filed a written notice concerning the violation with the
29 circuit court clerk under IC 3-7-12.

30 (b) The NVRA official shall promptly provide a copy of the notice
31 by first class mail to:

- 32 (1) the person alleged to have committed the violation; and
- 33 (2) the members of the commission.

34 (c) Notwithstanding this chapter, a person aggrieved by a violation
35 of NVRA or this article may file a written notice of violation with the
36 circuit court clerk of the county where the violation allegedly occurred.
37 If a person files a written notice with the circuit court clerk, the NVRA
38 official shall not begin enforcement procedures under this chapter
39 regarding the complaint unless the person files a complaint with the
40 NVRA official under this chapter.

41 (d) This subsection applies if the written notice of violation alleges
42 that ~~either co-director~~ **the NVRA official** has committed a violation.

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1 The aggrieved person shall file the written notice with the ~~chair of the~~
2 ~~commission: election division~~. The ~~chair of the~~ commission shall
3 **designate an individual** to perform the duties otherwise performed by
4 the NVRA official concerning a written notice of violation.

5 SECTION 26. IC 3-7-26.3-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As required
7 under 42 U.S.C. 15483, and not later than January 1, 2006, the
8 secretary of state ~~with the consent of the co-directors of the election~~
9 ~~division~~ shall implement, in a uniform and nondiscriminatory manner,
10 a single, uniform, official, centralized, and interactive statewide voter
11 registration list under this chapter.

12 SECTION 27. IC 3-7-26.3-18 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. As required
14 under 42 U.S.C. 15483, the secretary of state ~~the co-directors of the~~
15 ~~election division~~, and the bureau of motor vehicles commission shall
16 enter into an agreement to match information in the computerized list
17 ~~data base~~ with information in the data base of the bureau of motor
18 vehicles commission to enable the election division (acting on behalf
19 of the secretary of state) and the commission to verify the accuracy of
20 the information provided on voter registration applications.

21 SECTION 28. IC 3-7-26.3-29 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. The
23 computerized list must include voter registration management features
24 that do the following:

- 25 (1) Automatically assign voter identification numbers in
26 accordance with this title.
- 27 (2) Calculate the number of registered voters by precinct or any
28 election district.
- 29 (3) Permit expedited web based inquiries concerning polling
30 place locations.
- 31 (4) Track and report all voter list maintenance transactions
32 performed within the system.
- 33 (5) Permit tracking regarding the political party ballot requested
34 by voters voting in a primary.
- 35 (6) Generate a variety of reports on paper, compact disc, or floppy
36 disc format, such as walking lists, call lists, lists of voters by
37 precinct, lists of voters by name, date of birth, or date of
38 registration, and lists of voters by other household data.
- 39 (7) Identify voters who are currently less than eighteen (18) years
40 of age.
- 41 (8) Permit electronic processing of voter registration information
42 received as files from other state and federal agencies.

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- 1 (9) Provide flexible query functions for management and
- 2 statistical reports, including the ability of the secretary of state ~~or~~
- 3 ~~a co-director of the election division~~ to view individual voter
- 4 registration records.
- 5 (10) Contain full audit controls and management reports to track
- 6 and manage the work of county voter registration office
- 7 employees, including the ability of the secretary of state ~~or the~~
- 8 ~~co-directors of the election division~~ to determine whether a
- 9 county voter registration office is performing voter list
- 10 maintenance functions in the manner required by IC 3-7.

11 SECTION 29. IC 3-7-26.3-31 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. The
 13 computerized list must include features permitting the secretary of state
 14 ~~or a co-director of the election division~~ to include other features
 15 determined by the secretary of state. ~~and the co-directors of the election~~
 16 ~~division.~~

17 SECTION 30. IC 3-9-4-15 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. **(a) With the**
 19 **authorization of the commission:**

20 (1) a member of the commission; ~~the co-directors;~~ with the
 21 ~~authorization of the commission;~~ or a member of a county election
 22 board

23 **(2) the election division;**
 24 may conduct a hearing or an investigation, take evidence, and report
 25 back to the commission ~~or board~~ for its consideration and action.

26 **(b) A member of a county election board, with the authorization**
 27 **of the board, may conduct a hearing or an investigation, take**
 28 **evidence, and report back to the board for its consideration and**
 29 **action.**

30 SECTION 31. IC 3-9-4-20 IS ADDED TO THE INDIANA CODE
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 20. **(a) Notwithstanding section 16 of this**
 33 **chapter, if a person is notified by the election division of a proposed**
 34 **civil penalty under this article that may be assessed against the**
 35 **person by the commission, the person may enter into an agreement**
 36 **with the election division to pay the proposed penalty and waive**
 37 **any hearing before the commission otherwise required under**
 38 **section 16 of this chapter.**

39 **(b) An agreement entered into by the election division under this**
 40 **section must:**

41 **(1) provide for the payment of the entire proposed civil**
 42 **penalty not later than the date of execution of the agreement;**

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and
(2) be presented by the election division to the commission for ratification at the next regularly scheduled meeting of the commission.

SECTION 32. IC 3-11-1.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. A county executive must submit a proposed precinct establishment order to the ~~co-directors~~ **election division** before the county executive establishes a precinct under this chapter.

SECTION 33. IC 3-11-1.5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) The election division shall send a copy of a precinct establishment order:

- (1) submitted under section 14 or 30 (repealed) of this chapter; or
- (2) resubmitted under section 20 of this chapter;

to the office for comment.

(b) The office shall review the order and may make any technical comments the office considers appropriate.

(c) The ~~co-directors~~ or an employee designated by the ~~co-directors~~ **election division** shall examine:

- (1) the proposed precinct establishment order; and
- (2) the comments of the office;

to determine if the order would establish precincts in compliance with this chapter.

SECTION 34. IC 3-11-1.5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) If the ~~co-directors~~ or designated employee ~~election division~~ determines that the proposed precinct establishment order would comply with this chapter, the ~~co-directors~~ shall advise the county executive that the ~~co-directors~~ will recommend that the commission approve the proposed order based on the order's compliance. **election division shall issue an order authorizing the county executive to establish the proposed precincts.**

(b) **The order issued by the election division under subsection (a) must state that the election division finds that the proposed precincts would comply with the standards set forth in this chapter. The election division shall promptly provide a copy of the order to the county executive.**

(c) **The county executive must give notice of the proposed order to the voters of the county by one (1) publication under IC 5-3-1-4. The notice must state the following:**

- (1) **The name of each existing precinct whose boundaries would be changed by the adoption of the proposed order by**

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the county.

(2) That any registered voter of the county may object to the proposed order by filing a sworn statement with the election division setting forth the voter’s specific objections to the proposed order and requesting that a hearing be conducted by the commission under IC 4-21.5.

(3) The mailing address of the election division.

(4) The deadline for filing the objection with the election division under this section.

(d) An objection to a proposed precinct establishment order must be filed not later than noon ten (10) days after the publication of the notice by the county executive.

(e) If an objection is not filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may proceed immediately to adopt the proposed order.

(f) If an objection is filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may not adopt the proposed order until the commission conducts a hearing under IC 4-21.5 and determines whether the proposed precincts would comply with the standards set forth in this chapter.

SECTION 35. IC 3-11-1.5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. If the ~~co-directors or designated employee~~ **election division** determines that the proposed precinct establishment order would not comply with this chapter, the ~~co-directors~~ **election division** shall advise the county executive specifically how the order would not comply with this chapter. If the ~~co-directors determine~~ **election division determines** that the noncompliance would result from a technical error in a map or legal description included in the proposed order, the ~~co-directors~~ **election division** may suggest specific amendments to the map or legal description in the letter accompanying the proposed order.

SECTION 36. IC 3-11-1.5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. If a county executive is advised that a proposed precinct establishment order does not comply with this chapter, the county executive may:

(1) amend the proposed order so that the precincts may be established in compliance with this chapter; or

(2) request an exemption under section 20.5 of this chapter; and resubmit the proposed order to the ~~co-directors.~~ **election division.**

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1 SECTION 37. IC 3-11-1.5-21 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) If the county
3 executive believes that the proposed order described by section 19 of
4 this chapter complies with this chapter, the county executive may
5 resubmit the order to the ~~co-directors~~ **election division** and request a
6 hearing before the commission. The hearing shall be conducted in
7 accordance with IC 4-21.5.

8 (b) If the commission determines that the proposed precinct
9 establishment order complies with this chapter, the ~~co-directors~~
10 **election division** shall advise the county executive that the order
11 complies with this chapter and may be issued by the county executive.

12 SECTION 38. IC 3-11-1.5-22 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. When a county
14 executive receives a proposed order approved by:

- 15 (1) the **election division; or**
- 16 (2) the commission under **section 18(f)** of this chapter, the county
17 executive may issue the order.

18 SECTION 39. IC 3-11-1.5-23 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) The county
20 executive shall file a copy of the order issued under section 22 of this
21 chapter with the ~~co-directors~~ **election division** not later than seven (7)
22 days after its issuance.

23 (b) The ~~co-directors~~ **election division** shall send a copy of the order
24 to the office not later than seven (7) days after the ~~co-directors~~ **receive**
25 **election division receives** the order.

26 SECTION 40. IC 3-11-1.5-24 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) The precinct
28 establishment order becomes effective on the first date permitted under
29 section 25 of this chapter.

30 (b) The office shall notify the ~~co-directors~~ **election division** of the
31 date the new precinct boundaries were entered into the GIS not later
32 than seven (7) days after the new precinct boundaries are entered into
33 the GIS.

34 SECTION 41. IC 3-11-1.5-26 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. The
36 ~~co-directors~~ **election division** shall promptly notify the county
37 executive of:

- 38 (1) the approval of a precinct establishment order by the
39 commission; and
- 40 (2) the date the order becomes effective.

41 The ~~co-directors~~ **election division** shall provide one (1) copy of the
42 approved order to the county executive.

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1 SECTION 42. IC 3-11-1.5-27 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. Not later than
3 fourteen (14) days following notice of final approval of a precinct
4 establishment order **by the commission** under **section 18(f)** of this
5 chapter, the county executive shall give notice of the approval by one
6 (1) publication under IC 5-3-1-4.

7 SECTION 43. IC 3-11-1.5-29 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. The county
9 executive shall file:

10 (1) one (1) copy of the order approved under section 26 of this
11 chapter with the ~~circuit court clerk or board of county voter~~
12 ~~registration office~~; and

13 (2) one (1) copy of the notice published under section 27 of this
14 chapter with the ~~co-directors~~; **election division**;
15 ~~no~~ **not** later than forty-five (45) days after the notice is published under
16 section 27 of this chapter.

17 SECTION 44. IC 3-11-1.5-31 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. **(a) This**
19 **section applies to a proposed precinct establishment order that**
20 **requires that a hearing by the commission be conducted under this**
21 **chapter.**

22 **(b)** After the ~~co-directors~~ **have election division has** reviewed the
23 proposed precinct establishment order, and the order has been revised,
24 if necessary, to comply with this chapter, the commission shall:

25 (1) approve a proposed precinct establishment order under this
26 section ~~no~~ **not** later than the following January 31; and

27 (2) order that the precinct establishment order takes effect January
28 31 of the year in which the municipal election will be held.

29 SECTION 45. IC 3-11-1.5-34 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. (a) A county
31 executive may issue an order to rename or renumber precincts without
32 establishing new precinct boundaries. An order issued under this
33 section becomes effective when it is filed with the ~~co-directors~~;
34 **election division.**

35 (b) The ~~co-directors~~ **election division** shall send a copy of the order
36 to the office.

37 SECTION 46. IC 3-11-1.5-35 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) This section
39 applies to a county that has a precinct that crosses a boundary in
40 violation of section ~~4(5)~~; **4(4)**, ~~4(6)~~; **4(5)**, or ~~4(7)~~ **4(6)** of this chapter.

41 (b) Notwithstanding section 25 of this chapter, if the county does
42 not issue a precinct establishment order that establishes precincts in

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1 compliance with section ~~4(5)~~, **4(4)**, ~~4(6)~~, **4(5)**, ~~and or 4(7)~~ **4(6)** of this
2 chapter by the January 31 following the last effective date described in
3 section 25(2) of this chapter, the commission may issue an order
4 establishing precincts as provided under subsection (c).

5 (c) An order issued by the commission under this section must
6 comply with section ~~4(5)~~, **4(4)**, ~~4(6)~~, **4(5)**, ~~and or 4(7)~~ **4(6)** of this
7 chapter.

8 (d) The ~~co-directors election division~~ shall send a copy of the
9 commission's order to the office.

10 SECTION 47. IC 3-11-1.5-37 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) The
12 ~~co-directors election division~~ shall notify the office of any errors found
13 in the precinct boundaries depicted in the GIS.

14 (b) The office and the ~~co-directors election division~~ shall cooperate
15 to resolve any errors found in the GIS.

16 SECTION 48. IC 3-11-6.5-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) In
18 accordance with 42 U.S.C. 15404, the election administration
19 assistance fund is established for the following purposes:

20 (1) As provided by 42 U.S.C. 15401, to carry out activities to
21 improve the administration of elections for federal office.

22 (2) As provided by 42 U.S.C. 15401, to use funds provided to the
23 state under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401
24 through 15408) as a reimbursement of costs in obtaining voting
25 equipment that complies with 42 U.S.C. 15481 if the state obtains
26 the equipment after November 7, 2000.

27 (3) As provided by 42 U.S.C. 15401, to use funds provided to the
28 state under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401
29 through 15408) as a reimbursement of costs in obtaining voting
30 equipment that complies with 42 U.S.C. 15481 under a multiyear
31 contract incurred after December 31, 2000.

32 (4) For reimbursing counties for the purchase of new voting
33 systems or for the upgrade or expansion of existing voting
34 systems that would not qualify for reimbursement under
35 subdivision (2) or (3).

36 (b) The fund consists of the following:

37 (1) Money appropriated to the fund by the general assembly,
38 including any money appropriated from the build Indiana fund.

39 (2) All money allocated to the state by the federal government:

40 (A) under Section 101 of HAVA (42 U.S.C. 15301), as
41 required by 42 U.S.C. 15304;

42 (B) under Section 102 of HAVA (42 U.S.C. 15302), as

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1 required by 42 U.S.C. 15304;
 2 (C) under Title II, Subtitle D, Part I of HAVA (42 U.S.C.
 3 15401 through 15408); and
 4 (D) under any other program for the improvement of election
 5 administration.

6 (3) Proceeds of bonds issued by the Indiana bond bank for
 7 improvement of voting systems as authorized by law.

8 The auditor of state shall establish an account within the fund for
 9 money appropriated by the general assembly and separate accounts
 10 within the fund for any money received by the state from the federal
 11 government for each source of allocations described under subdivision
 12 (2). Proceeds of bonds issued by the Indiana bond bank under
 13 subdivision (3) may be deposited into any account, as determined by
 14 the election division.

15 (c) The secretary of state ~~with the consent of the co-directors of the~~
 16 ~~election division~~ shall administer the fund.

17 (d) The expenses of administering the fund shall be paid from
 18 money in the Section 101 account of the fund. If money is not available
 19 for this purpose in the Section 101 account of the fund, the expenses of
 20 administering the fund shall be paid from money appropriated under
 21 subsection (b)(1).

22 (e) The treasurer of state shall invest the money in the fund not
 23 currently needed to meet the obligations of the fund in the same
 24 manner as other public money may be invested. Interest that accrues
 25 from these investments shall be deposited in the fund and allocated
 26 among the accounts within the fund according to the balances of the
 27 respective accounts.

28 (f) Money in the fund at the end of a state fiscal year does not revert
 29 to the state general fund.

30 (g) Money in the fund is appropriated continuously for the purposes
 31 stated in subsection (a).

32 SECTION 49. IC 3-11-6.5-2.1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. The secretary
 34 of state ~~with the consent of the co-directors of the election division~~;
 35 may administer the fund in accordance with the HAVA state plan, as
 36 published in the Indiana Register on November 1, 2003. The state plan
 37 may be amended in accordance with the requirements of HAVA and
 38 the procedures for amendment set forth in the plan. If the plan is
 39 amended as provided in this section, the fund may be administered in
 40 accordance with that amendment.

41 SECTION 50. IC 3-11-6.5-3.1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) This

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1 section applies to money received under Title II, Subtitle D, Part I of
2 HAVA (42 U.S.C. 15401 through 15408) and deposited in the account
3 established under section 2 of this chapter for those funds.

4 (b) Except as provided in subsection (c), money deposited in the
5 account must be used to comply with the requirements of Title III of
6 HAVA (42 U.S.C. 15481 through 15502).

7 (c) As authorized under 42 U.S.C. 15401(b), money deposited in the
8 account may be used for other purposes authorized under Section 101
9 of HAVA (42 U.S.C. 15301) if the secretary of state ~~with the approval
10 of the co-directors of the election division~~, files the certification
11 required by Section 251(b)(2)(B) of HAVA (42 U.S.C.
12 15401(b)(2)(B)).

13 (d) If the secretary of state makes the certification described in
14 subsection (c), the secretary of state ~~with the approval of the
15 co-directors of the election division~~, may transfer amounts that do not
16 in total exceed the amount described in Section 251(b)(2)(B) from the
17 Title II account of the fund to the Section 101 account of the fund.

18 (e) In conformity with Section 254(a)(7) of HAVA (42 U.S.C.
19 15404), the state shall maintain expenditures by the state for activities
20 funded by the payment of funds described by this section at a level that
21 is not less than the level of those expenditures maintained by the state
22 for the fiscal year ending June 30, 2000.

23 SECTION 51. IC 3-11-6.5-4 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To receive
25 reimbursement for the purchase of voting systems under this chapter,
26 a county must file an application with the election division, in the form
27 required by the election division. The secretary of state ~~with the
28 consent of the co-directors of the election division~~ shall review the
29 application and make a recommendation to the budget committee
30 regarding the application. If a county filed an application under section
31 3 of this chapter (repealed) not later than January 31, 2003, the
32 application may be amended to comply with this chapter or the county
33 may file a new application under this subsection.

34 (b) The budget agency, after review by the budget committee, shall
35 approve a county's application for reimbursement under this chapter if
36 the budget agency determines either of the following:

37 (1) The county has purchased or will purchase a new voting
38 system or an upgrade or expansion of an existing voting system
39 to comply with HAVA that would be eligible for reimbursement
40 under HAVA and this chapter from any fund account.

41 (2) The county purchased a new voting system or an upgrade or
42 expansion of the county's existing voting system after January 1,

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1 1998, and before July 1, 2001, that would not qualify for
2 reimbursement from federal funds received under HAVA, and the
3 new voting system or upgrade or expansion of the county's
4 existing voting system enhanced all of the following:

- 5 (A) Reliability of the county's voting system.
- 6 (B) Efficiency of the county's voting system.
- 7 (C) Ease of use of the county's voting system by voters.
- 8 (D) Public confidence in the county's voting system.

9 SECTION 52. IC 3-11-6.5-5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) If a county's
11 application is approved under section 4 of this chapter, the secretary of
12 state ~~with the consent of the co-directors of the election division~~ shall,
13 subject to this section, reimburse the county from the fund an amount
14 to be determined by the secretary of state. ~~with the consent of the~~
15 ~~co-directors of the election division.~~

16 (b) Payment of money from the fund is subject to the availability of
17 money in the fund and the requirements of this chapter and HAVA.

18 (c) It is the intent of the general assembly that a county eligible for
19 reimbursement under section 4 of this chapter be reimbursed from
20 federal money received by the state to the maximum extent permitted
21 by federal law.

22 (d) This section expires January 1, 2006.

23 SECTION 53. IC 3-11-6.5-7.1 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.1. (a) This
25 section applies to money received under Section 102 of HAVA (42
26 U.S.C. 15302) and deposited in the account established under section
27 2 of this chapter for those funds.

28 (b) Money deposited in the account must be used for the purposes
29 set forth in Section 102 of HAVA (42 U.S.C. 15302).

30 (c) As permitted under 42 U.S.C. 15302, a county may apply to
31 receive reimbursement from the fund.

32 (d) To receive reimbursement or voting systems under this section,
33 a county must file an application with the election division in the form
34 required by the election division. The secretary of state ~~with the~~
35 ~~consent of the co-directors of the election division;~~ shall review the
36 application and make a recommendation to the budget committee
37 regarding the application. If a county filed an application under section
38 3 of this chapter (repealed) not later than January 31, 2003, the
39 application may be amended to comply with this chapter or the county
40 may file a new application under this subsection.

41 (e) The budget agency, after review by the budget committee, shall
42 approve a county's application for reimbursement if the budget agency

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1 determines that the county has purchased a voting system to comply
2 with Section 102 of HAVA and is eligible for reimbursement under this
3 section.

4 (f) The budget agency, after review by the budget committee, shall
5 approve a county's application for disbursement of voting systems to
6 the county if the budget agency determines that the county is entitled
7 to receive voting systems under this section to comply with Section 102
8 of HAVA.

9 (g) If a county's application for reimbursement is approved under
10 this section, the secretary of state shall, subject to subsection (h),
11 reimburse the county from the fund in an amount not more than the
12 amount determined by STEP TWO of the following formula:

13 STEP ONE: Determine the number of precincts in the county that
14 used a voting machine voting system or a punch card voting
15 system at the November 7, 2000, general election.

16 STEP TWO: Multiply the number determined in STEP ONE by
17 four thousand dollars (\$4,000).

18 (h) Payment of money from the fund under this section is subject to
19 the availability of money in the fund and the requirements of this
20 chapter and HAVA.

21 SECTION 54. IC 3-11-6.5-8 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section
23 applies to money received under Section 101 of HAVA (42 U.S.C.
24 15301) and deposited in the account established under section 2 of this
25 chapter for those funds.

26 (b) Money deposited in the account must be used in accordance with
27 the requirements applicable under Section 101 of HAVA (42 U.S.C.
28 15301).

29 (c) The money may be used ~~with the approval of the co-directors of~~
30 ~~the election division~~ for the following purposes:

31 (1) By the secretary of state for any purpose authorized by this
32 title and permitted under 42 U.S.C. 15301.

33 (2) To reimburse counties for the purchase of new voting systems
34 eligible for reimbursement under section 7.1 of this chapter, to the
35 extent that money received and deposited under section 7.1 of this
36 chapter is insufficient to replace all voting machine systems and
37 punch card voting systems in Indiana.

38 (3) To reimburse counties for the upgrade or expansion of
39 existing voting systems to comply with HAVA.

40 (d) As permitted under 42 U.S.C. 15301, a county may apply to
41 receive reimbursement under subsection (c).

42 (e) To receive reimbursement under this section, a county must

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1 make an application to the election division in the form required by the
2 election division. If the county filed an application under section 3 of
3 this chapter (repealed) not later than January 31, 2003:

- 4 (1) the application may be amended to comply with this chapter;
- 5 or
- 6 (2) the county may file a new application under this section.

7 The secretary of state ~~with the consent of the co-directors of the~~
8 ~~election division~~ shall review the application and make a
9 recommendation to the budget committee regarding the application.

10 (f) The budget agency, after review by the budget committee, shall
11 approve a county's application for reimbursement under this section if
12 the budget agency determines that the application complies with the
13 requirements for reimbursement under subsection (c)(2) or (c)(3).

14 (g) If a county's application is approved under subsection (c)(2), the
15 secretary of state ~~with the consent of the co-directors of the election~~
16 ~~division~~ shall, subject to subsection (i), pay the county from the fund
17 an amount not more than the amount determined by STEP TWO of the
18 following formula:

19 STEP ONE: Determine the number of precincts in the county that
20 used a voting machine voting system or a punch card voting
21 system at the November 7, 2000, general election that cannot be
22 replaced with funds available under section 7.1 of this chapter.

23 STEP TWO: Multiply the number determined in STEP ONE by
24 four thousand dollars (\$4,000).

25 (h) If a county's application is approved under subsection (c)(3), the
26 secretary of state ~~with the consent of the co-directors of the election~~
27 ~~division~~ shall, subject to subsection (i), pay the county from the fund
28 in an amount to be determined by the secretary of state. ~~with the~~
29 ~~consent of the co-directors of the election division.~~

30 (i) Payment of money from the fund under this section is subject to
31 the availability of money in the fund and the requirements of this
32 chapter and HAVA.

33 SECTION 55. IC 3-11-8-15 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Only the
35 following persons are permitted in the polls during an election:

- 36 (1) Members of a precinct election board.
- 37 (2) Poll clerks and assistant poll clerks.
- 38 (3) Election sheriffs.
- 39 (4) Deputy election commissioners.
- 40 (5) Pollbook holders.
- 41 (6) Watchers.
- 42 (7) Voters for the purposes of voting.

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1 (8) Minor children accompanying voters as provided under
 2 IC 3-11-11-8 and IC 3-11-12-29.
 3 (9) An assistant to a precinct election officer appointed under
 4 IC 3-6-6-39.
 5 (10) An individual authorized to assist a voter in accordance with
 6 IC 3-11-9.
 7 (11) A member of a county election board, acting on behalf of the
 8 board.
 9 (12) A mechanic authorized to act on behalf of a county election
 10 board to repair a voting system (if the mechanic bears credentials
 11 signed by each member of the board).
 12 (13) Either of the following who have been issued credentials
 13 signed by the members of the county election board:
 14 (A) The county chairman of a political party.
 15 (B) The county vice chairman of a political party.
 16 **(14) The secretary of state, as chief election officer of the**
 17 **state, unless the individual serving as secretary of state is a**
 18 **candidate for nomination or election to an office at the**
 19 **election.**
 20 (b) This subsection applies to a simulated election for minors
 21 conducted with the authorization of the county election board. An
 22 individual participating in the simulated election may be in the polls for
 23 the purpose of voting. A person supervising the simulated election may
 24 be in the polls to perform the supervision.
 25 (c) The inspector of a precinct has authority over all simulated
 26 election activities conducted under subsection (b) and shall ensure that
 27 the simulated election activities do not interfere with the election
 28 conducted in that polling place.
 29 SECTION 56. IC 3-14-3-14 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. A printer of the
 31 ballots for an election, or person employed in printing the ballots, who
 32 knowingly:
 33 (1) delivers a ballot to a person other than ~~the co-directors or an~~
 34 authorized representative of the ~~election division or a~~ county
 35 election board for which the ballots are being printed;
 36 (2) prints a ballot in any form other than the one prescribed by
 37 law; or
 38 (3) prints a ballot containing any names, spellings, or
 39 arrangements other than as authorized by the ~~commission or a~~
 40 county election board;
 41 commits a Class D felony.
 42 SECTION 57. IC 9-24-2.5-8 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The
2 ~~co-directors of the~~ election division shall provide the commission with
3 a list of the current addresses and telephone numbers of the ~~offices of~~
4 ~~the circuit court clerk or board of county voter~~ registration ~~office~~ in
5 each county. The commission shall promptly forward the list and each
6 revision of the list to each license branch.

7 (b) The ~~co-directors of the~~ election division shall provide the
8 commission with pre-addressed packets for the commission to transmit
9 applications under section 6(1) or 6(2) of this chapter.

10 SECTION 58. IC 9-24-2.5-10 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The
12 ~~co-directors of the~~ election division shall notify the commission of the
13 following:

- 14 (1) The scheduled date of each primary, general, municipal, and
15 special election.
- 16 (2) The jurisdiction in which the election will be held.
- 17 (3) The date when registration ceases under IC 3-7-13-10 before
18 each primary, general, municipal, and special election.

19 SECTION 59. IC 9-24-2.5-11 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The
21 commission shall provide the ~~co-directors of the~~ election division with
22 a list stating the following:

- 23 (1) The address and telephone number of each license branch.
- 24 (2) The name of the manager of the license branch and any
25 employee designated by the manager to be responsible for
26 performing voter registration duties under this chapter.

27 SECTION 60. IC 9-24-2.5-12 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. As required
29 under 42 U.S.C. 15483, the secretary of state (~~with the consent of the~~
30 ~~co-directors of the election division~~) and the commission shall enter
31 into an agreement to match information in the computerized list
32 established under IC 3-7-26.3 with information in the data base of the
33 commission to enable the election division and the commission to
34 verify the accuracy of the information provided on voter registration
35 applications.

36 SECTION 61. IC 12-14-25-7 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The
38 ~~co-directors of the~~ election division shall provide the division with a
39 list of the current addresses and telephone numbers of the ~~offices of the~~
40 ~~circuit court clerk or board of county voter~~ registration ~~office~~ in each
41 county. The division shall promptly forward the list and each revision
42 of the list to each county office.

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1 (b) The ~~co-directors~~ **election division** shall provide the division
2 with pre-addressed packets for food stamp offices to transmit
3 applications under section 5(1) or 5(2) of this chapter.

4 SECTION 62. IC 12-14-25-9 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The
6 ~~co-directors of the~~ election division shall notify the division of family
7 and children of the following:

- 8 (1) The scheduled date of each primary, general, municipal, and
9 special election.
- 10 (2) The jurisdiction in which the election will be held.

11 SECTION 63. IC 12-14-25-10 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The division
13 shall provide the ~~co-directors of the~~ election division with a list stating
14 the following:

- 15 (1) The address and telephone number of each food stamp office.
- 16 (2) The name of each employee designated by the director to be
17 responsible for performing voter registration duties under this
18 chapter.

19 SECTION 64. IC 12-15-1.5-6 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A county
21 director or designated employee may use any of the following methods
22 to transmit voter registration applications or declinations under section
23 4 or 5 of this chapter:

- 24 (1) Hand delivery to the ~~circuit court clerk or board of county~~
25 **voter registration office**.
- 26 (2) Certified mail, return receipt requested.
- 27 (3) Electronic transfer, after approval by the ~~co-directors of the~~
28 election division.

29 SECTION 65. IC 12-15-1.5-8 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The
31 ~~co-directors of the~~ election division shall provide the division of family
32 and children with a list of the current addresses and telephone numbers
33 of the ~~offices of the circuit court clerk or board of county voter~~
34 registration **office** in each county. The division shall promptly forward
35 the list and each revision of the list to each county office.

36 (b) The ~~co-directors~~ **election division** shall provide the division of
37 family and children with pre-addressed packets for county offices to
38 transmit applications under section 6(1) or 6(2) of this chapter.

39 SECTION 66. IC 12-15-1.5-10 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The
41 ~~co-directors of the~~ election division shall notify each county director of
42 the following:

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1 (1) The scheduled date of each primary, general, municipal, and
 2 special election.
 3 (2) The jurisdiction in which the election will be held.
 4 SECTION 67. IC 12-15-1.5-11 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The division
 6 shall provide the ~~co-directors of the~~ election division with a list stating
 7 the following:
 8 (1) The address and telephone number of each county office.
 9 (2) The name of each county director and any employee
 10 designated by the director to be responsible for performing voter
 11 registration duties under this chapter.
 12 SECTION 68. IC 16-35-1.6-9 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The
 14 ~~co-directors of the~~ election division shall provide the commissioner
 15 with a list of the current addresses and telephone numbers of the ~~offices~~
 16 ~~of the circuit court clerk or board of county voter~~ registration office in
 17 each county. The commissioner shall promptly forward the list and
 18 each revision of the list to each WIC office.
 19 (b) The ~~co-directors~~ **election division** shall provide the
 20 commissioner with pre-addressed packets for WIC offices to transmit
 21 applications under section 7(1) or 7(2) of this chapter.
 22 SECTION 69. IC 16-35-1.6-11 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The
 24 ~~co-directors of the~~ election division shall notify the commissioner of
 25 the following:
 26 (1) The scheduled date of each primary, general, municipal, and
 27 special election.
 28 (2) The jurisdiction in which the election will be held.
 29 SECTION 70. IC 16-35-1.6-12 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The
 31 commissioner shall provide ~~the co-directors of the~~ election division
 32 with a list stating the following:
 33 (1) The address and telephone number of each WIC office.
 34 (2) The name of each employee designated by the commissioner
 35 to be responsible for performing voter registration duties under
 36 this chapter.
 37 SECTION 71. IC 33-42-4-1 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following
 39 may subscribe and administer oaths and take acknowledgments of all
 40 documents pertaining to all matters where an oath is required:
 41 (1) Notaries public.
 42 (2) Justices and judges of courts, in their respective jurisdictions.

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- 1 (3) The secretary of state.
 2 (4) The clerk of the supreme court.
 3 (5) Mayors, clerks, clerk-treasurers of towns and cities, and
 4 township trustees, in their respective towns, cities, and townships.
 5 (6) Clerks of circuit courts and master commissioners, in their
 6 respective counties.
 7 (7) Judges of United States district courts of Indiana, in their
 8 respective jurisdictions.
 9 (8) United States commissioners appointed for any United States
 10 district court of Indiana, in their respective jurisdictions.
 11 (9) A precinct election officer (as defined in IC 3-5-2-40.1) and
 12 an absentee voter board member appointed under IC 3-11-10, for
 13 any purpose authorized under IC 3.
 14 (10) A member of the Indiana election commission, ~~a co-director~~
 15 **the director** of the election division, or an employee of the
 16 election division under IC 3-6-4.2.
 17 (11) County auditors, in their respective counties.
 18 (12) Any member of the general assembly anywhere in Indiana.

19 SECTION 72. [EFFECTIVE UPON PASSAGE] **(a) The definitions**
 20 **set forth in IC 3-5-2 apply throughout this SECTION.**

21 **(b) The individual serving as chair of the commission on May**
 22 **15, 2005, serves as the initial vice chair of the commission until a**
 23 **vice-chair is designated under IC 3-6-4.1-6, as amended by this act.**

24 **(c) The office of co-director of the election division is abolished.**
 25 **Except as otherwise provided by this act, the individual and joint**
 26 **powers, duties, functions, rights, and responsibilities of the**
 27 **co-directors are transferred to the director of the election division.**

28 **(d) The individual serving as co-director on May 15, 2005, who**
 29 **was nominated under IC 3-6-4.2 by the major political party whose**
 30 **candidate for secretary of state received the highest number of**
 31 **votes cast at the 2002 general election for that office serves as the**
 32 **initial director of the election division.**

33 **(e) The individual serving as co-director on May 15, 2005, who**
 34 **was nominated under IC 3-6-4.2 by the major political party whose**
 35 **candidate received the second highest number of votes cast at the**
 36 **2002 general election for that office serves as the initial assistant**
 37 **director designated under IC 3-6-4.2-8, as amended by this act.**

38 **(f) A reference to a co-director of the election division or the**
 39 **co-directors of the election division in any statute or rule shall be**
 40 **treated as a reference to the director of the election division.**

41 **(g) This SECTION expires January 1, 2011.**

42 SECTION 73. THE FOLLOWING ARE REPEALED [EFFECTIVE

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1 UPON PASSAGE]: IC 3-6-4.2-3.2; IC 3-6-4.2-5; IC 3-6-4.2-6;
2 IC 3-6-4.2-7.

3 SECTION 74. [EFFECTIVE UPON PASSAGE] (a) The definitions
4 in IC 3-5-2 apply throughout this SECTION.

5 (b) An individual serving on the commission on the date this act
6 becomes effective and:

7 (1) whose term expires on July 1, 2005; and

8 (2) who does not meet the qualifications established under
9 IC 3-6-4.1-2, as amended by this act;

10 is not eligible for reappointment to the commission after June 30,
11 2005, until the individual meets the qualifications established under
12 IC 3-6-4.1-2, as amended by this act.

13 (c) An individual serving on the commission on the date this act
14 becomes effective and:

15 (1) whose term expires on July 1, 2006; and

16 (2) who does not meet the qualifications established under
17 IC 3-6-4.1-2, as amended by this act;

18 is not eligible to serve on the commission after June 30, 2005, until
19 the individual meets the qualifications established under
20 IC 3-6-4.1-2, as amended by this act. A vacancy created under this
21 subsection must be filled under IC 3-6-4.1-5, as amended by this
22 act.

23 (d) This SECTION expires January 1, 2006.

24 SECTION 75. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 500, 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:

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"(d) After June 30, 2005, the governor may not appoint as a member of the commission an individual who is a lobbyist (as defined in IC 2-7-1-10).

(e) After June 30, 2005, the governor may not appoint as a member of the commission an individual who:

(1) holds an office; or

(2) in the two (2) years before the date of appointment, has held an office;

under the Constitution of the State of Indiana or state law.

(f) After June 30, 2005, the governor may not appoint as a member of the commission an individual who is an officer of a bona fide political party, except for an individual who holds a position described by IC 3-6-1-15(1), IC 3-6-1-15(2), or IC 3-6-1-15(3)."

Page 3, line 6, after "expire." insert **"The individuals nominated must meet the qualifications for appointment established under section 2 of this chapter."**

Page 3, line 15, strike "The state chairman may".

Page 3, strike lines 16 through 17.

Page 3, line 18, delete "(f)".

Page 3, line 18, strike "If the state chairman disapproves the selection within the".

Page 3, line 19, strike "seven (7) day period under subsection".

Page 3, line 19, delete "(e)".

Page 3, line 19, strike "the governor shall make".

Page 3, line 20, strike "another appointment under subsection".

Page 3, line 20, delete "(e)".

Page 3, line 20, strike "that is also subject to the".

Page 3, line 21, strike "disapproval of the state chairman under subsection".

Page 3, line 21, delete "(e)".

Page 3, line 22, delete "(g)".

Page 3, line 22, strike "If the state chairman does not disapprove an appointment".

Page 3, line 23, strike "under subsection".

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Page 3, line 23, delete "(e)".

Page 3, line 23, strike "within the seven (7) day period, the individual".

Page 3, strike line 24.

Page 3, line 29, strike "of the state".

Page 3, line 33, after "member." insert "**The individuals nominated must meet the qualifications for appointment established under section 2 of this chapter.**".

Page 3, line 38, strike "The state".

Page 3, strike lines 39 through 42.

Page 4, strike lines 1 through 6.

Page 5, line 1, after "division." insert "**An individual who is designated to serve as a proxy of record by a member of the commission who is appointed by the governor must meet the same qualifications for service on the commission as the member in whose place the individual serves. An individual who is designated to serve as a proxy of record by the secretary of state must meet the qualifications for appointment to the commission established under section 2 of this chapter and be a member of the same political party as the secretary of state.**".

Page 5, line 13, after "effect." insert "**An individual who is designated to serve as an alternate proxy by a member of the commission who is appointed by the governor must meet the same qualifications for service on the commission as the member in whose place the individual serves. An individual who is designated to serve as an alternate proxy by the secretary of state must meet the qualifications for appointment to the commission established under section 2 of this chapter and be a member of the same political party as the secretary of state.**".

Page 7, line 9, delete "director, who must be affiliated with" and insert "**director selected from a list containing the names of two (2) individuals submitted by the state chairman of**".

Page 7, line 11, delete "election," and insert "**election**".

Page 7, line 35, delete "(e)".

Page 7, line 35, strike "The state chairman may disapprove the selection by notifying".

Page 7, line 36, strike "the".

Page 7, line 36, delete "secretary of state not later than".

Page 7, line 36, strike "seven (7) days".

Page 7, line 37, strike "after receiving notice of the".

Page 7, line 37, delete "selection.".

Page 7, line 37, strike "If the".

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- Page 7, strike line 38.
- Page 7, line 39, strike "period, the".
- Page 7, line 39, delete "secretary of state".
- Page 7, line 39, strike "shall make another".
- Page 7, line 40, delete "selection".
- Page 7, line 40, strike "under subsection".
- Page 7, line 40, delete "(c)".
- Page 7, line 40, strike "which is subject to".
- Page 7, strike line 41.
- Page 7, line 42, strike "chairman does not disapprove the".
- Page 7, line 42, delete "selection".
- Page 7, line 42, strike "within the".
- Page 8, line 1, strike "seven (7) day period, the individual".
- Page 8, line 1, delete "selected".
- Page 8, line 1, strike "by the".
- Page 8, line 2, delete "secretary of state".
- Page 8, line 2, strike "shall be employed as the".
- Page 8, line 2, delete "assistant".
- Page 8, delete line 3.
- Page 29, between lines 11 and 12, begin a new paragraph and insert:
"SECTION 74. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 3-5-2 apply throughout this SECTION.
(b) An individual serving on the commission on the date this act becomes effective and:
(1) whose term expires on July 1, 2005; and
(2) who does not meet the qualifications established under IC 3-6-4.1-2, as amended by this act;
is not eligible for reappointment to the commission after June 30, 2005, until the individual meets the qualifications established under IC 3-6-4.1-2, as amended by this act.
(c) An individual serving on the commission on the date this act becomes effective and:
(1) whose term expires on July 1, 2006; and
(2) who does not meet the qualifications established under IC 3-6-4.1-2, as amended by this act;
is not eligible to serve on the commission after June 30, 2005, until the individual meets the qualifications established under IC 3-6-4.1-2, as amended by this act. A vacancy created under this subsection must be filled under IC 3-6-4.1-5, as amended by this act.
(d) This SECTION expires January 1, 2006."

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 500 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 6, Nays 0.

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