

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 127 be amended to read as follows:

1           Page 2, between lines 16 and 17, begin a new paragraph and insert:  
2           "SECTION 2. IC 3-7-13-10 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The  
4           registration period begins December 1 of each year (or the first Monday  
5           in December if December 1 falls on a Saturday or Sunday).

6           (b) The registration period continues through the twenty-ninth day  
7           before the date a primary election is scheduled under this title.

8           (c) The registration period resumes fourteen (14) days after primary  
9           election day and continues through the twenty-ninth day before the date  
10          a general or municipal election is scheduled under this article.

11          (d) This subsection applies in each precinct in which a special  
12          election is to be conducted. The registration period ceases in that  
13          precinct on the twenty-ninth day before a special election is conducted  
14          and resumes fourteen (14) days after the special election occurs.

15          **(e) Notwithstanding subsections (b) through (d), a person may**  
16          **register or transfer registration on the day of a primary, general,**  
17          **municipal, school district, or special election as provided in**  
18          **IC 3-7-49.**

19          SECTION 3. IC 3-7-13-11 IS AMENDED TO READ AS  
20          FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. A person  
21          desiring to register or transfer a registration may do so:

22                (1) at the office of the circuit court clerk or board of registration  
23                through the close of business on the twenty-ninth day before the  
24                election is scheduled to occur; **or**

25                **(2) on the day of a primary, general, municipal, school district,**  
26                **or special election as provided in IC 3-7-49 or IC 3-10-11.**

27          SECTION 4. IC 3-7-36-11 IS AMENDED TO READ AS  
28          FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) This  
29          section applies only to a person described in subsection (b) who applies  
30          to register to vote:

31                (1) after the date described in ~~IC 3-7-13-11~~; **IC 3-7-13-11(1)**; and

32                (2) before the date that the certified list of voters is prepared under

1 IC 3-7-29-1.

2 (b) An absent uniformed services voter who is absent from Indiana  
3 during the registration period described in ~~IC 3-7-13-10~~  
4 **IC 3-7-13-10(a) through IC 3-7-13-10(d)** and who otherwise would  
5 be entitled to register to vote under Indiana law may, upon returning to  
6 Indiana during the period described in subsection (a) following  
7 discharge from service or reassignment, register to vote by doing the  
8 following:

9 (1) Showing either of the following to the circuit court clerk or  
10 board of registration:

11 (A) A discharge from service, dated not earlier than the  
12 beginning of the registration period that ended on the date  
13 described in ~~IC 3-7-13-11~~, **IC 3-7-13-11(1)** of:

- 14 (i) the voter;  
15 (ii) the voter's spouse; or  
16 (iii) the individual of whom the voter is a dependent.

17 (B) A copy of the government movement orders, with a  
18 reporting date not earlier than the beginning of the registration  
19 period that ended on the date described in ~~IC 3-7-13-11~~;  
20 **IC 3-7-13-11(1)**, of:

- 21 (i) the voter;  
22 (ii) the voter's spouse; or  
23 (iii) the individual of whom the voter is a dependent.

24 (2) Completing a registration affidavit.

25 (c) A voter who registers under this section may vote at the  
26 upcoming election as provided in this title.

27 SECTION 5. IC 3-7-36-14 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) This  
29 section applies to a person described in subsection (b) who applies to  
30 register to vote during the period:

- 31 (1) beginning on the date that the certified list of voters is  
32 prepared under IC 3-7-29-1; and  
33 (2) ending at noon election day.

34 (b) An absent uniformed services voter who is absent from Indiana  
35 during the registration period described in ~~IC 3-7-13-10~~  
36 **IC 3-7-13-10(a) through IC 3-7-13-10(d)** and who otherwise would  
37 be entitled to register to vote under Indiana law may, upon returning to  
38 Indiana during the period described in subsection (a) following  
39 discharge from service or reassignment, register to vote by doing the  
40 following:

41 (1) Showing either of the following to the county voter  
42 registration office:

43 (A) A discharge from service, dated not earlier than the  
44 beginning of the registration period that ended on the date  
45 described in ~~IC 3-7-13-11~~, **IC 3-7-13-11(1)**, of:

- 46 (i) the voter;  
47 (ii) the voter's spouse; or  
48 (iii) the individual of whom the voter is a dependent.

1 (B) A copy of the government movement orders, with a  
 2 reporting date not earlier than the beginning of the registration  
 3 period that ended on the date described in ~~IC 3-7-13-11~~;  
 4 **IC 3-7-13-11(1)**, of:

- 5 (i) the voter;  
 6 (ii) the voter's spouse; or  
 7 (iii) the individual of whom the voter is a dependent.

8 (2) Completing a registration affidavit.

9 (c) **Except as provided in subsection (g)**, a voter who registers  
 10 under this section may vote at the upcoming election only by absentee  
 11 ballot at the office of the circuit court clerk at the time the voter  
 12 registers under this section or at any time after the voter registers under  
 13 this section and before noon on election day. A voter who wants to vote  
 14 under this subsection must do both of the following:

- 15 (1) Complete an application for an absentee ballot.  
 16 (2) Sign an affidavit that the voter has not voted at any other  
 17 precinct in the election.

18 The voter may vote at subsequent elections as otherwise provided in  
 19 this title.

20 (d) If the voter votes by absentee ballot under this section, the circuit  
 21 court clerk shall do the following:

- 22 (1) Certify in writing that the voter registered under this section.  
 23 (2) Attach the certification to the voter's absentee ballot envelope.

24 (e) If the county has a board of registration, the board of registration  
 25 shall promptly deliver the voter's registration affidavit to the circuit  
 26 court clerk to permit the voter to vote under subsection (c).

27 (f) If the voter chooses not to vote under subsection (c), the county  
 28 voter registration office shall register the voter on the first day of the  
 29 next registration period.

30 **(g) A person described in subsection (b) may register and vote**  
 31 **on the day of a primary, general, municipal, school district, or**  
 32 **special election as provided in IC 3-7-49.**

33 SECTION 6. IC 3-7-48-1 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) Except as  
 35 otherwise provided by NVRA or in this chapter, a person whose name  
 36 does not appear on the registration record may not vote, unless:

- 37 (1) the circuit court clerk or board of registration provides a  
 38 signed certificate of error in the office where the permanent  
 39 registration record is kept showing that the voter is legally  
 40 registered in the precinct where the voter resides; **or**  
 41 (2) **the voter has registered as provided in IC 3-7-49.**

42 (b) A person:

- 43 (1) whose name does not appear on the registration record; **and**  
 44 (2) **who does not register as provided in IC 3-7-49;**

45 may cast a provisional ballot as provided in IC 3-11.7.

46 SECTION 7. IC 3-7-49 IS ADDED TO THE INDIANA CODE AS  
 47 A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE  
 48 JANUARY 1, 2007]:

1           **Chapter 49. Election Day Registration**

2           **Sec. 1. (a) A person who is not registered to vote but is otherwise**  
 3 **qualified to vote shall be allowed to vote at the polls in a primary,**  
 4 **general, municipal, school district, or special election if the person**  
 5 **registers at the polls under this chapter.**

6           **(b) In order to register to vote at a precinct under this chapter,**  
 7 **the person:**

8           **(1) must be a resident of the precinct;**

9           **(2) must be otherwise legally qualified to vote under**  
 10 **IC 3-7-13-1;**

11           **(3) may not be registered to vote under IC 3-7-14 through**  
 12 **IC 3-7-23;**

13           **(4) may not be qualified to vote under IC 3-7-39-7,**  
 14 **IC 3-7-39-8, IC 3-7-48, IC 3-10-10, IC 3-10-11, or IC 3-10-12;**  
 15 **and**

16           **(5) may not have already voted in the election.**

17           **(c) Before allowing the person to vote, the poll clerk or other**  
 18 **precinct election officer shall require the person to do the**  
 19 **following:**

20           **(1) Complete a voter registration form prescribed by**  
 21 **IC 3-7-18, along with the affirmation described in section 3 of**  
 22 **this chapter, and sign the form in the presence of two (2)**  
 23 **precinct election officers who must be from different political**  
 24 **parties. If the county election board has not appointed**  
 25 **precinct election officers from more than one (1) political**  
 26 **party to the precinct election board, then the inspector for the**  
 27 **precinct shall sign the form as the second precinct election**  
 28 **officer.**

29           **(2) Provide acceptable proof of residence.**

30           **Sec. 2. (a) For purposes of this chapter, one (1) of the following**  
 31 **forms of identification is acceptable as proof of residence:**

32           **(1) A current and valid photo identification.**

33           **(2) A current utility bill, bank statement, government check,**  
 34 **paycheck, or government document that shows the name and**  
 35 **address of the person registering to vote.**

36           **(3) A statement signed by any other voter in the precinct that**  
 37 **corroborates the information on the voter's registration form**  
 38 **concerning the residency of the person registering to vote. The**  
 39 **corroborator shall provide the identification listed in**  
 40 **subdivision (1) or (2) as proof of the corroborator's residence**  
 41 **and shall sign the statement in the presence of two (2) precinct**  
 42 **election officers who must be from different political parties.**  
 43 **If the county election board has not appointed precinct**  
 44 **election officers from more than one (1) political party to the**  
 45 **precinct election board, the inspector for the precinct shall**  
 46 **sign the form as the second precinct election officer. The**  
 47 **commission shall prescribe the form of the statement.**

1           (b) If the person presents a document under subsection (a), the  
2 poll clerk shall add a notation to the poll list indicating the type of  
3 document presented by the person. The election division shall  
4 prescribe a standardized coding system to classify documents  
5 presented under this subsection for entry into the county voter  
6 registration system.

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

11           (d) The precinct election board shall advise the voter that the  
12 voter may file a copy of the documentation with:

13               (1) the county voter registration office; or

14               (2) the precinct election board in the voter's precinct;

15 to permit the provisional ballot to be counted under IC 3-11.7.

16           Sec. 3. The commission shall prescribe the affirmation required  
17 by section 1(c)(1) of this chapter. The affirmation must include a  
18 statement that the person has not already voted at the election for  
19 which the person is registering to vote.

20           Sec. 4. A person who registers to vote under this chapter:

21               (1) may not be challenged on the grounds that the person's  
22 registration does not appear in the precinct registration book  
23 or poll list; and

24               (2) is not required to obtain a certificate of error under  
25 IC 3-7-48 to vote.

26           Sec. 5. Before each primary, general, municipal, school district,  
27 or special election, the county election board shall provide each  
28 precinct election board with a sufficient number of registration  
29 forms, affirmations, and statements to meet the reasonable need for  
30 the forms under this chapter.

31           Sec. 6. The precinct election board shall attach the completed  
32 registration forms, affirmations, and statements to the poll list for  
33 processing by the county voter registration office under  
34 IC 3-10-1-31.1.

35           Sec. 7. (a) The precinct election board shall add the name and  
36 address of a person who registers to vote under this chapter to the  
37 poll list of the precinct.

38               (b) The county voter registration office shall add the name of a  
39 person who registers to vote under this chapter to the registration  
40 record of the county.

41           Sec. 8. The county voter registration office shall process under  
42 IC 3-7-33-5 the voter registration forms completed under section  
43 1 of this chapter.

44           Sec. 9. If a notice mailed under IC 3-7-33-5 to a person who  
45 registered under this chapter is returned as undeliverable, the  
46 county voter registration office shall initiate steps under  
47 IC 3-7-33-6 to remove the person from the registration rolls.

1           **Sec. 10. A registration completed under this chapter for which**  
 2 **the notice mailed under IC 3-7-33-5 is not returned is effective to**  
 3 **the same extent as if the registration had been completed under**  
 4 **IC 3-7-14 through IC 3-7-23."**

5           Page 11, after line 23, begin a new paragraph and insert:

6           "SECTION 11. IC 3-10-1-31.1, AS AMENDED BY P.L.230-2005,  
 7 SECTION 35, IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JANUARY 1, 2007]: Sec. 31.1. (a) This section applies  
 9 only to election materials for elections held after December 31, 2003.

10           (b) The inspector of each precinct shall deliver the bags required by  
 11 section 30(a) and 30(c) of this chapter in good condition, together with  
 12 poll lists, tally sheets, and other forms, to the circuit court clerk when  
 13 making returns.

14           (c) Except for unused ballots disposed of under IC 3-11-3-31 or  
 15 affidavits received by the county election board under IC 3-14-5-2 for  
 16 delivery to the foreman of a grand jury, the circuit court clerk shall seal  
 17 the ballots and other material during the time allowed to file a verified  
 18 petition or cross-petition for a recount of votes or to contest the  
 19 election. Except as provided in subsection (d), after the recount or  
 20 contest filing period, the election material (except for ballots, which  
 21 remain confidential) shall be made available for copying and inspection  
 22 under IC 5-14-3. The circuit court clerk shall carefully preserve the  
 23 sealed ballots and other material for twenty-two (22) months, as  
 24 required by 42 U.S.C. 1974, after which the sealed ballots and other  
 25 material are subject to IC 5-15-6 unless an order issued under:

26           (1) IC 3-12-6-19 or IC 3-12-11-16; or

27           (2) 42 U.S.C. 1973;

28           requires the continued preservation of the ballots or other material.

29           (d) If a petition for a recount or contest is filed, the material for that  
 30 election remains confidential until completion of the recount or contest.

31           (e) Upon delivery of the poll lists, the county voter registration  
 32 office may unseal the envelopes containing the poll lists. For the  
 33 purposes of:

34           (1) a cancellation of registration conducted under IC 3-7-43  
 35 through IC 3-7-46;

36           (2) a transfer of registration conducted under IC 3-7-39,  
 37 IC 3-7-40, or IC 3-7-42;

38           (3) a change of name made under IC 3-7-41;

39           (4) adding the registration of a voter under IC 3-7-48-8 **or**  
 40 **IC 3-7-49;** or

41           (5) recording that a voter subject to IC 3-7-33-4.5 submitted the  
 42 documentation required under 42 U.S.C. 15483 and IC 3-11-8 or  
 43 IC 3-11-10;

44           the county voter registration office may inspect the poll lists and update  
 45 the registration record of the county. The county voter registration  
 46 office shall use the poll lists to update the registration record to include  
 47 the voter's voter identification number if the voter's voter identification  
 48 number is not already included in the registration record. Upon

1 completion of the inspection, the poll list shall be preserved with the  
2 ballots and other materials in the manner prescribed by subsection (c)  
3 for the period prescribed by subsections (c) and (d).

4 (f) This subsection does not apply to ballots. Notwithstanding  
5 subsection (c), if a county voter registration office determines that the  
6 inspection and copying of precinct election material would reveal the  
7 political parties, candidates, and public questions for which an  
8 individual cast an absentee ballot, the county voter registration office  
9 shall keep confidential only that part of the election material necessary  
10 to protect the secrecy of the voter's ballot.

11 (g) After the expiration of the period described in subsection (c) or  
12 (d), the ballots may be destroyed in the manner provided by  
13 IC 3-11-3-31 or transferred to a state educational institution as provided  
14 by IC 3-12-2-12.

15 SECTION 12. IC 3-10-8-9 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) If the  
17 special election occurs during the period when registration is open  
18 under IC 3-7-13, the registration period continues through the  
19 twenty-ninth day before the special election occurs and resumes on the  
20 date specified by IC 3-7-13-10(d), **except that a person may register**  
21 **or transfer registration on the day of a special election as provided**  
22 **in IC 3-7-49.**

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

- 26 (1) have registered through the twenty-ninth day before the special  
27 election is to be conducted; or
- 28 (2) are absent uniformed services voters or overseas voters  
29 registered under IC 3-7-36.

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

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

39 SECTION 13. IC 3-11-8-15, AS AMENDED BY P.L.230-2005,  
40 SECTION 54, IS AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) Only the following  
42 persons are permitted in the polls during an election:

- 43 (1) Members of a precinct election board.
- 44 (2) Poll clerks and assistant poll clerks.
- 45 (3) Election sheriffs.
- 46 (4) Deputy election commissioners.
- 47 (5) Pollbook holders and challengers.
- 48 (6) Watchers.

- 1 (7) Voters for the purposes of:  
 2 (A) voting; or  
 3 (B) for voters registering to vote on election day under  
 4 IC 3-7-49, filing a copy of the documentation required by  
 5 IC 3-7-49-2(a) with the precinct election board in the  
 6 voter's precinct, so that the individual's provisional ballot  
 7 may be counted under IC 3-11.7.
- 8 (8) Minor children accompanying voters as provided under  
 9 IC 3-11-11-8.
- 10 (9) An assistant to a precinct election officer appointed under  
 11 IC 3-6-6-39.
- 12 (10) An individual authorized to assist a voter in accordance with  
 13 IC 3-11-9.
- 14 (11) A member of a county election board, acting on behalf of the  
 15 board.
- 16 (12) A mechanic authorized to act on behalf of a county election  
 17 board to repair a voting system (if the mechanic bears credentials  
 18 signed by each member of the board).
- 19 (13) Either of the following who have been issued credentials  
 20 signed by the members of the county election board:  
 21 (A) The county chairman of a political party.  
 22 (B) The county vice chairman of a political party.
- 23 (14) The secretary of state, as chief election officer of the state,  
 24 unless the individual serving as secretary of state is a candidate for  
 25 nomination or election to an office at the election.
- 26 (b) This subsection applies to a simulated election for minors  
 27 conducted with the authorization of the county election board. An  
 28 individual participating in the simulated election may be in the polls for  
 29 the purpose of voting. A person supervising the simulated election may  
 30 be in the polls to perform the supervision.
- 31 (c) The inspector of a precinct has authority over all simulated  
 32 election activities conducted under subsection (b) and shall ensure that  
 33 the simulated election activities do not interfere with the election  
 34 conducted in that polling place.
- 35 SECTION 14. IC 3-11-8-16, AS AMENDED BY P.L.230-2005,  
 36 SECTION 55, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JANUARY 1, 2007]: Sec. 16. A person may not remain  
 38 within a distance equal to the length of the chute (as defined in  
 39 IC 3-5-2-10) of the entrance to the polls except for the purpose of:  
 40 (1) offering to vote; or  
 41 (2) for voters registering to vote on election day under  
 42 IC 3-7-49, filing a copy of the documentation required by  
 43 IC 3-7-49-2(a) with the precinct election board in the voter's  
 44 precinct, so that the individual's provisional ballot may be  
 45 counted under IC 3-11.7.
- 46 SECTION 15. IC 3-11-8-25.1, AS AMENDED BY P.L.109-2005,  
 47 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 48 JANUARY 1, 2007]: Sec. 25.1. (a) This section applies after December

1 31, 2005.

2 (b) Except as provided in subsection (f), a voter who desires to vote  
3 an official ballot at an election shall provide proof of identification.

4 (c) Except as provided in subsection (f), before the voter proceeds  
5 to vote in the election, a member of the precinct election board shall ask  
6 the voter to provide proof of identification. The voter shall produce the  
7 proof of identification before being permitted to sign the poll list.

8 (d) If:

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

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

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

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

18 (1) sign the poll list; and

19 (2) receive a provisional ballot.

20 (f) A voter who votes in person at a precinct polling place that is  
21 located at a state licensed care facility where the voter resides is not  
22 required to provide proof of identification before voting in an election.

23 (g) After a voter has passed the challengers or has been sworn in, the  
24 voter shall be instructed by a member of the precinct election board to  
25 proceed to the location where the poll clerks are stationed. The voter  
26 shall announce ~~the voter's name~~ to the poll clerks or assistant poll clerks  
27 **the voter's name and whether the voter wants to register to vote at**  
28 **the polls. If the voter wants to register and meets the conditions set**  
29 **forth in IC 3-7-49, the poll clerk or other precinct election officer**  
30 **shall register the voter in accordance with IC 3-7-49. If the voter is**  
31 **already registered**, a poll clerk, an assistant poll clerk, or a member of  
32 the precinct election board shall require the voter to write the following  
33 on the poll list:

34 (1) The voter's name.

35 (2) Except as provided in subsection (l), the voter's current  
36 residence address.

37 (h) The poll clerk, an assistant poll clerk, or a member of the  
38 precinct election board shall:

39 (1) ask the voter to provide or update the voter's voter  
40 identification number;

41 (2) tell the voter the number the voter may use as a voter  
42 identification number; and

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

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

47 (j) In case of doubt concerning a voter's identity, the precinct  
48 election board shall compare the voter's signature with the signature on

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

7 (k) If, in a precinct governed by subsection (h):

8 (1) the poll clerk does not execute a challenger's affidavit; or

9 (2) the voter executes a challenged voter's affidavit under section  
 10 22 of this chapter or executed the affidavit before signing the poll  
 11 list;

12 the voter may then vote.

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

18 SECTION 16. IC 3-11-8-25.5 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 25.5. (a) If an  
 20 individual signs the individual's name and either:

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

22 (2) after December 31, 2005, checks the "Address Unchanged"  
 23 box;

24 on the poll list under section 25 of this chapter and then leaves the polls  
 25 without casting a ballot or after casting a provisional ballot, the voter  
 26 may not be permitted to reenter the polls, ~~to cast a ballot at the election.~~  
 27 **except as provided by subsection (b).**

28 (b) An individual who:

29 (1) registers to vote on election day under IC 3-7-49; and

30 (2) casts a provisional ballot under IC 3-11.7, because the  
 31 individual is unable to present the documentation required  
 32 under IC 3-7-49-2(a);

33 is entitled to reenter the polls solely to file a copy of the  
 34 documentation required by IC 3-7-49-2(a) with the precinct  
 35 election board in the voter's precinct, so that the individual's  
 36 provisional ballot may be counted under IC 3-11.7.

37 SECTION 17. IC 3-11.7-2-1 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) As  
 39 provided by 42 U.S.C. 15482, this section applies to the following  
 40 individuals:

41 (1) An individual:

42 (A) whose name does not appear on the registration list; and

43 (B) who is not permitted to vote under IC 3-7-48-1,  
 44 IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or  
 45 IC 3-10-12.

46 (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or  
 47 IC 3-11-8-27.5 who is challenged as not eligible to vote.

48 (3) An individual who seeks to vote in an election as a result of a

1 court order (or any other order) extending the time established for  
 2 closing the polls under IC 3-11-8-8.  
 3 **(4) An individual who is registering to vote at the polls but has**  
 4 **not presented identification required under IC 3-7-49-2.**  
 5 (b) ~~This subsection applies after December 31, 2003.~~ As required by  
 6 42 U.S.C. 15483, a voter who has registered to vote but has not:  
 7 (1) presented identification required under 42 U.S.C. 15483 to the  
 8 poll clerk before voting in person under IC 3-11-8-25; ~~or~~  
 9 (2) filed a copy of the identification required under 42 U.S.C.  
 10 15483 to the county voter registration office before the voter's  
 11 absentee ballot is cast; **or**  
 12 **(3) presented identification required under IC 3-7-49-2 to the**  
 13 **poll clerk before voting in person under IC 3-11-8-25.1;**  
 14 is entitled to vote a provisional ballot under this article.  
 15 (c) A precinct election officer shall inform an individual described  
 16 by subsection (a)(1) or (a)(2) that the individual may cast a provisional  
 17 ballot if the individual:  
 18 (1) is eligible to vote under IC 3-7-13-1;  
 19 (2) submitted a voter registration application during the  
 20 registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if  
 21 the voter registered under that section); and  
 22 (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.  
 23 (d) A precinct election officer shall inform an individual described  
 24 by subsection (a)(3) that the individual may cast a provisional ballot."  
 25 Renumber all SECTIONS consecutively.  
 (Reference is to SB 127 as printed January 25, 2006.)

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Senator HOWARD