

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1011 be amended to read as follows:

- 1           Page 4, between lines 3 and 4, begin a new paragraph and insert:  
2           "SECTION 7. 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 8. 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**  
26                  **district, or special election as provided in IC 3-7-49 or**  
27                  **IC 3-10-11."**  
28          Page 15, between lines 19 and 20, begin a new paragraph and insert:  
29          "SECTION 35. IC 3-7-36-11 IS AMENDED TO READ AS  
30          FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) This

1 section applies only to a person described in subsection (b) who applies  
2 to register to vote:

- 3 (1) after the date described in ~~IC 3-7-13-11~~; **IC 3-7-13-11(1)**; and
- 4 (2) before the date that the certified list of voters is prepared under
- 5 IC 3-7-29-1.

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

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

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

- 18 (i) the voter;
- 19 (ii) the voter's spouse; or
- 20 (iii) the individual of whom the voter is a dependent.

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

- 25 (i) the voter;
- 26 (ii) the voter's spouse; or
- 27 (iii) the individual of whom the voter is a dependent.

28 (2) Completing a registration affidavit.

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

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

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

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

45 (1) Showing either of the following to the county voter registration  
46 office:

- 1 (A) A discharge from service, dated not earlier than the  
 2 beginning of the registration period that ended on the date  
 3 described in ~~IC 3-7-13-11~~; **IC 3-7-13-11(1)**, of:
- 4 (i) the voter;
  - 5 (ii) the voter's spouse; or
  - 6 (iii) the individual of whom the voter is a dependent.
- 7 (B) A copy of the government movement orders, with a  
 8 reporting date not earlier than the beginning of the registration  
 9 period that ended on the date described in ~~IC 3-7-13-11~~;  
 10 **IC 3-7-13-11(1)**, of:
- 11 (i) the voter;
  - 12 (ii) the voter's spouse; or
  - 13 (iii) the individual of whom the voter is a dependent.
- 14 (2) Completing a registration affidavit.
- 15 (c) **Except as provided in subsection (g)**, a voter who registers  
 16 under this section may vote at the upcoming election only by absentee  
 17 ballot at the office of the circuit court clerk at the time the voter  
 18 registers under this section or at any time after the voter registers under  
 19 this section and before noon on election day. A voter who wants to vote  
 20 under this subsection must do both of the following:
- 21 (1) Complete an application for an absentee ballot.
  - 22 (2) Sign an affidavit that the voter has not voted at any other  
 23 precinct in the election.
- 24 The voter may vote at subsequent elections as otherwise provided in  
 25 this title.
- 26 (d) If the voter votes by absentee ballot under this section, the circuit  
 27 court clerk shall do the following:
- 28 (1) Certify in writing that the voter registered under this section.
  - 29 (2) Attach the certification to the voter's absentee ballot envelope.
- 30 (e) If the county has a board of registration, the board of registration  
 31 shall promptly deliver the voter's registration affidavit to the circuit  
 32 court clerk to permit the voter to vote under subsection (c).
- 33 (f) If the voter chooses not to vote under subsection (c), the county  
 34 voter registration office shall register the voter on the first day of the  
 35 next registration period.
- 36 **(g) A person described in subsection (b) may register and vote**  
 37 **on the day of a primary, general, municipal, school district, or**  
 38 **special election as provided in IC 3-7-49."**
- 39 Page 23, between lines 19 and 20, begin a new paragraph and insert:  
 40 "SECTION 58. IC 3-7-48-1 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) Except as  
 42 otherwise provided by NVRA or in this chapter, a person whose name  
 43 does not appear on the registration record may not vote, unless:
- 44 (1) the circuit court clerk or board of registration provides a signed  
 45 certificate of error in the office where the permanent registration  
 46 record is kept showing that the voter is legally registered in the

precinct where the voter resides; **or**

**(2) the voter has registered as provided in IC 3-7-49.**

(b) A person:

**(1) whose name does not appear on the registration record; and**

**(2) who does not register as provided in IC 3-7-49;**

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

Page 24, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 61. IC 3-7-49 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:

**Chapter 49. Election Day Registration**

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

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

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

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

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

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

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

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

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

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

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

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

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

**(3) A statement signed by any other voter in the precinct that**

1           corroborates the information on the voter's registration form  
 2           concerning the residency of the person registering to vote. The  
 3           corroborator shall provide the identification listed in  
 4           subdivision (1) or (2) as proof of the corroborator's residence  
 5           and shall sign the statement in the presence of two (2) precinct  
 6           election officers who must be from different political parties.  
 7           If the county election board has not appointed precinct  
 8           election officers from more than one (1) political party to the  
 9           precinct election board, the inspector for the precinct shall  
 10          sign the form as the second precinct election officer. The  
 11          commission shall prescribe the form of the statement.

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

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

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

- 24           (1) the county voter registration office; or
  - 25           (2) the precinct election board in the voter's precinct;
- 26          to permit the provisional ballot to be counted under IC 3-11.7.

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

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

- 32           (1) may not be challenged on the grounds that the person's  
 33           registration does not appear in the precinct registration book  
 34           or poll list; and
- 35           (2) is not required to obtain a certificate of error under  
 36           IC 3-7-48 to vote.

37          Sec. 5. Before each primary, general, municipal, school district,  
 38          or special election, the county election board shall provide each  
 39          precinct election board with a sufficient number of registration  
 40          forms, affirmations, and statements to meet the reasonable need for  
 41          the forms under this chapter.

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

46          Sec. 7. (a) The precinct election board shall add the name and

1 address of a person who registers to vote under this chapter to the  
2 poll list of the precinct.

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

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

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

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

17 Page 35, after line 42, begin a new paragraph and insert:

18 "SECTION 80. IC 3-10-1-31.1, AS AMENDED BY P.L.230-2005,  
19 SECTION 35, IS AMENDED TO READ AS FOLLOWS  
20 [EFFECTIVE JANUARY 1, 2007]: Sec. 31.1. (a) This section applies  
21 only to election materials for elections held after December 31, 2003.

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

26 (c) Except for unused ballots disposed of under IC 3-11-3-31 or  
27 affidavits received by the county election board under IC 3-14-5-2 for  
28 delivery to the foreman of a grand jury, the circuit court clerk shall seal  
29 the ballots and other material during the time allowed to file a verified  
30 petition or cross-petition for a recount of votes or to contest the election.  
31 Except as provided in subsection (d), after the recount or contest filing  
32 period, the election material (except for ballots, which remain  
33 confidential) shall be made available for copying and inspection under  
34 IC 5-14-3. The circuit court clerk shall carefully preserve the sealed  
35 ballots and other material for twenty-two (22) months, as required by  
36 42 U.S.C. 1974, after which the sealed ballots and other material are  
37 subject to IC 5-15-6 unless an order issued under:

- 38 (1) IC 3-12-6-19 or IC 3-12-11-16; or
- 39 (2) 42 U.S.C. 1973;

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

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

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

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

- 1 (2) a transfer of registration conducted under IC 3-7-39,  
 2 IC 3-7-40, or IC 3-7-42;  
 3 (3) a change of name made under IC 3-7-41;  
 4 (4) adding the registration of a voter under IC 3-7-48-8 **or**  
 5 **IC 3-7-49**; or  
 6 (5) recording that a voter subject to IC 3-7-33-4.5 submitted the  
 7 documentation required under 42 U.S.C. 15483 and IC 3-11-8 or  
 8 IC 3-11-10;

9 the county voter registration office may inspect the poll lists and update  
 10 the registration record of the county. The county voter registration office  
 11 shall use the poll lists to update the registration record to include the  
 12 voter's voter identification number if the voter's voter identification  
 13 number is not already included in the registration record. Upon  
 14 completion of the inspection, the poll list shall be preserved with the  
 15 ballots and other materials in the manner prescribed by subsection (c)  
 16 for the period prescribed by subsections (c) and (d).

17 (f) This subsection does not apply to ballots. Notwithstanding  
 18 subsection (c), if a county voter registration office determines that the  
 19 inspection and copying of precinct election material would reveal the  
 20 political parties, candidates, and public questions for which an  
 21 individual cast an absentee ballot, the county voter registration office  
 22 shall keep confidential only that part of the election material necessary  
 23 to protect the secrecy of the voter's ballot.

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

28 Page 37, between lines 5 and 6, begin a new paragraph and insert:

29 "SECTION 84. IC 3-10-8-9 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) If the  
 31 special election occurs during the period when registration is open under  
 32 IC 3-7-13, the registration period continues through the twenty-ninth  
 33 day before the special election occurs and resumes on the date specified  
 34 by IC 3-7-13-10(d), **except that a person may register or transfer**  
 35 **registration on the day of a special election as provided in**  
 36 **IC 3-7-49.**

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

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

44 (c) This subsection applies when a special election is ordered by a  
 45 court under IC 3-12-8-17 or the state recount commission under  
 46 IC 3-12-11-18. A candidate may not be placed on the special election

1 ballot unless the candidate was on the ballot or was a declared write-in  
 2 candidate for the office at the general election preceding the special  
 3 election.

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

7 Page 46, between lines 30 and 31, begin a new paragraph and insert:

8 "SECTION 104. IC 3-11-8-15, AS AMENDED BY P.L.230-2005,  
 9 SECTION 54, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) Only the following  
 11 persons are permitted in the polls during an election:

12 (1) Members of a precinct election board.

13 (2) Poll clerks and assistant poll clerks.

14 (3) Election sheriffs.

15 (4) Deputy election commissioners.

16 (5) Pollbook holders and challengers.

17 (6) Watchers.

18 (7) Voters for the purposes of:

19 (A) voting; **or**

20 (B) **for voters registering to vote on election day under**  
 21 **IC 3-7-49, filing a copy of the documentation required by**  
 22 **IC 3-7-49-2(a) with the precinct election board in the**  
 23 **voter's precinct, so that the individual's provisional ballot**  
 24 **may be counted under IC 3-11.7.**

25 (8) Minor children accompanying voters as provided under  
 26 IC 3-11-11-8.

27 (9) An assistant to a precinct election officer appointed under  
 28 IC 3-6-6-39.

29 (10) An individual authorized to assist a voter in accordance with  
 30 IC 3-11-9.

31 (11) A member of a county election board, acting on behalf of the  
 32 board.

33 (12) A mechanic authorized to act on behalf of a county election  
 34 board to repair a voting system (if the mechanic bears credentials  
 35 signed by each member of the board).

36 (13) Either of the following who have been issued credentials  
 37 signed by the members of the county election board:

38 (A) The county chairman of a political party.

39 (B) The county vice chairman of a political party.

40 (14) The secretary of state, as chief election officer of the state,  
 41 unless the individual serving as secretary of state is a candidate for  
 42 nomination or election to an office at the election.

43 (b) This subsection applies to a simulated election for minors  
 44 conducted with the authorization of the county election board. An  
 45 individual participating in the simulated election may be in the polls for  
 46 the purpose of voting. A person supervising the simulated election may

1 be in the polls to perform the supervision.

2 (c) The inspector of a precinct has authority over all simulated  
3 election activities conducted under subsection (b) and shall ensure that  
4 the simulated election activities do not interfere with the election  
5 conducted in that polling place.

6 SECTION 105. IC 3-11-8-16, AS AMENDED BY P.L.230-2005,  
7 SECTION 55, IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JANUARY 1, 2007]: Sec. 16. A person may not remain  
9 within a distance equal to the length of the chute (as defined in  
10 IC 3-5-2-10) of the entrance to the polls except for the purpose of:

11 (1) offering to vote; or

12 (2) for voters registering to vote on election day under  
13 IC 3-7-49, filing a copy of the documentation required by  
14 IC 3-7-49-2(a) with the precinct election board in the voter's  
15 precinct, so that the individual's provisional ballot may be  
16 counted under IC 3-11.7."

17 Page 50, line 33, delete "(l), (k)," and insert "(l)".

18 Page 50, between lines 34 and 35, begin a new line blocked left and  
19 insert:

20 **"This subsection expires January 1, 2007.**

21 (g) **This subsection applies after December 31, 2006. After a**  
22 **voter has passed the challengers or has been sworn in, the voter**  
23 **shall be instructed by a member of the precinct election board to**  
24 **proceed to the location where the poll clerks are stationed. The**  
25 **voter shall announce to the poll clerks or assistant poll clerks the**  
26 **voter's name and whether the voter wants to register to vote at the**  
27 **polls. If the voter wants to register and meets the conditions set**  
28 **forth in IC 3-7-49, the poll clerk or other precinct election officer**  
29 **shall register the voter in accordance with IC 3-7-49. If the voter**  
30 **is already registered, a poll clerk, an assistant poll clerk, or a**  
31 **member of the precinct election board shall require the voter to**  
32 **write the following on the poll list:**

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

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

36 Page 50, line 35, delete "(h) (g)" and insert "(h)".

37 Page 51, line 1, delete "(i) (h)" and insert "(i)".

38 Page 51, line 4, delete "(j) (i)" and insert "(j)".

39 Page 51, line 12, delete "(k) (j)" and insert "(k)".

40 Page 51, line 12, delete "(h): (g):" and insert "(h):".

41 Page 51, line 18, delete "(l) (k)" and insert "(l)".

42 Page 52, line 21, after "Sec. 25.5." insert "(a)".

43 Page 52, line 28, after "polls" insert ",".

44 Page 52, line 28, strike "to cost a".

45 Page 52, line 29, strike "ballot at the election." and insert **"except as**  
46 **provided by subsection (b).**

1           **(b) This subsection applies after December 31, 2006. An**  
 2 **individual who:**  
 3           **(1) registers to vote on election day under IC 3-7-49; and**  
 4           **(2) casts a provisional ballot under IC 3-11.7, because the**  
 5           **individual is unable to present the documentation required**  
 6           **under IC 3-7-49-2(a);**  
 7 **is entitled to reenter the polls solely to file a copy of the**  
 8 **documentation required by IC 3-7-49-2(a) with the precinct**  
 9 **election board in the voter's precinct, so that the individual's**  
 10 **provisional ballot may be counted under IC 3-11.7."**

11           Page 70, between lines 38 and 39, begin a new line block indented  
 12 and insert:

13           **"(4) This subdivision applies after December 31, 2006. An**  
 14 **individual who is registering to vote at the polls but has not**  
 15 **presented identification required under IC 3-7-49-2."**

16           Page 70, line 42, after "IC 3-11-8-25;" insert "or".

17           Page 71, line 1, delete "or".

18           Page 71, line 4, after "cast;" insert "or

19           **(3) after December 31, 2006, presented identification required**  
 20 **under IC 3-7-49-2 to the poll clerk before voting in person**  
 21 **under IC 3-11-8-25.1;"**

22           Re-number all SECTIONS consecutively.

(Reference is to EHB 1011 as printed February 15, 2006.)

-----  
 Senator HOWARD