

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1804 be amended to read as follows:

- 1           Page 5, between lines 33 and 34, begin a new paragraph and insert:  
2           "SECTION 10. IC 3-7-13-10 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 10. (a) The  
4           registration period begins December 1 of each year (or the first  
5           Monday 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 11. IC 3-7-13-11 IS AMENDED TO READ AS  
20          FOLLOWS [EFFECTIVE JANUARY 1, 2008]: 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 13, between lines 15 and 16, begin a new paragraph and insert:  
29          "SECTION 23. IC 3-7-36-11 IS AMENDED TO READ AS  
30          FOLLOWS [EFFECTIVE JANUARY 1, 2008]: 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  
5 under 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 24. IC 3-7-36-14 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: 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  
46 registration office:

47 (A) A discharge from service, dated not earlier than the

- 1 beginning of the registration period that ended on the date  
 2 described in ~~IC 3-7-13-11~~, **IC 3-7-13-11(1)**, of:
- 3 (i) the voter;  
 4 (ii) the voter's spouse; or  
 5 (iii) the individual of whom the voter is a dependent.
- 6 (B) A copy of the government movement orders, with a  
 7 reporting date not earlier than the beginning of the registration  
 8 period that ended on the date described in ~~IC 3-7-13-11~~,  
 9 **IC 3-7-13-11(1)**, of:
- 10 (i) the voter;  
 11 (ii) the voter's spouse; or  
 12 (iii) the individual of whom the voter is a dependent.
- 13 (2) Completing a registration affidavit.
- 14 (c) **Except as provided in subsection (g)**, a voter who registers  
 15 under this section may vote at the upcoming election only by absentee  
 16 ballot at the office of the circuit court clerk at the time the voter  
 17 registers under this section or at any time after the voter registers under  
 18 this section and before noon on election day. A voter who wants to vote  
 19 under this subsection must do both of the following:
- 20 (1) Complete an application for an absentee ballot.  
 21 (2) Sign an affidavit that the voter has not voted at any other  
 22 precinct in the election.
- 23 The voter may vote at subsequent elections as otherwise provided in  
 24 this title.
- 25 (d) If the voter votes by absentee ballot under this section, the  
 26 circuit court clerk shall do the following:
- 27 (1) Certify in writing that the voter registered under this section.  
 28 (2) Attach the certification to the voter's absentee ballot envelope.
- 29 (e) If the county has a board of registration, the board of registration  
 30 shall promptly deliver the voter's registration affidavit to the circuit  
 31 court clerk to permit the voter to vote under subsection (c).
- 32 (f) If the voter chooses not to vote under subsection (c), the county  
 33 voter registration office shall register the voter on the first day of the  
 34 next registration period.
- 35 **(g) A person described in subsection (b) may register and vote**  
 36 **on the day of a primary, general, municipal, school district, or**  
 37 **special election as provided in IC 3-7-49."**
- 38 Page 16, line 16, delete "JULY 1, 2007]:" and insert "JANUARY 1,  
 39 2008]:".
- 40 Page 16, line 18, after "unless" insert "  
 41 (1)".
- 42 Page 16, line 22, after "resides" delete "." and insert "; or  
 43 (2) the voter has registered as provided in IC 3-7-49."
- 44 Page 16, line 23, after "person" insert "  
 45 (1)".
- 46 Page 16, line 23, after "record" insert "; and  
 47 (2) who does not register as provided in IC 3-7-49;".

1 Page 17, between lines 5 and 6, begin a new paragraph and insert:  
 2 "SECTION 34. IC 3-7-49 IS ADDED TO THE INDIANA CODE  
 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 4 JANUARY 1, 2008]:

5 **Chapter 49. Election Day Registration**

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

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

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

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

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

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

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

21 **(c) Before allowing a person to vote under this chapter, the poll**  
 22 **clerk or other precinct election officer shall require the person to**  
 23 **do the following:**

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

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

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

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

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

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

1 party to the precinct election board, the inspector for the  
2 precinct shall sign the form as the second precinct election  
3 officer. The commission shall prescribe the form of the  
4 statement.

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

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

15 (d) The precinct election board shall advise the person that the  
16 person may file a copy of the documentation with:

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

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

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

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

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

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

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

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

45 Sec. 8. The county voter registration office shall process under  
46 IC 3-7-33-5 the voter registration forms completed under section  
47 1 of this chapter.

48 Sec. 9. If a notice mailed under IC 3-7-33-5 to a person who

1 registered under this chapter is returned as undeliverable, the  
 2 county voter registration office shall initiate steps under  
 3 IC 3-7-33-6 to remove the person from the registration rolls.

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

8 Page 34, between lines 3 and 4, begin a new paragraph and insert:

9 "SECTION 48. IC 3-10-1-31.1, AS AMENDED BY P.L.230-2005,  
 10 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JANUARY 1, 2008]: Sec. 31.1. (a) This section applies only to election  
 12 materials for elections held after December 31, 2003.

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

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

- 29 (1) IC 3-12-6-19 or IC 3-12-11-16; or  
 30 (2) 42 U.S.C. 1973;

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

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

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

- 37 (1) a cancellation of registration conducted under IC 3-7-43  
 38 through IC 3-7-46;  
 39 (2) a transfer of registration conducted under IC 3-7-39,  
 40 IC 3-7-40, or IC 3-7-42;  
 41 (3) a change of name made under IC 3-7-41;  
 42 (4) adding the registration of a voter under IC 3-7-48-8 **or**  
 43 **IC 3-7-49**; or  
 44 (5) recording that a voter subject to IC 3-7-33-4.5 submitted the  
 45 documentation required under 42 U.S.C. 15483 and IC 3-11-8 or  
 46 IC 3-11-10;

47 the county voter registration office may inspect the poll lists and update

1 the registration record of the county. The county voter registration  
 2 office shall use the poll lists to update the registration record to include  
 3 the voter's voter identification number if the voter's voter identification  
 4 number is not already included in the registration record. Upon  
 5 completion of the inspection, the poll list shall be preserved with the  
 6 ballots and other materials in the manner prescribed by subsection (c)  
 7 for the period prescribed by subsections (c) and (d).

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

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

19 Page 36, between lines 15 and 16, begin a new paragraph and insert:

20 "SECTION 52. IC 3-10-8-9 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. (a) If the  
 22 special election occurs during the period when registration is open  
 23 under IC 3-7-13, the registration period continues through the  
 24 twenty-ninth day before the special election occurs and resumes on the  
 25 date specified by IC 3-7-13-10(d), **except that a person may register**  
 26 **or transfer registration on the day of a special election as provided**  
 27 **in IC 3-7-49.**

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

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

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

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

44 Page 49, between lines 39 and 40, begin a new paragraph and insert:

45 "SECTION 70. IC 3-11-8-15, AS AMENDED BY P.L.230-2005,  
 46 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 47 JANUARY 1, 2008]: Sec. 15. (a) Only the following persons are

- 1 permitted in the polls during an election:
- 2 (1) Members of a precinct election board.
- 3 (2) Poll clerks and assistant poll clerks.
- 4 (3) Election sheriffs.
- 5 (4) Deputy election commissioners.
- 6 (5) Pollbook holders and challengers.
- 7 (6) Watchers.
- 8 (7) Voters for the purposes of:
- 9 (A) voting; **or**
- 10 **(B) for voters registering to vote on election day under**
- 11 **IC 3-7-49, filing a copy of the documentation required by**
- 12 **IC 3-7-49-2(a) with the precinct election board in the**
- 13 **voter's precinct so that the voter's provisional ballot may**
- 14 **be counted under IC 3-11.7.**
- 15 (8) Minor children accompanying voters as provided under
- 16 IC 3-11-11-8.
- 17 (9) An assistant to a precinct election officer appointed under
- 18 IC 3-6-6-39.
- 19 (10) An individual authorized to assist a voter in accordance with
- 20 IC 3-11-9.
- 21 (11) A member of a county election board, acting on behalf of the
- 22 board.
- 23 (12) A mechanic authorized to act on behalf of a county election
- 24 board to repair a voting system (if the mechanic bears credentials
- 25 signed by each member of the board).
- 26 (13) Either of the following who have been issued credentials
- 27 signed by the members of the county election board:
- 28 (A) The county chairman of a political party.
- 29 (B) The county vice chairman of a political party.
- 30 (14) The secretary of state, as chief election officer of the state,
- 31 unless the individual serving as secretary of state is a candidate
- 32 for nomination or election to an office at the election.
- 33 (b) This subsection applies to a simulated election for minors
- 34 conducted with the authorization of the county election board. An
- 35 individual participating in the simulated election may be in the polls for
- 36 the purpose of voting. A person supervising the simulated election may
- 37 be in the polls to perform the supervision.
- 38 (c) The inspector of a precinct has authority over all simulated
- 39 election activities conducted under subsection (b) and shall ensure that
- 40 the simulated election activities do not interfere with the election
- 41 conducted in that polling place.
- 42 SECTION 71. IC 3-11-8-16, AS AMENDED BY P.L.230-2005,
- 43 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 44 JANUARY 1, 2008]: Sec. 16. A person may not remain within a
- 45 distance equal to the length of the chute (as defined in IC 3-5-2-10) of
- 46 the entrance to the polls except for the purpose of:
- 47 **(1) offering to vote; or**

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

6           Page 52, line 15, delete "UPON PASSAGE]" and insert  
 7           "JANUARY 1, 2008]:".

8           Page 52, line 41, strike "the voter's name".

9           Page 52, line 42, delete "clerks. A" and insert "clerks **the voter's**  
 10          **name and whether the voter wants to register to vote at the polls.**  
 11          **If the voter wants to register and meets the conditions set forth in**  
 12          **IC 3-7-49, the poll clerk or other precinct election officer shall**  
 13          **register the voter in accordance with IC 3-7-49. If the voter is**  
 14          **already registered, a".**

15          Page 53, between lines 35 and 36, begin a new paragraph and insert:  
 16          "SECTION 75. IC 3-11-8-25.5, AS AMENDED BY P.L.164-2006,  
 17          SECTION 102, IS AMENDED TO READ AS FOLLOWS  
 18          [EFFECTIVE JANUARY 1, 2008]: Sec. 25.5. **(a)** If an individual signs  
 19          the individual's name and either:

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

21                 (2) checks the "Address Unchanged" box;

22          on the poll list under section 25.1 of this chapter and then leaves the  
 23          polls without casting a ballot or after casting a provisional ballot, the  
 24          voter may not be permitted to reenter the polls, ~~to cast a ballot at the~~  
 25          ~~election: except as provided by subsection (b).~~

26          **(b) An individual who:**

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

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

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

35          Page 66, line 27, delete "JULY 1, 2007]" and insert "JANUARY 1,  
 36          2008]:".

37          Page 66, between lines 39 and 40, begin a new line block indented  
 38          and insert:

39                 **"(4) An individual who is registering to vote at the polls but**  
 40                 **has not presented identification required under IC 3-7-49-2."**

41          Page 67, line 1, strike "or".

42          Page 67, line 4, after "cast;" insert "or

43                 **(3) presented identification required under IC 3-7-49-2 to the**  
 44                 **poll clerk before voting in person under IC 3-11-8-25.1;"**.

45          Page 78, line 10, delete "IC 3-7-36-11;".

46          ReNUMBER all SECTIONS consecutively.

(Reference is to EHB 1804 as printed April 6, 2007.)

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Senator LANANE