



Reprinted
April 14, 2009

ENGROSSED
SENATE BILL No. 209

DIGEST OF SB 209 (Updated April 13, 2009 6:52 pm - DI 102)

Citations Affected: IC 3-5; IC 3-9; IC 3-10; IC 3-11; IC 3-11.7; IC 3-14; IC 4-13.

Synopsis: Provisional and absentee ballots; voting systems; campaign finance. Requires that election material related to provisional ballots (excluding the provisional ballots themselves) be made available for copying and inspection under the access to public records law in the same manner as other election material, except in the case of a recount or contest, when material related to provisional ballots remains confidential for six months after the completion of the recount or contest. Provides that information in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date, remains confidential. Requires a precinct election officer, in the case of a voter who casts a provisional ballot, or an absentee voter board, in the case of a voter who casts an absentee ballot that is treated as a provisional ballot, to provide both orally and in writing an explanation of the steps the voter must take in order to have the voter's ballot counted. Requires the election commission to prescribe the form of the explanation. Requires the circuit court clerk of a county that conducts an election in which a voter casts a
(Continued next page)

Effective: Upon passage; July 1, 2009.

Young R Michael, Lanane
(HOUSE SPONSORS — BATTLES, HINKLE)

January 7, 2009, read first time and referred to Committee on Elections.
February 9, 2009, amended, reported favorably — Do Pass.
February 16, 2009, read second time, ordered engrossed.
February 17, 2009, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 2, 2009, read first time and referred to Committee on Elections and Apportionment.
April 6, 2009, amended, reported — Do Pass.
April 13, 2009, read second time, amended, ordered engrossed.

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provisional ballot or an absentee ballot that is treated as a provisional ballot to notify the voter not later than three days after election day concerning: (1) the reasons that the voter's ballot is being treated as a provisional ballot; (2) what actions, if any, that the voter must take in order to have the voter's ballot counted; (3) the deadline by which the voter must act to have the voter's ballot counted; and (4) certain contact information that the provisional voter may use to find out about the provisional voter's ballot. Requires that the notice be sent by first class United States mail or given by another method that the circuit court clerk determines will provide actual notice to the voter. Requires the notice to be in a form prescribed by the election commission. Requires the county election board to provide a list of the name and addresses of all voters who cast a provisional ballot at an election to a candidate whose name was on the ballot or the county chairman of a political party in the county not later than 72 hours after the request. Provides that a circuit court clerk who knowingly or intentionally fails to provide a provisional voter with the required notice commits a Class A misdemeanor. Requires the circuit court clerk and the secretary of state to compile and make public certain information about provisional voting. Requires that a county election board in a county with a population of more than 400,000 establish satellite voting offices in the county, including at least one satellite voting office in each municipality that has a population of more than 60,000. Provides that a member of the military or public safety officer may vote an absentee ballot by mail. Provides that a member of the military or public safety officer who has signed before the poll list and is called from the polls before voting to respond to an emergency in the voter's capacity as a member of the military or public safety officer is entitled to return to the polls and vote upon execution of an affidavit. Provides that a county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, 2009 if the voting system meets certain requirements. Provides that the Indiana election commission may approve a voting system for use in Indiana if the voting system meets the Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005. Provides that the governor and the governor's candidate's committees may not (1) solicit campaign contributions; (2) accept campaign contributions; or (3) conduct other fundraising activities during the long session of the general assembly and during the day before, the day of, and the day after each organization day. Provides that the prohibition does not apply to the governor's participation in party activities conducted by a regular party committee. Provides that persons with contracts with state government or who bid on contracts with state government and certain persons affiliated with the contractors and bidders may not make political contributions to an individual who holds a state office or is a candidate for a state office. Requires persons with contracts with state government or who bid on contracts with state government to register with the election division. Requires the election division to make the information about registrants available in a searchable data base on the election division's web site. Requires registrants to notify their affiliated persons that they are registered. Provides civil and criminal penalties for violations. Provides that contractors or bidders who violate the statutes may be found nonresponsible and have their contracts voided.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 209

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 3-5-2-31.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 31.5. "Member of the military or public safety
4 officer" has the meaning set forth in IC 10-14-2-5.**

5 SECTION 2. IC 3-9-2-12.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2009]: **Sec. 12.5. (a) As used in this section, "prohibited period"
8 refers to the following time periods:**

- 9 (1) **The period:**
10 (A) **that begins on the day in January in each**
11 **odd-numbered year on which the general assembly**
12 **reconvenes under IC 2-2.1-1-2; and**
13 (B) **that ends on the day on which the general assembly**
14 **adjourns sine die in an odd-numbered year under**
15 **IC 2-2.1-1-2.**
16 (2) **The period:**
17 (A) **that begins on the day before; and**

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1 (B) that ends on the day after;
2 the day in November of each year on which the general
3 assembly convenes.

4 (b) During a prohibited period, the governor and the governor's
5 candidate's committees may not do any of the following:

- 6 (1) Solicit campaign contributions.
- 7 (2) Accept campaign contributions.
- 8 (3) Conduct other fundraising activities. However, this
9 subdivision does not prohibit the governor from participating
10 in party activities conducted by a regular party committee.

11 SECTION 3. IC 3-9-2.5 IS ADDED TO THE INDIANA CODE AS
12 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2009]:

14 **Chapter 2.5. Prohibition of Contributions by Certain State**
15 **Contractors**

16 **Sec. 1. The definitions in IC 4-13-2.5 apply throughout this**
17 **chapter.**

18 **Sec. 2. As used in this chapter, "affiliated person" refers to any**
19 **of the following:**

- 20 (1) A person with any ownership interest or distributive share
21 of a business entity of more than seven and one-half percent
22 (7.5%).
- 23 (2) An executive employee of a business entity.
- 24 (3) The spouse of an individual described in subdivision (1) or
25 (2).
- 26 (4) The minor child of an individual described in subdivision
27 (1) or (2).
- 28 (5) A subsidiary of a business entity.
- 29 (6) A member of the same unitary business group as a
30 business entity.
- 31 (7) An organization recognized by the United States Internal
32 Revenue Service as a tax-exempt organization described in
33 Section 501(c) of the Internal Revenue Code that is
34 established by:
 - 35 (A) a business entity;
 - 36 (B) a person described in subdivision (1), (2), (3) or (4); or
 - 37 (C) an entity described in subdivision (5) or (6).
- 38 (8) A political action committee for which:
 - 39 (A) a business entity; or
 - 40 (B) any section 501(c) organization described in
41 subdivision (7) related to that business entity;
42 is a sponsor.

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1 **Sec. 3. As used in this chapter, "business entity" refers to any of**
2 **the following doing business for profit:**
3 **(1) A sole proprietorship.**
4 **(2) A partnership.**
5 **(3) A limited liability partnership.**
6 **(4) A limited liability company.**
7 **(5) A corporation.**
8 **(6) Any other person doing business for profit, regardless of**
9 **the person's legal organization.**
10 **Sec. 4. As used in this chapter, "executive employee" refers to**
11 **any of the following:**
12 **(1) The president of a business entity.**
13 **(2) The chairman of a business entity.**
14 **(3) The chief executive officer of a business entity.**
15 **(4) An employee of a business entity:**
16 **(A) who has executive decision making authority over the**
17 **long term and day to day affairs of the business entity; or**
18 **(B) whose compensation is determined directly, in whole or**
19 **in part, by the award or payment of contracts to the**
20 **business entity.**
21 **Sec. 5. As used in this chapter, "registrant" refers to a person**
22 **registered under this chapter.**
23 **Sec. 6. As used in this chapter, "sponsor" refers to an individual**
24 **or organization that contributes at least thirty-three percent (33%)**
25 **of the total funding of a political action committee.**
26 **Sec. 7. (a) This section applies to the following:**
27 **(1) A business entity whose annual aggregate offers for**
28 **contracts total more than fifty thousand dollars (\$50,000).**
29 **(2) A business entity whose aggregate offers for contracts**
30 **combined with the business entity's aggregate annual total**
31 **value of contracts exceed fifty thousand dollars (\$50,000).**
32 **(3) A business entity whose contracts, in the aggregate,**
33 **annually total more than fifty thousand dollars (\$50,000).**
34 **(b) Not later than August 1, 2009, a business entity described in**
35 **subsection (a) shall register with the election division under this**
36 **chapter.**
37 **(c) A business entity required to register under this section shall**
38 **submit a copy of the registration certificate to the applicable**
39 **contract officer not later than October 1, 2009.**
40 **(d) A business entity described in subsection (a)(1) or (a)(2) has**
41 **a continuing duty to ensure that the registration is accurate during**
42 **the period that:**

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(1) begins on the date of registration; and
(2) ends on the day after the date the contract is awarded.
A change in information must be reported to the election division not later than two (2) business days following the change.

(e) A business entity described in subsection (a)(3) has a continuing duty to ensure that the registration is accurate as provided in section 8(c) and 8(d) of this chapter.

Sec. 8. (a) This section applies to a business entity:

(1) not required to register under section 7 of this chapter; and

(2) whose aggregate offers for contracts:

(A) annually total more than fifty thousand dollars (\$50,000); or

(B) combined with the person's aggregate annual total value of contracts are greater than fifty thousand dollars (\$50,000).

(b) A business entity described in subsection (a) shall register with the election division under this chapter before submitting an offer whose value causes the business entity to fall within the description of subsection (a)(2).

(c) A business entity required to register under this section has a continuing duty to ensure that the registration is accurate during the period that:

(1) begins on the date of registration; and

(2) ends on the day after the date the contract is awarded.

(d) Any change in information must be reported to the election division not later than two (2) business days following the change.

Sec. 9. (a) A business entity whose contracts, in the aggregate, annually total more than fifty thousand dollars (\$50,000) must maintain registration under this chapter and has a continuing duty to ensure that the registration is accurate for:

(1) the duration of the term of office of any incumbent holder of a state office at the time of any contract is entered into; or

(2) two (2) years following the expiration or termination of the contracts;

whichever is longer.

(b) Any change in information must be reported to the election division not later than ten (10) days following the change. However, if a business entity required to register under this section has a pending offer, a change in information must be reported to the election division not later than two (2) business days after the change.

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1 **Sec. 10. A business entity's continuing duty under this chapter**
2 **to ensure the accuracy of the business entity's registration includes**
3 **the requirement that the business entity notify the election division**
4 **of any changes in information relating to affiliated persons or any**
5 **other material changes.**

6 **Sec. 11. (a) The registration required by persons under this**
7 **chapter and any changes to that registration, must be made**
8 **electronically. The commission shall provide for electronic**
9 **registration by rule adopted under IC 4-22-2.**

10 **(b) A registration must contain substantially the following**
11 **information:**

12 **(1) The registrant's name and business address.**

13 **(2) The name and address of each of the registrant's affiliated**
14 **persons with a description of the affiliation for each person.**

15 **(c) A registration, and any changes to a registration must be**
16 **certified, under the penalties for perjury, that to the best of the**
17 **person's knowledge and belief, the information stated is true.**

18 **(d) The election division shall provide a registration certificate**
19 **to a person that registers under this chapter.**

20 **(e) A registration certificate must be:**

21 **(1) electronic; and**

22 **(2) accessible to the registrant through the election division's**
23 **website; and**

24 **(3) protected by a password.**

25 **Sec. 12. (a) For the purposes of this section, a database**
26 **maintained by the election division is "searchable" if the database**
27 **can be searched by the following terms:**

28 **(1) Affiliated person.**

29 **(2) Registrant.**

30 **(3) State agency.**

31 **(b) The election division shall maintain on its website a**
32 **searchable database containing all information required to be**
33 **submitted to the election division under this chapter.**

34 **(c) The database must contain links to any searchable database**
35 **of state contracts maintained by the state, searchable by registrant.**

36 **(d) The election division may not place the name of a minor**
37 **child in the database. However, the database must provide a link**
38 **to all contributions made by anyone reporting the same residential**
39 **address as an affiliated person.**

40 **Sec. 13. A registrant shall provide a copy of the registration**
41 **certificate:**

42 **(1) by first class mail or hand delivery;**

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1 (2) not later than ten (10) days after registration; and
 2 (3) to each affiliated person whose identity is required to be
 3 disclosed under this chapter.
 4 Sec. 14. (a) A registrant shall notify any political action
 5 committee to which the registrant makes a contribution, at the time
 6 of the contribution, that the person is registered with the election
 7 division under this chapter.
 8 (b) An affiliated person of a registrant shall notify any political
 9 action committee to which it makes a contribution that it is
 10 affiliated with a registrant.
 11 Sec. 15. (a) During the period described in subsection (b):
 12 (1) a registrant who has a contract; and
 13 (2) that registrant's affiliated persons;
 14 may not make a contribution to an individual who holds a state
 15 office or is a candidate for a state office.
 16 (b) The prohibition on contributions under this section is
 17 effective:
 18 (1) during the term of office of any individual who holds a
 19 state office when the contract is awarded; and
 20 (2) until two (2) years after the date of the expiration or
 21 termination of the contract;
 22 whichever is later.
 23 Sec. 16. (a) During the period described in subsection (b):
 24 (1) a registrant who has no contracts but has an offer
 25 pending; and
 26 (2) that registrant's affiliated persons;
 27 may not make a contribution to an individual who holds a state
 28 office or is a candidate for a state office.
 29 (b) The prohibition on contributions under this section:
 30 (1) begins on the date that the solicitation is issued; and
 31 (2) ends on the day after the date the contract is awarded.
 32 Sec. 17. A candidate or a candidate's committee that receives a
 33 contribution from a person who is prohibited from making a
 34 contribution under section 15 or 16 of this chapter shall pay an
 35 amount equal to the value of the contribution to the election
 36 division not later than thirty (30) days after receiving the
 37 contribution. The election division shall deposit payments made
 38 under this section in the campaign finance enforcement account
 39 established by IC 3-6-4.1-24.
 40 SECTION 4. IC 3-9-4-16, AS AMENDED BY P.L.221-2005,
 41 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2009]: Sec. 16. (a) In addition to any other penalty imposed,

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1 a person who does any of the following is subject to a civil penalty
2 under this section:

3 (1) Fails to file with the election division a report in the manner
4 required under IC 3-9-5.

5 (2) Fails to file a statement of organization required under
6 IC 3-9-1.

7 (3) Is a committee or a member of a committee who disburses or
8 expends money or other property for any political purpose before
9 the money or other property has passed through the hands of the
10 treasurer of the committee.

11 (4) Makes a contribution other than to a committee subject to this
12 article or to a person authorized by law or a committee to receive
13 contributions on the committee's behalf.

14 (5) Is a corporation or labor organization that exceeds any of the
15 limitations on contributions prescribed by IC 3-9-2-4.

16 (6) Makes a contribution in the name of another person.

17 (7) Accepts a contribution made by one (1) person in the name of
18 another person.

19 (8) Is not the treasurer of a committee subject to this article, and
20 pays any expenses of an election or a caucus except as authorized
21 by this article.

22 (9) Commingles the funds of a committee with the personal funds
23 of an officer, a member, or an associate of the committee.

24 (10) Wrongfully uses campaign contributions in violation of
25 IC 3-9-3-4.

26 (11) Violates IC 3-9-2-12 or **IC 3-9-2-12.5**.

27 (12) Fails to designate a contribution as required by IC 3-9-2-5(c).

28 (13) Violates IC 3-9-3-5.

29 (14) Serves as a treasurer of a committee in violation of any of the
30 following:

31 (A) IC 3-9-1-13(1).

32 (B) IC 3-9-1-13(2).

33 (C) IC 3-9-1-18.

34 (15) Fails to comply with section 4(d) of this chapter.

35 **(16) Violates IC 3-9-2.5.**

36 (b) This subsection applies to a person who is subject to a civil
37 penalty under subsection (a)(1) or (a)(2) for filing a defective report or
38 statement. If the commission determines that a person failed to file the
39 amended report or statement of organization not later than noon five (5)
40 days after being given notice under section 14 of this chapter, the
41 commission may assess a civil penalty. The penalty is ten dollars (\$10)
42 for each day the report is late after the expiration of the five (5) day

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1 period, not to exceed one hundred dollars (\$100) plus any investigative
2 costs incurred and documented by the election division. The civil
3 penalty limit under this subsection applies to each report separately.

4 (c) This subsection applies to a person who is subject to a civil
5 penalty under subsection (a)(1) or (a)(2) for a delinquent report or
6 statement. If the commission determines that a person failed to file the
7 report or statement of organization by the deadline prescribed under
8 this article, the commission shall assess a civil penalty. The penalty is
9 fifty dollars (\$50) for each day the report or statement is late, with the
10 afternoon of the final date for filing the report or statement being
11 calculated as the first day. The civil penalty under this subsection may
12 not exceed one thousand dollars (\$1,000) plus any investigative costs
13 incurred and documented by the election division. The civil penalty
14 limit under this subsection applies to each report separately.

15 (d) This subsection applies to a person who is subject to a civil
16 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or
17 (a)(10). If the commission determines that a person is subject to a civil
18 penalty under subsection (a), the commission may assess a civil penalty
19 of not more than one thousand dollars (\$1,000), plus any investigative
20 costs incurred and documented by the election division.

21 (e) This subsection applies to a person who is subject to a civil
22 penalty under subsection (a)(5). If the commission determines that a
23 person is subject to a civil penalty under subsection (a)(5), the
24 commission may assess a civil penalty of not more than three (3) times
25 the amount of the contribution in excess of the limit prescribed by
26 IC 3-9-2-4, plus any investigative costs incurred and documented by
27 the election division.

28 (f) This subsection applies to a person who is subject to a civil
29 penalty under subsection (a)(11). If the commission determines that a
30 candidate or the candidate's committee has violated IC 3-9-2-12 **or**
31 **IC 3-9-2-12.5**, the commission shall assess a civil penalty equal to the
32 greater of the following, plus any investigative costs incurred and
33 documented by the election division:

- 34 (1) Two (2) times the amount of any contributions received.
- 35 (2) One thousand dollars (\$1,000).

36 (g) This subsection applies to a person who is subject to a civil
37 penalty under subsection (a)(12). If the commission determines that a
38 corporation or a labor organization has failed to designate a
39 contribution in violation of IC 3-9-2-5(c), the commission shall assess
40 a civil penalty equal to the greater of the following, plus any
41 investigative costs incurred and documented by the election division:

- 42 (1) Two (2) times the amount of the contributions undesignated.

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1 (2) One thousand dollars (\$1,000).
 2 (h) This subsection applies to a person who is subject to a civil
 3 penalty under subsection (a)(13). If the commission determines, by
 4 unanimous vote of the entire membership of the commission, that a
 5 person has violated IC 3-9-3-5, the commission may assess a civil
 6 penalty of not more than five hundred dollars (\$500), plus any
 7 investigative costs incurred and documented by the election division.
 8 (i) This subsection applies to a person who is subject to a civil
 9 penalty under subsection (a)(14). If the commission determines, by
 10 unanimous vote of the entire membership of the commission, that a
 11 person has served as the treasurer of a committee in violation of any of
 12 the statutes listed in subsection (a)(14), the commission may assess a
 13 civil penalty of not more than five hundred dollars (\$500), plus any
 14 investigative costs incurred and documented by the election division.
 15 (j) This subsection applies to a person who is subject to a civil
 16 penalty under subsection (a)(15). The commission may assess a civil
 17 penalty equal to the costs incurred by the election division for the
 18 manual entry of the data contained in the report or statement, plus any
 19 investigative costs incurred and documented by the election division.
 20 **(k) This subsection applies to a person who is subject to a civil**
 21 **penalty under subsection (a)(16). The commission may assess a**
 22 **civil penalty of not more than:**
 23 **(1) one thousand dollars (\$1,000) for each business day that a**
 24 **person knowingly or intentionally:**
 25 **(A) fails to update a registration required by IC 3-9-2.5;**
 26 **(B) fails to provide material information on a registration**
 27 **required by IC 3-9-2.5; or**
 28 **(C) states false information on a registration required by**
 29 **IC 3-9-2.5; or**
 30 **(2) not more than one thousand dollars (\$1,000) for any other**
 31 **violation of IC 3-9-2.5;**
 32 **plus any investigative costs incurred and documented by the**
 33 **election division.**
 34 ~~(l)~~ **(l)** All civil penalties collected under this section shall be
 35 deposited with the treasurer of state in the campaign finance
 36 enforcement account.
 37 ~~(m)~~ **(m)** Proceedings of the commission under this section are subject
 38 to IC 4-21.5.
 39 SECTION 5. IC 3-10-1-31.1, AS AMENDED BY P.L.230-2005,
 40 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2009]: Sec. 31.1. (a) This section applies only to election
 42 materials for elections held after December 31, 2003.

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

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

- 19 (1) IC 3-12-6-19 or IC 3-12-11-16; or
 20 (2) 42 U.S.C. 1973;

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

22 (d) If a petition for a recount or contest is filed, the **following apply**:

23 (1) **The** material for that election remains confidential until
 24 completion of the recount or contest.

25 (2) **Notwithstanding subdivision (1), material related to the**
 26 **provisional ballots cast in that election remains confidential**
 27 **for six (6) months after the completion of the recount or**
 28 **contest.**

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

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

41 the county voter registration office may inspect the poll lists and update
 42 the registration record of the county. The county voter registration

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

7 (f) This subsection does not apply to ballots, **including provisional**
8 **ballots.** Notwithstanding subsection (c), if a county voter registration
9 office determines that the inspection and copying of precinct election
10 material would reveal the political parties, candidates, and public
11 questions for which an individual cast an absentee ballot, the county
12 voter registration office shall keep confidential only that part of the
13 election material necessary to protect the secrecy of the voter's ballot.
14 **In addition, the county voter registration office shall keep**
15 **confidential information contained in material related to**
16 **provisional ballots that identifies an individual, except for the**
17 **individual's name, address, and birth date.**

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

22 SECTION 6. IC 3-11-3-11, AS AMENDED BY P.L.230-2005,
23 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2009]: Sec. 11. The county election board shall deliver the
25 following to each inspector or the inspector's representative:

- 26 (1) The supplies provided for the inspector's precinct by the
27 election division.
- 28 (2) The local sample ballots, the ballot labels, if any, and all poll
29 lists, registration lists, and other supplies considered necessary to
30 conduct the election in the inspector's precinct.
- 31 (3) The local ballots printed under the direction of the county
32 election board as follows:
 - 33 (A) In those precincts where ballot card voting systems are to
34 be used, the number of ballots at least equal to one hundred
35 percent (100%) of the number of voters in the inspector's
36 precinct, according to the poll list.
 - 37 (B) In those precincts where electronic voting systems are to
38 be used, the number of ballots that will be required to be
39 printed and furnished to the precincts for emergency purposes
40 only.
 - 41 (C) Provisional ballots in the number considered necessary by
42 the county election board.

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1 (4) Twenty (20) ink pens suitable for printing the names of
 2 write-in candidates on the ballot or ballot envelope.
 3 (5) Copies of the voter's bill of rights for posting as required by 42
 4 U.S.C. 15482.
 5 (6) Copies of the instructions for a provisional voter required by
 6 42 U.S.C. 15482 **and IC 3-11.7-2-2**. The county election board
 7 shall provide at least the number of copies of the instructions as
 8 the number of provisional ballots provided under subdivision (3).
 9 SECTION 7. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A voter who is otherwise
 11 qualified to vote in person is entitled to vote by absentee ballot. Except
 12 as otherwise provided in this article, a voter voting by absentee ballot
 13 must vote in the office of the circuit court clerk (or board of elections
 14 and registration in a county subject to IC 3-6-5.2) or at a satellite office
 15 established under ~~IC 3-11-10-26.3~~ **IC 3-11-10**.
 16 (b) A county election board, by unanimous vote of its entire
 17 membership, may authorize a person who is otherwise qualified to vote
 18 in person to vote by absentee ballot if the board determines that the
 19 person has been hospitalized or suffered an injury following the final
 20 date and hour for applying for an absentee ballot that would prevent the
 21 person from voting in person at the polls.
 22 (c) The commission, by unanimous vote of its entire membership,
 23 may authorize a person who is otherwise qualified to vote in person to
 24 vote by absentee ballot if the commission determines that an
 25 emergency prevents the person from voting in person at a polling place.
 26 (d) The absentee ballots used in subsection (b) or (c) must be the
 27 same official absentee ballots as described in section 12 and 13 of this
 28 chapter. Taking into consideration the amount of time remaining before
 29 the election, the commission shall determine whether the absentee
 30 ballots are transmitted to and from the voter by mail or personally
 31 delivered. An absentee ballot that is personally delivered shall comply
 32 with the requirements in sections 19, 20, and 21 of this chapter.
 33 SECTION 8. IC 3-11-8-25.2, AS AMENDED BY P.L.164-2006,
 34 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2009]: Sec. 25.2. (a) The poll clerk or assistant
 36 poll clerk shall examine the list provided under IC 3-7-29-1 to
 37 determine if the county election board has indicated that the voter is
 38 required to provide additional personal identification under 42 U.S.C.
 39 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a
 40 certification concerning absentee voters under IC 3-11-10-12) indicates
 41 that the voter is required to present this identification before voting in
 42 person, the poll clerk shall advise the voter that the voter must present,

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1 in addition to the proof of identification required by section 25.1(a) of
 2 this chapter, a piece of identification described in subsection (b) to the
 3 poll clerk.

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

9 (1) A current and valid photo identification.

10 (2) A current utility bill, bank statement, government check,
 11 paycheck, or government document that shows the name and
 12 address of the voter.

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

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

22 (e) The precinct election board shall advise the voter, **both orally**
 23 **and in writing**, that the voter may file a copy of the documentation
 24 with the county voter registration office to permit the provisional ballot
 25 to be counted under IC 3-11.7.

26 (f) **The circuit court clerk shall provide the notice required by**
 27 **IC 3-11.7-6-4 to a voter who casts a provisional ballot under this**
 28 **section.**

29 SECTION 9. IC 3-11-8-25.7 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2009]: **Sec. 25.7. (a) This section applies only to a voter who is a**
 32 **member of the military or public safety officer.**

33 (b) **Notwithstanding section 25.5 of this chapter, a voter who**
 34 **signs the voter's name and either:**

35 (1) **signs the voter's address; or**

36 (2) **checks the "Address Unchanged" box;**

37 **on the poll list under section 25.1 of this chapter and then leaves**
 38 **the polls without casting a ballot or after casting a provisional**
 39 **ballot may reenter the polls to cast a ballot at the election as**
 40 **provided in this section.**

41 (c) **A voter who leaves the polls to respond to an emergency in**
 42 **the voter's capacity as a member of the military or public safety**

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- 1 **officer must notify a precinct election officer that the voter is**
- 2 **leaving the polls to respond to an emergency in the voter's capacity**
- 3 **as a member of the military or public safety officer.**
- 4 **(d) A poll clerk or assistant poll clerk shall make a notation on**
- 5 **the poll list with the voter's name indicating that the voter has left**
- 6 **the polls as permitted by this section and the time the voter left the**
- 7 **polls.**
- 8 **(e) If the voter returns to the polls, the voter shall be permitted**
- 9 **to vote if the voter executes an affidavit stating all of the following:**
- 10 **(1) The name of the voter.**
- 11 **(2) That the voter is a member of the military or public safety**
- 12 **officer.**
- 13 **(3) The military or public safety position the voter holds.**
- 14 **(4) That after the voter signed the poll list, but before the**
- 15 **voter voted, the voter was called to respond to an emergency**
- 16 **in the voter's capacity as a member of the military or public**
- 17 **safety officer.**
- 18 **(5) A brief description of the emergency to which the voter**
- 19 **responded.**
- 20 **(6) The time the voter returned to the polls.**
- 21 **(f) The commission shall prescribe the form of the affidavit**
- 22 **required by this section.**
- 23 **SECTION 10. IC 3-11-10-24, AS AMENDED BY P.L.103-2005,**
- 24 **SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
- 25 **JULY 1, 2009]: Sec. 24. (a) Except as provided in subsection (b), a**
- 26 **voter who satisfies any of the following is entitled to vote by mail:**
- 27 **(1) The voter has a specific, reasonable expectation of being**
- 28 **absent from the county on election day during the entire twelve**
- 29 **(12) hours that the polls are open.**
- 30 **(2) The voter will be absent from the precinct of the voter's**
- 31 **residence on election day because of service as:**
- 32 **(A) a precinct election officer under IC 3-6-6;**
- 33 **(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;**
- 34 **(C) a challenger or pollbook holder under IC 3-6-7; or**
- 35 **(D) a person employed by an election board to administer the**
- 36 **election for which the absentee ballot is requested.**
- 37 **(3) The voter will be confined on election day to the voter's**
- 38 **residence, to a health care facility, or to a hospital because of an**
- 39 **illness or injury during the entire twelve (12) hours that the polls**
- 40 **are open.**
- 41 **(4) The voter is a voter with disabilities.**
- 42 **(5) The voter is an elderly voter.**

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- 1 (6) The voter is prevented from voting due to the voter's care of
- 2 an individual confined to a private residence because of illness or
- 3 injury during the entire twelve (12) hours that the polls are open.
- 4 (7) The voter is scheduled to work at the person's regular place of
- 5 employment during the entire twelve (12) hours that the polls are
- 6 open.
- 7 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- 8 (9) The voter is prevented from voting due to observance of a
- 9 religious discipline or religious holiday during the entire twelve
- 10 (12) hours that the polls are open.
- 11 (10) The voter is an address confidentiality program participant
- 12 (as defined in IC 5-26.5-1-6).
- 13 **(11) The voter is a member of the military or public safety**
- 14 **officer.**
- 15 (b) A voter with disabilities who:
- 16 (1) is unable to make a voting mark on the ballot or sign the
- 17 absentee ballot secrecy envelope; and
- 18 (2) requests that the absentee ballot be delivered to an address
- 19 within Indiana;
- 20 must vote before an absentee voter board under section 25(b) of this
- 21 chapter.
- 22 (c) If a voter receives an absentee ballot by mail, the voter shall
- 23 personally mark the ballot in secret and seal the marked ballot inside
- 24 the envelope provided by the county election board for that purpose.
- 25 The voter shall:
- 26 (1) deposit the sealed envelope in the United States mail for
- 27 delivery to the county election board; or
- 28 (2) authorize a member of the voter's household or the individual
- 29 designated as the voter's attorney in fact to:
- 30 (A) deposit the sealed envelope in the United States mail; or
- 31 (B) deliver the sealed envelope in person to the county
- 32 election board.
- 33 (d) If a member of the voter's household or the voter's attorney in
- 34 fact delivers the sealed envelope containing a voter's absentee ballot to
- 35 the county election board, the individual delivering the ballot shall
- 36 complete an affidavit in a form prescribed by the commission. The
- 37 affidavit must contain the following information:
- 38 (1) The name and residence address of the voter whose absentee
- 39 ballot is being delivered.
- 40 (2) A statement of the full name, residence and mailing address,
- 41 and daytime and evening telephone numbers (if any) of the
- 42 individual delivering the absentee ballot.

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1 (3) A statement indicating whether the individual delivering the
 2 absentee ballot is a member of the voter's household or is the
 3 attorney in fact for the voter. If the individual is the attorney in
 4 fact for the voter, the individual must attach a copy of the power
 5 of attorney for the voter, unless a copy of this document has
 6 already been filed with the county election board.

7 (4) The date and location at which the absentee ballot was
 8 delivered by the voter to the individual delivering the ballot to the
 9 county election board.

10 (5) A statement that the individual delivering the absentee ballot
 11 has complied with Indiana laws governing absentee ballots.

12 (6) A statement that the individual delivering the absentee ballot
 13 is executing the affidavit under the penalties of perjury.

14 (7) A statement setting forth the penalties for perjury.

15 (e) The county election board shall record the date and time that the
 16 affidavit under subsection (d) was filed with the board.

17 (f) After a voter has mailed or delivered an absentee ballot to the
 18 office of the circuit court clerk, the voter may not recast a ballot, except
 19 as provided in:

20 (1) section 1.5 of this chapter; or
 21 (2) section 33 of this chapter.

22 SECTION 11. IC 3-11-10-26, AS AMENDED BY P.L.164-2006,
 23 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2009]: Sec. 26. (a) As an alternative to voting
 25 by mail, a voter is entitled to cast an absentee ballot before an absentee
 26 voter board:

27 (1) in the office of the circuit court clerk (or board of elections
 28 and registration in a county subject to IC 3-6-5.2); or
 29 (2) at a satellite office established under section 26.3 or 26.4 of
 30 this chapter.

31 (b) The voter must:

32 (1) sign an application on the form prescribed by the commission
 33 under IC 3-11-4-5.1; and
 34 (2) provide proof of identification;
 35 before being permitted to vote. The application must be received by the
 36 circuit court clerk not later than the time prescribed by IC 3-11-4-3.

37 (c) The voter may vote before the board not more than twenty-nine
 38 (29) days nor later than noon on the day before election day.

39 (d) An absent uniformed services voter who is eligible to vote by
 40 absentee ballot in the circuit court clerk's office under IC 3-7-36-14
 41 may vote before the board not earlier than twenty-nine (29) days before
 42 the election and not later than noon on election day. If a voter described

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1 by this subsection wishes to cast an absentee ballot during the period
2 beginning at noon on the day before election day and ending at noon on
3 election day, the county election board or absentee voter board may
4 receive and process the ballot at a location designated by resolution of
5 the county election board.

6 (e) The absentee voter board in the office of the circuit court clerk
7 must permit voters to cast absentee ballots under this section for at
8 least seven (7) hours on each of the two (2) Saturdays preceding
9 election day.

10 (f) Notwithstanding subsection (e), in a county with a population of
11 less than twenty thousand (20,000), the absentee voter board in the
12 office of the circuit court clerk, with the approval of the county election
13 board, may reduce the number of hours available to cast absentee
14 ballots under this section to a minimum of four (4) hours on each of the
15 two (2) Saturdays preceding election day.

16 (g) As provided by 42 U.S.C. 15481, a voter casting an absentee
17 ballot under this section must be:

- 18 (1) permitted to verify in a private and independent manner the
- 19 votes selected by the voter before the ballot is cast and counted;
- 20 (2) provided with the opportunity to change the ballot or correct
- 21 any error in a private and independent manner before the ballot is
- 22 cast and counted, including the opportunity to receive a
- 23 replacement ballot if the voter is otherwise unable to change or
- 24 correct the ballot; and
- 25 (3) notified before the ballot is cast regarding the effect of casting
- 26 multiple votes for the office and provided an opportunity to
- 27 correct the ballot before the ballot is cast and counted.

28 (h) As provided by 42 U.S.C. 15481, when an absentee ballot is
29 provided under this section, the board must also provide the voter with:

- 30 (1) information concerning the effect of casting multiple votes for
- 31 an office; and
- 32 (2) instructions on how to correct the ballot before the ballot is
- 33 cast and counted, including the issuance of replacement ballots.

34 (i) If:

- 35 (1) the voter is unable or declines to present the proof of
- 36 identification; or
- 37 (2) a member of the board determines that the proof of
- 38 identification provided by the voter does not qualify as proof of
- 39 identification under IC 3-5-2-40.5;

40 the voter shall be permitted to cast an absentee ballot and the voter's
41 absentee ballot shall be treated as a provisional ballot.

42 (j) **This subsection applies to a voter who casts an absentee**

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1 ballot that is treated as a provisional ballot under subsection (i).
2 The board shall provide the voter, both orally and in writing, an
3 explanation of what actions, if any, the voter must take in order to
4 have the voter's ballot counted. The commission shall prescribe the
5 form of the explanation required by this subsection. The circuit
6 court clerk shall also provide the notice required by IC 3-11.7-6-4
7 to the voter.

8 SECTION 12. IC 3-11-10-26.4 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2009]: Sec. 26.4. (a) This section applies to a
11 county with a population of more than four hundred thousand
12 (400,000).

13 (b) The county election board shall establish satellite offices in
14 the county where voters may cast absentee ballots before an
15 absentee voter board.

16 (c) The county election board shall establish a satellite office in
17 each municipality in the county that has a population of more than
18 sixty thousand (60,000).

19 (d) The county election board may adopt a resolution under this
20 section to state:

- 21 (1) the hours at which absentee voting may occur at the
22 satellite offices; and
- 23 (2) subject to subsection (e), other provisions the board
24 considers useful in operating the satellite offices.

25 If the county election board does not adopt a resolution under this
26 subsection, a satellite office must be open during the same hours
27 that the circuit court clerk's office is open for casting absentee
28 ballots.

29 (e) The procedure for casting an absentee ballot at a satellite
30 office must, except as provided in this section, be substantially the
31 same as the procedure for casting an absentee ballot in the office
32 of the circuit court clerk.

33 (f) The county election board may establish satellite offices other
34 than those required by this section under section 26.3 of this
35 chapter.

36 SECTION 13. IC 3-11-15-13.3, AS AMENDED BY P.L.164-2006,
37 SECTION 118, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE UPON PASSAGE]: Sec. 13.3. (a) To be approved by the
39 commission for use in Indiana, a voting system must meet:

- 40 (1) the Voting System Standards adopted by the Federal Election
41 Commission on April 30, 2002; or
- 42 (2) the Voluntary Voting System Guidelines adopted by the

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1 **United States Election Assistance Commission on December**
2 **13, 2005.**

3 (b) A county may continue to use an optical scan ballot card voting
4 system or an electronic voting system whose approval or certification
5 expired on or before October 1, ~~2005~~; **2009**, if the voting system:

- 6 (1) was:
 - 7 (A) approved by the commission for use in elections in Indiana
 - 8 before October 1, ~~2005~~; **2009**; and
 - 9 (B) purchased by the county before October 1, ~~2005~~; **2009**;
 - 10 and
 - 11 (2) otherwise complies with the applicable provisions of HAVA
 - 12 and this article.

13 However, a voting system vendor may not market, sell, lease, or install
14 a voting system described in this subsection.

15 (c) As provided by 42 U.S.C. 15481, to be used in an election in
16 Indiana, a voting system must be accessible for individuals with
17 disabilities, including nonvisual accessibility for the blind and visually
18 impaired, in a manner that provides the same opportunity for access
19 and participation (including privacy and independence) as for other
20 voters.

21 (d) As provided by 42 U.S.C. 15481, an election board conducting
22 an election satisfies the requirements of subsection (c) if the election
23 board provides at least one (1) electronic voting system or other voting
24 system equipped for individuals with disabilities at each polling place.

25 (e) If a voter who is otherwise qualified to cast a ballot in a precinct
26 chooses to cast the voter's ballot on the voting system provided under
27 subsection (d), the voter must be allowed to cast the voter's ballot on
28 that voting system, whether or not the voter is an individual with
29 disabilities.

30 SECTION 14. IC 3-11-18-4, AS ADDED BY P.L.164-2006,
31 SECTION 119, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2009]: Sec. 4. The application must include a
33 plan for the administration of vote centers in the county. The plan must
34 include at least the following:

- 35 (1) The total number of vote centers to be established.
- 36 (2) The location of each vote center, and the municipality, if any,
37 in which the vote center is located.
- 38 (3) A list of each municipality within the county that is entitled to
39 conduct a municipal primary or municipal election, as of the date
40 of the application.
- 41 (4) The total number of voters within each municipality, as of the
42 date of the application, and the number of those voters within

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- 1 each municipality designated as "active" and "inactive" according
 2 to the county voter registration office.
- 3 (5) For each vote center designated under subdivision (2), a list
 4 of the precincts whose polls will be located at the vote center.
- 5 (6) For each vote center designated under subdivision (2), the
 6 number of precinct election boards that will be appointed to
 7 administer an election at the vote center.
- 8 (7) For each precinct election board designated under subdivision
 9 (6), the number and name of each precinct the precinct election
 10 board will administer.
- 11 (8) For each vote center designated under subdivision (2), the
 12 number and title of the precinct election officers who will be
 13 appointed to serve at the vote center.
- 14 (9) For each vote center designated under subdivision (2):
 15 (A) the number and type of ballot variations that will be
 16 provided at the vote center; and
 17 (B) whether these ballots will be:
 18 (i) delivered to the vote center before the opening of the
 19 polls; or
 20 (ii) printed on demand for a voter's use.
- 21 (10) A detailed description of any hardware, firmware, or
 22 software used:
 23 (A) to create an electronic poll list for each precinct whose
 24 polls are to be located at a vote center; or
 25 (B) to establish a secure electronic connection between the
 26 county election board and the precinct election officials
 27 administering a vote center.
- 28 (11) A description of the equipment and procedures to be used to
 29 ensure that information concerning a voter entered into any
 30 electronic poll list used by precinct election officers at a vote
 31 center is immediately accessible to:
 32 (A) the county election board; and
 33 (B) the electronic poll lists used by precinct election officers
 34 at all other vote centers in the county.
- 35 (12) For each precinct designated under subdivision (5), the
 36 number of electronic poll lists to be provided for the precinct.
- 37 (13) The security and contingency plans to be implemented by the
 38 county to:
 39 (A) prevent a disruption of the vote center process; and
 40 (B) ensure that the election is properly conducted if a
 41 disruption occurs.
- 42 (14) A certification that the vote center complies with the

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1 accessibility requirements applicable to polling places under
2 IC 3-11-8.

3 (15) A sketch depicting the planned layout of the vote center,
4 indicating the location of:

5 (A) equipment; and

6 (B) precinct election officers;

7 within the vote center.

8 (16) The total number of vote centers to be established at satellite
9 offices that are established under ~~IC 3-11-10-26.3~~ **IC 3-11-10** to
10 allow voters to cast absentee ballots in accordance with IC 3-11.

11 SECTION 15. IC 3-11-18-12, AS ADDED BY P.L.164-2006,
12 SECTION 119, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2009]: Sec. 12. Notwithstanding any other law,
14 a voter who resides in a vote center pilot county is entitled to cast an
15 absentee ballot at a vote center located at a satellite office of the county
16 election board established under ~~IC 3-11-10-26.3~~ **IC 3-11-10** in the
17 same manner and subject to the same restrictions applicable to a voter
18 wishing to cast an absentee ballot before an absentee board located in
19 the office of the circuit court clerk or board of elections and
20 registration.

21 SECTION 16. IC 3-11.7-2-2 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A provisional
23 voter shall do the following:

24 (1) Mark the ballot in the presence of no other person, unless the
25 voter requests help in marking a ballot under IC 3-11-9.

26 (2) Fold each ballot separately.

27 (3) Fold each ballot so as to conceal the marking.

28 (4) Enclose each ballot, with the seal and signature of the circuit
29 court clerk on the outside, together with any unused ballot, in the
30 envelope provided by the county election board under
31 IC 3-11.7-1-8.

32 (5) Securely seal the envelope.

33 (b) A provisional voter may mark a ballot with a pen or a lead
34 pencil.

35 (c) This subsection applies to a provisional voter described in
36 section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 42
37 U.S.C. 15482, a precinct election officer shall give the provisional
38 voter a copy of the written instructions prescribed by the county
39 election board under IC 3-11.7-6-3 after the voter returns the envelope
40 containing the provisional voter's ballots.

41 **(d) This subsection applies to a provisional voter described in**
42 **section 1(a) or 1(b) of this chapter. In addition to the written**

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1 **instructions required by subsection (c), a precinct election officer**
2 **shall provide the provisional voter, both orally and in writing, an**
3 **explanation of what actions, if any, the provisional voter must take**
4 **in order to have the provisional voter's ballot counted. The**
5 **commission shall prescribe the form of the explanation required by**
6 **this subsection. The circuit court clerk shall also provide the notice**
7 **required by IC 3-11.7-6-4 to the provisional voter.**

8 SECTION 17. IC 3-11.7-6-3 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) As required by
10 42 U.S.C. 15482, a county election board shall establish a free access
11 system such as a toll-free telephone number or an Internet web site that
12 enables a provisional voter to determine:

- 13 (1) whether the individual's provisional ballot was counted; and
- 14 (2) if the provisional ballot was not counted, the reason the
15 provisional ballot was not counted.

16 (b) As required by 42 U.S.C. 15482, the county election board shall
17 establish and maintain reasonable procedures to protect the security,
18 confidentiality, and integrity of personal information collected, stored,
19 or otherwise used on the free access system established by the board
20 under subsection (a).

21 (c) As required by 42 U.S.C. 15482, the county election board shall
22 restrict access to the ~~information available free access system~~
23 **established** under subsection (a) ~~about a provisional voter's ballot~~
24 ~~to the individual voter who cast the provisional ballot. This subsection~~
25 **does not restrict access to election materials available under**
26 **IC 3-10-1-31.1.**

27 (d) The county election board shall prescribe written instructions to
28 inform a provisional voter how the provisional voter can determine
29 whether the provisional voter's ballot has been counted.

30 (e) **Notwithstanding subsections (b) and (c), the county election**
31 **board shall provide to the following, upon request, a list of the**
32 **name and address of all voters who have cast a provisional ballot**
33 **in an election held in the county:**

- 34 (1) **A candidate whose name was on the ballot in the county at**
35 **the election.**
- 36 (2) **The county chairman of a political party of the county in**
37 **which the election was held.**

38 **The county election board shall provide a list requested under this**
39 **subsection not later than seventy-two (72) hours after the time the**
40 **list is requested.**

41 SECTION 18. IC 3-11.7-6-4 IS ADDED TO THE INDIANA CODE
42 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2009]: **Sec. 4. (a) This section applies to a county that conducts an election in which a voter casts a provisional ballot.**

(b) Not later than three (3) calendar days after election day, the circuit court clerk shall provide a notice containing the following information to each voter described in subsection (a):

(1) The reason or reasons that the voter's ballot is being treated as a provisional ballot.

(2) A description of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted under this article.

(3) The deadlines by which the provisional voter is required to take any actions described in subdivision (2) in order to have the provisional voter's ballot counted under this article.

(4) The following information that will enable the provisional voter to inquire about the provisional voter's ballot:

(A) The name of the office that the provisional voter may contact.

(B) The address of the office described in clause (A).

(C) The telephone number at the office described in clause (A) that the voter may use to contact the office about the voter's provisional ballot.

(D) Any other information the circuit court clerk considers useful to provide assistance to the provisional voter in inquiring about the provisional ballot.

(c) The notice required by subsection (b) must be:

(1) sent by first class United States mail; or

(2) given by another method the circuit court clerk determines will provide actual notice to the voter.

(d) The notice required by subsection (b) must be in a form prescribed by the commission.

(e) A circuit court clerk who knowingly or intentionally fails to provide the notice required by subsection (b) commits a Class A misdemeanor under IC 3-14-4-3(b).

SECTION 19. IC 3-11.7-6-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Not later than thirty (30) days after an election, the circuit court clerk shall compile a report that includes the following information:

(1) The number of provisional ballots cast at the election in the county.

(2) The following information relating to the provisional ballots cast:

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- 1 (A) A list of the reasons that provisional ballots were cast.
 2 (B) For each reason listed, the number of provisional
 3 ballots cast for that reason.
 4 (3) The number of provisional ballots counted for that
 5 election.
 6 (4) The following information relating to the provisional
 7 ballots that were not counted:
 8 (A) A list of reasons that provisional ballots were not
 9 counted.
 10 (B) For each reason listed, the number of provisional
 11 ballots not counted for that reason.
 12 (b) The circuit court clerk shall:
 13 (1) make the report available for public inspection and
 14 copying under IC 5-14-3; and
 15 (2) send a copy of the report to the secretary of state.
 16 (c) The secretary of state shall compile the reports sent by the
 17 circuit court clerks under subsection (b). Not later than December
 18 31 of each year, the secretary of state shall issue a statewide
 19 compilation of all the reports sent to the secretary of state under
 20 subsection (b). The statewide compilation must include the
 21 following information:
 22 (1) All the information contained in the county reports, by
 23 county.
 24 (2) Statewide totals for each item of information required to
 25 be contained in the county reports under subsection (a).
 26 (d) The secretary of state shall make the statewide compilation
 27 available for public inspection and copying under IC 5-14-3.
 28 (e) The secretary of state shall develop uniform descriptions of
 29 the following information required to be compiled under
 30 subsection (a):
 31 (1) The reasons that a provisional ballot is cast.
 32 (2) The reasons that a provisional ballot is not counted.
 33 SECTION 20. IC 3-14-1-17 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2009]: **Sec. 17. A person who recklessly, knowingly, or**
 36 **intentionally makes a contribution in violation of IC 3-9-2.5**
 37 **commits a Class B misdemeanor.**
 38 SECTION 21. IC 3-14-3-16, AS AMENDED BY P.L.164-2006,
 39 SECTION 132, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) As used in this section,
 41 "electioneering" includes expressing support or opposition to any
 42 candidate or political party or expressing approval or disapproval of

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1 any public question in any manner that could reasonably be expected
 2 to convey that support or opposition to another individual. The term
 3 does not include expressing support or opposition to a candidate or a
 4 political party or expressing approval or disapproval of a public
 5 question in:

- 6 (1) material mailed to a voter; or
 7 (2) a telephone or an electronic communication with a voter.
 8 (b) A person who knowingly does any electioneering:
 9 (1) on election day within:
 10 (A) the polls; or
 11 (B) the chute;
 12 (2) within an area in the office of the circuit court clerk or a
 13 satellite office of the circuit court clerk established under
 14 ~~IC 3-11-10-26.3~~ IC 3-11-10 used by an absentee voter board to
 15 permit an individual to cast an absentee ballot; or
 16 (3) except for a voter who is:
 17 (A) the person's spouse;
 18 (B) an incapacitated person (as defined in IC 29-3-1-7.5) for
 19 whom the person has been appointed the guardian (as defined
 20 in IC 29-3-1-6); or
 21 (C) a member of the person's household;
 22 in the presence of a voter whom the person knows possesses an
 23 absentee ballot provided to the voter in accordance with Indiana
 24 law;

25 commits a Class A misdemeanor.

26 SECTION 22. IC 3-14-4-3 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. **(a) Except as**
 28 **provided in subsection (b),** a precinct election officer or public
 29 official upon whom a duty is imposed by this title who knowingly omits
 30 to perform the duty commits a Class D felony.

31 **(b) A circuit court clerk who knowingly or intentionally fails to**
 32 **provide the notice required by IC 3-11.7-6-4(b) commits a Class A**
 33 **misdemeanor.**

34 SECTION 23. IC 4-13-2.5 IS ADDED TO THE INDIANA CODE
 35 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2009]:

37 **Chapter 2.5. Political Contributions of Offerors and**
 38 **Contractors**

39 **Sec. 1. This chapter applies to every:**

- 40 (1) offer submitted to a state agency; and
 41 (2) contract awarded by a state agency;
 42 after June 30, 2009.

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1 **Sec. 2. (a) As used in this chapter, "contract" refers to a**
 2 **contract for:**

- 3 (1) goods;
 4 (2) services, including professional services;
 5 (3) a public works project; or
 6 (4) a highway project;

7 awarded by a state agency.

8 **(b) A contract awarded by a state agency under:**

- 9 (1) IC 4-13.6;
 10 (2) IC 5-22;
 11 (3) IC 5-23;
 12 (4) IC 8-23; or
 13 (5) any other statute;

14 is considered a contract for purposes of this chapter.

15 **Sec. 3. As used in this chapter, "contract officer" refers to the:**

- 16 (1) procurement agent under IC 5-22; or
 17 (2) state officer or employee responsible for awarding a
 18 contract.

19 **Sec. 4. As used in this chapter, "contractor" refers to a person**
 20 **who has been awarded a contract with a state agency.**

21 **Sec. 5. (a) As used in this chapter, "offer" means a response to**
 22 **a solicitation.**

23 **(b) The term includes a bid, proposal, and quote.**

24 **Sec. 6. As used in this chapter, "offeror" means a person who**
 25 **submits an offer to a state agency.**

26 **Sec. 7. (a) As used in this chapter, "solicitation" means the**
 27 **procedure by which a state agency invites persons to submit an**
 28 **offer to enter into a contract with the state agency.**

29 **(b) The term includes an invitation for bids, a request for**
 30 **proposals, and a request for quotes.**

31 **Sec. 8. As used in this chapter, "state agency" refers to any of**
 32 **the following:**

- 33 (1) A state agency as defined in IC 4-13-1-1.
 34 (2) An entity established by the general assembly as a body
 35 corporate and politic that is governed by a body, any of whose
 36 members are:

- 37 (A) the governor; or
 38 (B) appointed by the governor.

39 **Sec. 9. Every offer submitted to, and contract entered into by a**
 40 **state agency must contain the following:**

- 41 (1) A certification by the offeror or contractor that either:
 42 (A) the offeror or contractor is not required to register

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with the election division under IC 3-9-2.5; or
(B) the offeror or contractor has registered with the election division under IC 3-9-2.5 and acknowledges a continuing duty to update the registration.

(2) A statement that the contract is voidable under section 11 or 12 of this chapter for the offeror's or contractor's failure to comply with this chapter or IC 3-9-2.5.

Sec. 10. (a) A copy of an offeror's registration certificate must accompany an offer by a person required to register under this chapter.

(b) A contracting officer may not accept an offer unless the offeror's registration certificate is submitted with the offer.

Sec. 11. In addition to any penalty under this chapter or IC 3-9-2.5, the knowing or intentional failure to disclose material information required for registration renders:

- (1) the offeror nonresponsible; or
- (2) a contract voidable by the contract officer if the contract officer considers it to be in the best interest of the state.

Sec. 12. (a) This section applies to a contract with a person who violates IC 3-9-2.5-15 or IC 3-9-2.5-16.

(b) A contract described in subsection (a) is voidable by the contract officer if the contract officer considers it to be in the best interest of the state.

(c) A contract described in subsection (a) is terminated by operation of law if the affected person violates IC 3-9-2.5-15 or IC 3-9-2.5-16, more than two (2) times. The affected person is also considered a nonresponsible offeror for three (3) years after the date of the most recent violation.

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 209, 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, line 9, after "the" insert "**following apply:**

(1) The".

Page 2, between lines 10 and 11, begin a new line block indented and insert:

"(2) Notwithstanding subdivision (1), material related to the provisional ballots cast in that election remains confidential for six (6) months after the completion of the recount or contest."

Page 2, line 37, after "ballot." insert "**In addition, the county voter registration office shall keep confidential information contained in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date."**

and when so amended that said bill do pass.

(Reference is to SB 209 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 11, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 209, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-31.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 31.5. "Member of the military or public safety officer" has the meaning set forth in IC 10-14-2-5."**

Page 3, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 3. IC 3-11-3-11, AS AMENDED BY P.L.230-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. The county election board shall deliver the

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following to each inspector or the inspector's representative:

- (1) The supplies provided for the inspector's precinct by the election division.
- (2) The local sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.
- (3) The local ballots printed under the direction of the county election board as follows:
 - (A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.
 - (B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.
 - (C) Provisional ballots in the number considered necessary by the county election board.
- (4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.
- (5) Copies of the voter's bill of rights for posting as required by 42 U.S.C. 15482.
- (6) Copies of the instructions for a provisional voter required by 42 U.S.C. 15482 **and IC 3-11.7-2-2**. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

SECTION 4. IC 3-11-8-25.2, AS AMENDED BY P.L.164-2006, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 25.2. (a) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(a) of this chapter, a piece of identification described in subsection (b) to the poll clerk.

(b) As required by 42 U.S.C. 15483, and in addition to the proof of identification required by section 25.1(a) of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5

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before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (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 voter.

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

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

(e) The precinct election board shall advise the voter, **both orally and in writing**, that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

(f) The circuit court clerk shall provide the notice required by IC 3-11.7-6-4 to a voter who casts a provisional ballot under this section.

SECTION 5. IC 3-11-8-25.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 25.7. (a) This section applies only to a voter who is a member of the military or public safety officer.**

(b) Notwithstanding section 25.5 of this chapter, a voter who signs the voter's name and either:

- (1) signs the voter's address; or**
- (2) checks the "Address Unchanged" box;**

on the poll list under section 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot may reenter the polls to cast a ballot at the election as provided in this section.

(c) A voter who leaves the polls to respond to an emergency in the voter's capacity as a member of the military or public safety officer must notify a precinct election officer that the voter is leaving the polls to respond to an emergency in the voter's capacity as a member of the military or public safety officer.

(d) A poll clerk or assistant poll clerk shall make a notation on the poll list with the voter's name indicating that the voter has left the polls as permitted by this section and the time the voter left the

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polls.

(e) If the voter returns to the polls, the voter shall be permitted to vote if the voter executes an affidavit stating all of the following:

- (1) The name of the voter.**
- (2) That the voter is a member of the military or public safety officer.**
- (3) The military or public safety position the voter holds.**
- (4) That after the voter signed the poll list, but before the voter voted, the voter was called to respond to an emergency in the voter's capacity as a member of the military or public safety officer.**
- (5) A brief description of the emergency to which the voter responded.**
- (6) The time the voter returned to the polls.**

(f) The commission shall prescribe the form of the affidavit required by this section.

SECTION 6. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail:

- (1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.
- (2) The voter will be absent from the precinct of the voter's residence on election day because of service as:
 - (A) a precinct election officer under IC 3-6-6;
 - (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
 - (C) a challenger or pollbook holder under IC 3-6-7; or
 - (D) a person employed by an election board to administer the election for which the absentee ballot is requested.
- (3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.
- (4) The voter is a voter with disabilities.
- (5) The voter is an elderly voter.
- (6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.
- (7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.

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(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(11) The voter is a member of the military or public safety officer.

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

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(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter.

SECTION 7. IC 3-11-10-26, AS AMENDED BY P.L.164-2006, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

(1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

(1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and

(2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than twenty-nine (29) days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-nine (29) days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk

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must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

(j) This subsection applies to a voter who casts an absentee ballot that is treated as a provisional ballot under subsection (i). The board shall provide the voter, both orally and in writing, an explanation of what actions, if any, the voter must take in order to have the voter's ballot counted. The commission shall prescribe the form of the explanation required by this subsection. The circuit court clerk shall also provide the notice required by IC 3-11.7-6-4

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to the voter.

SECTION 8. IC 3-11.7-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A provisional voter shall do the following:

- (1) Mark the ballot in the presence of no other person, unless the voter requests help in marking a ballot under IC 3-11-9.
- (2) Fold each ballot separately.
- (3) Fold each ballot so as to conceal the marking.
- (4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided by the county election board under IC 3-11.7-1-8.
- (5) Securely seal the envelope.

(b) A provisional voter may mark a ballot with a pen or a lead pencil.

(c) This subsection applies to a provisional voter described in section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 42 U.S.C. 15482, a precinct election officer shall give the provisional voter a copy of the written instructions prescribed by the county election board under IC 3-11.7-6-3 after the voter returns the envelope containing the provisional voter's ballots.

(d) This subsection applies to a provisional voter described in section 1(a) or 1(b) of this chapter. In addition to the written instructions required by subsection (c), a precinct election officer shall provide the provisional voter, both orally and in writing, an explanation of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted. The commission shall prescribe the form of the explanation required by this subsection. The circuit court clerk shall also provide the notice required by IC 3-11.7-6-4 to the provisional voter."

Page 3, after line 30, begin a new paragraph and insert:

"(e) Notwithstanding subsections (b) and (c), the county election board shall provide to the following, upon request, a list of the name and address of all voters who have cast a provisional ballot in an election held in the county:

- (1) A candidate whose name was on the ballot in the county at the election.**
- (2) The county chairman of a political party of the county in which the election was held.**

The county election board shall provide a list requested under this subsection not later than seventy-two (72) hours after the time the list is requested.

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SECTION 10. IC 3-11.7-6-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4. (a) This section applies to a county that conducts an election in which a voter casts a provisional ballot.**

(b) Not later than three (3) calendar days after election day, the circuit court clerk shall provide a notice containing the following information to each voter described in subsection (a):

- (1) The reason or reasons that the voter's ballot is being treated as a provisional ballot.**
- (2) A description of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted under this article.**
- (3) The deadlines by which the provisional voter is required to take any actions described in subdivision (2) in order to have the provisional voter's ballot counted under this article.**
- (4) The following information that will enable the provisional voter to inquire about the provisional voter's ballot:**
 - (A) The name of the office that the provisional voter may contact.**
 - (B) The address of the office described in clause (A).**
 - (C) The telephone number at the office described in clause (A) that the voter may use to contact the office about the voter's provisional ballot.**
 - (D) Any other information the circuit court clerk considers useful to provide assistance to the provisional voter in inquiring about the provisional ballot.**

(c) The notice required by subsection (b) must be:

- (1) sent by first class United States mail; or**
- (2) given by another method the circuit court clerk determines will provide actual notice to the voter.**

(d) The notice required by subsection (b) must be in a form prescribed by the commission.

(e) A circuit court clerk who knowingly or intentionally fails to provide the notice required by subsection (b) commits a Class A misdemeanor under IC 3-14-4-3(b).

SECTION 11. IC 3-11.7-6-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 5. (a) Not later than thirty (30) days after an election, the circuit court clerk shall compile a report that includes the following information:**

- (1) The number of provisional ballots cast at the election in the county.**

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(2) The following information relating to the provisional ballots cast:

(A) A list of the reasons that provisional ballots were cast.

(B) For each reason listed, the number of provisional ballots cast for that reason.

(3) The number of provisional ballots counted for that election.

(4) The following information relating to the provisional ballots that were not counted:

(A) A list of reasons that provisional ballots were not counted.

(B) For each reason listed, the number of provisional ballots not counted for that reason.

(b) The circuit court clerk shall:

(1) make the report available for public inspection and copying under IC 5-14-3; and

(2) send a copy of the report to the secretary of state.

(c) The secretary of state shall compile the reports sent by the circuit court clerks under subsection (b). Not later than December 31 of each year, the secretary of state shall issue a statewide compilation of all the reports sent to the secretary of state under subsection (b). The statewide compilation must include the following information:

(1) All the information contained in the county reports, by county.

(2) Statewide totals for each item of information required to be contained in the county reports under subsection (a).

(d) The secretary of state shall make the statewide compilation available for public inspection and copying under IC 5-14-3.

(e) The secretary of state shall develop uniform descriptions of the following information required to be compiled under subsection (a):

(1) The reasons that a provisional ballot is cast.

(2) The reasons that a provisional ballot is not counted.

SECTION 12. IC 3-14-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. **(a) Except as provided in subsection (b),** a precinct election officer or public official upon whom a duty is imposed by this title who knowingly omits to perform the duty commits a Class D felony.

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(b) A circuit court clerk who knowingly or intentionally fails to provide the notice required by IC 3-11.7-6-4(b) commits a Class A misdemeanor."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 209 as printed February 10, 2009.)

BATTLES, Chair

Committee Vote: yeas 6, nays 3.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 209 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 3-9-2-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 12.5. (a) As used in this section, "prohibited period" refers to the following time periods:**

(1) The period:

(A) that begins on the day in January in each odd-numbered year on which the general assembly reconvenes under IC 2-2.1-1-2; and

(B) that ends on the day on which the general assembly adjourns sine die in an odd-numbered year under IC 2-2.1-1-2.

(2) The period:

(A) that begins on the day before; and

(B) that ends on the day after;

the day in November of each year on which the general assembly convenes.

(b) During a prohibited period, the governor and the governor's candidate's committees may not do any of the following:

(1) Solicit campaign contributions.

(2) Accept campaign contributions.

(3) Conduct other fundraising activities. However, this subdivision does not prohibit the governor from participating in party activities conducted by a regular party committee.

SECTION 3. IC 3-9-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY

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Chapter 2.5. Prohibition of Contributions by Certain State Contractors

Sec. 1. The definitions in IC 4-13-2.5 apply throughout this chapter.

Sec. 2. As used in this chapter, "affiliated person" refers to any of the following:

- (1) A person with any ownership interest or distributive share of a business entity of more than seven and one-half percent (7.5%).**
- (2) An executive employee of a business entity.**
- (3) The spouse of an individual described in subdivision (1) or (2).**
- (4) The minor child of an individual described in subdivision (1) or (2).**
- (5) A subsidiary of a business entity.**
- (6) A member of the same unitary business group as a business entity.**
- (7) An organization recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c) of the Internal Revenue Code that is established by:
 - (A) a business entity;**
 - (B) a person described in subdivision (1), (2), (3) or (4); or**
 - (C) an entity described in subdivision (5) or (6).****
- (8) A political action committee for which:
 - (A) a business entity; or**
 - (B) any section 501(c) organization described in subdivision (7) related to that business entity;****is a sponsor.****

Sec. 3. As used in this chapter, "business entity" refers to any of the following doing business for profit:

- (1) A sole proprietorship.**
- (2) A partnership.**
- (3) A limited liability partnership.**
- (4) A limited liability company.**
- (5) A corporation.**
- (6) Any other person doing business for profit, regardless of the person's legal organization.**

Sec. 4. As used in this chapter, "executive employee" refers to any of the following:

- (1) The president of a business entity.**

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- (2) The chairman of a business entity.
- (3) The chief executive officer of a business entity.
- (4) An employee of a business entity:
 - (A) who has executive decision making authority over the long term and day to day affairs of the business entity; or
 - (B) whose compensation is determined directly, in whole or in part, by the award or payment of contracts to the business entity.

Sec. 5. As used in this chapter, "registrant" refers to a person registered under this chapter.

Sec. 6. As used in this chapter, "sponsor" refers to an individual or organization that contributes at least thirty-three percent (33%) of the total funding of a political action committee.

Sec. 7. (a) This section applies to the following:

- (1) A business entity whose annual aggregate offers for contracts total more than fifty thousand dollars (\$50,000).
- (2) A business entity whose aggregate offers for contracts combined with the business entity's aggregate annual total value of contracts exceed fifty thousand dollars (\$50,000).
- (3) A business entity whose contracts, in the aggregate, annually total more than fifty thousand dollars (\$50,000).

(b) Not later than August 1, 2009, a business entity described in subsection (a) shall register with the election division under this chapter.

(c) A business entity required to register under this section shall submit a copy of the registration certificate to the applicable contract officer not later than October 1, 2009.

(d) A business entity described in subsection (a)(1) or (a)(2) has a continuing duty to ensure that the registration is accurate during the period that:

- (1) begins on the date of registration; and
- (2) ends on the day after the date the contract is awarded.

A change in information must be reported to the election division not later than two (2) business days following the change.

(e) A business entity described in subsection (a)(3) has a continuing duty to ensure that the registration is accurate as provided in section 8(c) and 8(d) of this chapter.

Sec. 8. (a) This section applies to a business entity:

- (1) not required to register under section 7 of this chapter; and
- (2) whose aggregate offers for contracts:
 - (A) annually total more than fifty thousand dollars

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(\$50,000); or

(B) combined with the person's aggregate annual total value of contracts are greater than fifty thousand dollars (\$50,000).

(b) A business entity described in subsection (a) shall register with the election division under this chapter before submitting an offer whose value causes the business entity to fall within the description of subsection (a)(2).

(c) A business entity required to register under this section has a continuing duty to ensure that the registration is accurate during the period that:

(1) begins on the date of registration; and

(2) ends on the day after the date the contract is awarded.

(d) Any change in information must be reported to the election division not later than two (2) business days following the change.

Sec. 9. (a) A business entity whose contracts, in the aggregate, annually total more than fifty thousand dollars (\$50,000) must maintain registration under this chapter and has a continuing duty to ensure that the registration is accurate for:

(1) the duration of the term of office of any incumbent holder of a state office at the time of any contract is entered into; or

(2) two (2) years following the expiration or termination of the contracts;

whichever is longer.

(b) Any change in information must be reported to the election division not later than ten (10) days following the change. However, if a business entity required to register under this section has a pending offer, a change in information must be reported to the election division not later than two (2) business days after the change.

Sec. 10. A business entity's continuing duty under this chapter to ensure the accuracy of the business entity's registration includes the requirement that the business entity notify the election division of any changes in information relating to affiliated persons or any other material changes.

Sec. 11. (a) The registration required by persons under this chapter and any changes to that registration, must be made electronically. The commission shall provide for electronic registration by rule adopted under IC 4-22-2.

(b) A registration must contain substantially the following information:

(1) The registrant's name and business address.

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(2) The name and address of each of the registrant's affiliated persons with a description of the affiliation for each person.

(c) A registration, and any changes to a registration must be certified, under the penalties for perjury, that to the best of the person's knowledge and belief, the information stated is true.

(d) The election division shall provide a registration certificate to a person that registers under this chapter.

(e) A registration certificate must be:

(1) electronic; and

(2) accessible to the registrant through the election division's website; and

(3) protected by a password.

Sec. 12. (a) For the purposes of this section, a database maintained by the election division is "searchable" if the database can be searched by the following terms:

(1) Affiliated person.

(2) Registrant.

(3) State agency.

(b) The election division shall maintain on its website a searchable database containing all information required to be submitted to the election division under this chapter.

(c) The database must contain links to any searchable database of state contracts maintained by the state, searchable by registrant.

(d) The election division may not place the name of a minor child in the database. However, the database must provide a link to all contributions made by anyone reporting the same residential address as an affiliated person.

Sec. 13. A registrant shall provide a copy of the registration certificate:

(1) by first class mail or hand delivery;

(2) not later than ten (10) days after registration; and

(3) to each affiliated person whose identity is required to be disclosed under this chapter.

Sec. 14. (a) A registrant shall notify any political action committee to which the registrant makes a contribution, at the time of the contribution, that the person is registered with the election division under this chapter.

(b) An affiliated person of a registrant shall notify any political action committee to which it makes a contribution that it is affiliated with a registrant.

Sec. 15. (a) During the period described in subsection (b):

(1) a registrant who has a contract; and

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(2) that registrant's affiliated persons;
may not make a contribution to an individual who holds a state office or is a candidate for a state office.

(b) The prohibition on contributions under this section is effective:

- (1) during the term of office of any individual who holds a state office when the contract is awarded; and
- (2) until two (2) years after the date of the expiration or termination of the contract;

whichever is later.

Sec. 16. (a) During the period described in subsection (b):

- (1) a registrant who has no contracts but has an offer pending; and
- (2) that registrant's affiliated persons;

may not make a contribution to an individual who holds a state office or is a candidate for a state office.

(b) The prohibition on contributions under this section:

- (1) begins on the date that the solicitation is issued; and
- (2) ends on the day after the date the contract is awarded.

Sec. 17. A candidate or a candidate's committee that receives a contribution from a person who is prohibited from making a contribution under section 15 or 16 of this chapter shall pay an amount equal to the value of the contribution to the election division not later than thirty (30) days after receiving the contribution. The election division shall deposit payments made under this section in the campaign finance enforcement account established by IC 3-6-4.1-24.

SECTION 4. IC 3-9-4-16, AS AMENDED BY P.L.221-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:

- (1) Fails to file with the election division a report in the manner required under IC 3-9-5.
- (2) Fails to file a statement of organization required under IC 3-9-1.
- (3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee.
- (4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive

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contributions on the committee's behalf.

(5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4.

(6) Makes a contribution in the name of another person.

(7) Accepts a contribution made by one (1) person in the name of another person.

(8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.

(9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.

(10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.

(11) Violates IC 3-9-2-12 **or IC 3-9-2-12.5.**

(12) Fails to designate a contribution as required by IC 3-9-2-5(c).

(13) Violates IC 3-9-3-5.

(14) Serves as a treasurer of a committee in violation of any of the following:

(A) IC 3-9-1-13(1).

(B) IC 3-9-1-13(2).

(C) IC 3-9-1-18.

(15) Fails to comply with section 4(d) of this chapter.

(16) Violates IC 3-9-2.5.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the commission determines that a person failed to file the amended report or statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the commission may assess a civil penalty. The penalty is ten dollars (\$10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars (\$100) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the commission determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the commission shall assess a civil penalty. The penalty is fifty dollars (\$50) for each day the report or statement is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars (\$1,000) plus any investigative costs

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incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the commission determines that a person is subject to a civil penalty under subsection (a), the commission may assess a civil penalty of not more than one thousand dollars (\$1,000), plus any investigative costs incurred and documented by the election division.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the commission determines that a person is subject to a civil penalty under subsection (a)(5), the commission may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the election division.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the commission determines that a candidate or the candidate's committee has violated IC 3-9-2-12 **or IC 3-9-2-12.5**, the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

- (1) Two (2) times the amount of any contributions received.
- (2) One thousand dollars (\$1,000).

(g) This subsection applies to a person who is subject to a civil penalty under subsection (a)(12). If the commission determines that a corporation or a labor organization has failed to designate a contribution in violation of IC 3-9-2-5(c), the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

- (1) Two (2) times the amount of the contributions undesignated.
- (2) One thousand dollars (\$1,000).

(h) This subsection applies to a person who is subject to a civil penalty under subsection (a)(13). If the commission determines, by unanimous vote of the entire membership of the commission, that a person has violated IC 3-9-3-5, the commission may assess a civil penalty of not more than five hundred dollars (\$500), plus any investigative costs incurred and documented by the election division.

(i) This subsection applies to a person who is subject to a civil penalty under subsection (a)(14). If the commission determines, by unanimous vote of the entire membership of the commission, that a person has served as the treasurer of a committee in violation of any of the statutes listed in subsection (a)(14), the commission may assess a

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civil penalty of not more than five hundred dollars (\$500), plus any investigative costs incurred and documented by the election division.

(j) This subsection applies to a person who is subject to a civil penalty under subsection (a)(15). The commission may assess a civil penalty equal to the costs incurred by the election division for the manual entry of the data contained in the report or statement, plus any investigative costs incurred and documented by the election division.

(k) This subsection applies to a person who is subject to a civil penalty under subsection (a)(16). The commission may assess a civil penalty of not more than:

(1) one thousand dollars (\$1,000) for each business day that a person knowingly or intentionally:

(A) fails to update a registration required by IC 3-9-2.5;

(B) fails to provide material information on a registration required by IC 3-9-2.5; or

(C) states false information on a registration required by IC 3-9-2.5; or

(2) not more than one thousand dollars (\$1,000) for any other violation of IC 3-9-2.5;

plus any investigative costs incurred and documented by the election division.

~~(k)~~ **(l)** All civil penalties collected under this section shall be deposited with the treasurer of state in the campaign finance enforcement account.

~~(m)~~ **(m)** Proceedings of the commission under this section are subject to IC 4-21.5."

Page 12, between lines 28 and 29, begin a new paragraph and insert:
"SECTION 15. IC 3-14-1-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 17. A person who recklessly, knowingly, or intentionally makes a contribution in violation of IC 3-9-2.5 commits a Class B misdemeanor.**"

Page 12, after line 36, begin a new paragraph and insert:

"SECTION 17. IC 4-13-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 2.5. Political Contributions of Offerors and Contractors

Sec. 1. This chapter applies to every:

(1) offer submitted to a state agency; and

(2) contract awarded by a state agency;

after June 30, 2009.



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Sec. 2. (a) As used in this chapter, "contract" refers to a contract for:

- (1) goods;**
- (2) services, including professional services;**
- (3) a public works project; or**
- (4) a highway project;**

awarded by a state agency.

(b) A contract awarded by a state agency under:

- (1) IC 4-13.6;**
- (2) IC 5-22;**
- (3) IC 5-23;**
- (4) IC 8-23; or**
- (5) any other statute;**

is considered a contract for purposes of this chapter.

Sec. 3. As used in this chapter, "contract officer" refers to the:

- (1) procurement agent under IC 5-22; or**
- (2) state officer or employee responsible for awarding a contract.**

Sec. 4. As used in this chapter, "contractor" refers to a person who has been awarded a contract with a state agency.

Sec. 5. (a) As used in this chapter, "offer" means a response to a solicitation.

(b) The term includes a bid, proposal, and quote.

Sec. 6. As used in this chapter, "offeror" means a person who submits an offer to a state agency.

Sec. 7. (a) As used in this chapter, "solicitation" means the procedure by which a state agency invites persons to submit an offer to enter into a contract with the state agency.

(b) The term includes an invitation for bids, a request for proposals, and a request for quotes.

Sec. 8. As used in this chapter, "state agency" refers to any of the following:

- (1) A state agency as defined in IC 4-13-1-1.**
- (2) An entity established by the general assembly as a body corporate and politic that is governed by a body, any of whose members are:**
 - (A) the governor; or**
 - (B) appointed by the governor.**

Sec. 9. Every offer submitted to, and contract entered into by a state agency must contain the following:

- (1) A certification by the offeror or contractor that either:**
 - (A) the offeror or contractor is not required to register**

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with the election division under IC 3-9-2.5; or
(B) the offeror or contractor has registered with the election division under IC 3-9-2.5 and acknowledges a continuing duty to update the registration.

(2) A statement that the contract is voidable under section 11 or 12 of this chapter for the offeror's or contractor's failure to comply with this chapter or IC 3-9-2.5.

Sec. 10. (a) A copy of an offeror's registration certificate must accompany an offer by a person required to register under this chapter.

(b) A contracting officer may not accept an offer unless the offeror's registration certificate is submitted with the offer.

Sec. 11. In addition to any penalty under this chapter or IC 3-9-2.5, the knowing or intentional failure to disclose material information required for registration renders:

- (1) the offeror nonresponsible; or
- (2) a contract voidable by the contract officer if the contract officer considers it to be in the best interest of the state.

Sec. 12. (a) This section applies to a contract with a person who violates IC 3-9-2.5-15 or IC 3-9-2.5-16.

(b) A contract described in subsection (a) is voidable by the contract officer if the contract officer considers it to be in the best interest of the state.

(c) A contract described in subsection (a) is terminated by operation of law if the affected person violates IC 3-9-2.5-15 or IC 3-9-2.5-16, more than two (2) times. The affected person is also considered a nonresponsible offeror for three (3) years after the date of the most recent violation."

Renumber all SECTIONS consecutively.

(Reference is to ESB 209 as printed April 7, 2009.)

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 209 be amended to read as follows:

Page 3, between lines 41 and 42, begin a new paragraph and insert:
"SECTION 4. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee

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ballot. Except as otherwise provided in this article, a voter voting by absentee ballot must vote in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2) or at a satellite office established under ~~IC 3-11-10-26.3~~ **IC 3-11-10**.

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in section 12 and 13 of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter."

Page 7, line 38, after "26.3" insert "**or 26.4**".

Page 9, between lines 16 and 17, begin a new paragraph and insert:
"SECTION 3. IC 3-11-10-26.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 26.4. (a) This section applies to a county with a population of more than four hundred thousand (400,000).**

(b) The county election board shall establish satellite offices in the county where voters may cast absentee ballots before an absentee voter board.

(c) The county election board shall establish a satellite office in each municipality in the county that has a population of more than sixty thousand (60,000).

(d) The county election board may adopt a resolution under this section to state:

- (1) the hours at which absentee voting may occur at the satellite offices; and**
- (2) subject to subsection (e), other provisions the board considers useful in operating the satellite offices.**

If the county election board does not adopt a resolution under this subsection, a satellite office must be open during the same hours

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that the circuit court clerk's office is open for casting absentee ballots.

(e) The procedure for casting an absentee ballot at a satellite office must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk.

(f) The county election board may establish satellite offices other than those required by this section under section 26.3 of this chapter.

SECTION 4. IC 3-11-18-4, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The application must include a plan for the administration of vote centers in the county. The plan must include at least the following:

- (1) The total number of vote centers to be established.
- (2) The location of each vote center, and the municipality, if any, in which the vote center is located.
- (3) A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election, as of the date of the application.
- (4) The total number of voters within each municipality, as of the date of the application, and the number of those voters within each municipality designated as "active" and "inactive" according to the county voter registration office.
- (5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center.
- (6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.
- (7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.
- (8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.
- (9) For each vote center designated under subdivision (2):
 - (A) the number and type of ballot variations that will be provided at the vote center; and
 - (B) whether these ballots will be:
 - (i) delivered to the vote center before the opening of the polls; or
 - (ii) printed on demand for a voter's use.

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(10) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll lists used by precinct election officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll lists to be provided for the precinct.

(13) The security and contingency plans to be implemented by the county to:

(A) prevent a disruption of the vote center process; and

(B) ensure that the election is properly conducted if a disruption occurs.

(14) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(15) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

(16) The total number of vote centers to be established at satellite offices that are established under ~~IC 3-11-10-26.3~~ **IC 3-11-10** to allow voters to cast absentee ballots in accordance with IC 3-11.

SECTION 5. IC 3-11-18-12, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. Notwithstanding any other law, a voter who resides in a vote center pilot county is entitled to cast an absentee ballot at a vote center located at a satellite office of the county election board established under ~~IC 3-11-10-26.3~~ **IC 3-11-10** in the same manner and subject to the same restrictions applicable to a voter wishing to cast an absentee ballot before an absentee board located in the office of the circuit court clerk or board of elections and registration."

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Page 12, between lines 28 and 29, begin a new paragraph and insert:
"SECTION 6. IC 3-14-3-16, AS AMENDED BY P.L.164-2006, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) As used in this section, "electioneering" includes expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual. The term does not include expressing support or opposition to a candidate or a political party or expressing approval or disapproval of a public question in:

- (1) material mailed to a voter; or
- (2) a telephone or an electronic communication with a voter.
- (b) A person who knowingly does any electioneering:
 - (1) on election day within:
 - (A) the polls; or
 - (B) the chute;
 - (2) within an area in the office of the circuit court clerk or a satellite office of the circuit court clerk established under ~~IC 3-11-10-26.3~~ IC 3-11-10 used by an absentee voter board to permit an individual to cast an absentee ballot; or
 - (3) except for a voter who is:
 - (A) the person's spouse;
 - (B) an incapacitated person (as defined in IC 29-3-1-7.5) for whom the person has been appointed the guardian (as defined in IC 29-3-1-6); or
 - (C) a member of the person's household;
 - in the presence of a voter whom the person knows possesses an absentee ballot provided to the voter in accordance with Indiana law;

commits a Class A misdemeanor."

Renumber all SECTIONS consecutively.

(Reference is to ESB 209 as printed April 7, 2009.)

SMITH V

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 209 be amended to read as follows:

Page 9, between lines 16 and 17, begin a new paragraph and insert:

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"SECTION 8. IC 3-11-15-13.3, AS AMENDED BY P.L.164-2006, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.3. (a) To be approved by the commission for use in Indiana, a voting system must meet:

- (1) the Voting System Standards adopted by the Federal Election Commission on April 30, 2002; or
- (2) the Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005.**

(b) A county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, ~~2005~~, **2009**, if the voting system:

- (1) was:
 - (A) approved by the commission for use in elections in Indiana before October 1, ~~2005~~, **2009**; and
 - (B) purchased by the county before October 1, ~~2005~~, **2009**; and
- (2) otherwise complies with the applicable provisions of HAVA and this article.

However, a voting system vendor may not market, sell, lease, or install a voting system described in this subsection.

(c) As provided by 42 U.S.C. 15481, to be used in an election in Indiana, a voting system must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

(d) As provided by 42 U.S.C. 15481, an election board conducting an election satisfies the requirements of subsection (c) if the election board provides at least one (1) electronic voting system or other voting system equipped for individuals with disabilities at each polling place.

(e) If a voter who is otherwise qualified to cast a ballot in a precinct chooses to cast the voter's ballot on the voting system provided under subsection (d), the voter must be allowed to cast the voter's ballot on that voting system, whether or not the voter is an individual with disabilities."

Renumber all SECTIONS consecutively.

(Reference is to ESB 209 as printed April 7, 2009.)

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