SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1106 be amended to read as follows:

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

"SECTION 1. IC 3-5-2-49.9, AS AMENDED BY P.L.108-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 49.9. ~~(a)~~ "Vote center" means a polling place where a voter who resides in the county in which the vote center is located may vote without regard to the precinct in which the voter resides.

~~(b) This section expires December 31, 2010.~~".

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

"SECTION 3. IC 3-11-8-10.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base.**

(b) An electronic poll list must satisfy all of the following:

(1) An electronic poll list must be programmed so that the coordinated action of two (2) precinct election officers who are not members of the same political party is necessary to obtain access to the electronic poll list.

(2) An electronic poll list may not be connected to a voting system.

(3) An electronic poll list may not permit access to voter information other than information provided on the certified list of voters prepared under IC 3-7-29-1.

SECTION 4. IC 3-11-18-1, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. **(a)** This chapter applies to a county designated as a vote center ~~pilot~~ county under this chapter.

(b) On July 1, 2010, a county designated as a vote center pilot county under:

(1) P.L.164-2006, SECTION 148 (before its expiration); or

(2) P.L.108-2008, SECTION 4;

is automatically redesignated as a vote center county under this chapter.".

Page 3, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 6. IC 3-11-18-3, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) ~~For~~ A county **must comply with this section** to ~~be designated~~ **become** a vote center ~~pilot~~ county.

(b) As used in this section, "board" refers to either of the following:

(1) The county election board. ~~or~~

(2) The board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4.

(c) The board shall hold a public hearing to present a draft plan for administration of vote centers in the county.

(d) After presentation of the draft plan under subsection (c), the board shall accept written public comments on the draft plan.

(e) At least thirty (30) days after the hearing held under subsection (c), the board shall hold a public hearing to consider the draft plan, the written public comments, and any other public comment that the board may permit on the draft plan.

(f) After consideration of the draft plan and the public comments, the board may do the following:

(1) Adopt an order approving the draft plan.

(2) Amend the draft plan and adopt an order approving the amended draft plan.

The board may adopt the order to approve a plan only by unanimous vote of the entire membership of the board. ~~must approve the filing of an application to be designated a vote center pilot county;~~

~~(2)~~ **(g)** All members of the board must sign the ~~application; and~~ **order adopting the plan.**

~~(3)~~ **(h)** The ~~application~~ **order and the adopted plan** must be filed with the ~~secretary of state. (b) The application~~ **election division and** must include **a copy of:**

(1) a resolution adopted by the county executive; and

(2) a resolution adopted by the county fiscal body;

approving the ~~submission~~ **designation** of the ~~application.~~ **county as a vote center county.**

SECTION 7. IC 3-11-18-4, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. ~~The application must include a plan for the administration of vote centers in the county.~~ The plan **required by section 3 of this chapter** 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.~~

(3) The effective date of the order.

(4) **The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:**

(A) The total number of voters within ~~each municipality, as of the date of the application, and~~ **the county.**

(B) The number of ~~those~~ **active** voters within ~~each municipality designated as "active" and~~ **the county.**

(C) The number of inactive ~~according to~~ **voters within** 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.

(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 **do all of the following:**

(A) Prevent a disruption of the vote center process. ~~and~~

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

(C) Prevent access to an electronic poll list without the coordinated action of two (2) precinct election officers who are not members of the same political party.

(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 to allow voters to cast absentee ballots in accordance with IC 3-11.

(17) The method and timing of providing voter data to persons who are entitled to receive the data under this title. Data must be provided to all persons entitled to the data without unreasonable delay.

SECTION 8. IC 3-11-18-5, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. ~~(a) Except for a municipality described in subsection (b),~~ A plan must provide a vote center for use by voters residing ~~in each municipality~~ within the county ~~conducting a municipal primary or a municipal election~~ **for use in a primary, general, or special election conducted on or after the effective date of the county election board's order.**

~~(b) A vote center may not be used in a municipal primary or municipal election conducted within a municipality that is partially located in a county that has not been designated a vote center pilot county.~~

SECTION 9. IC 3-11-18-6, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. When the total number of **active** voters **in the county** ~~designated under section 4(4) of this chapter as "active"~~ equals at least twenty-five thousand (25,000), ~~in the municipalities listed in the plan,~~ the following apply:

(1) The plan must provide for at least one (1) vote center for each

ten thousand (10,000) active voters.

(2) In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of ten thousand (10,000) voters.

SECTION 10. IC 3-11-18-7, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. Before ~~approving an application to designate~~ **adopting an order designating** a county as a vote center ~~pilot~~ county under this chapter, the ~~secretary of state~~ **county election board** must determine the following:

(1) That the secure electronic connection as described under section 4(10)(B) of this chapter is sufficient to prevent:

(A) any voter from voting more than once; and

(B) unauthorized access by any person to:

(i) the electronic poll lists for a precinct whose polls are to be located at the vote center; or

(ii) the computerized list of voters of the county.

(2) That the planned design and location of the equipment and precinct officers will provide the most efficient access for:

(A) voters to enter the polls, cast their ballots, and leave the vote center; and

(B) precinct election officials, watchers, challengers, and pollbook holders to exercise their rights and perform their duties within the vote center.

SECTION 11. IC 3-11-18-8, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. **(a)** The designation of a county as a vote center ~~pilot~~ county takes effect immediately **upon the filing of the order with the election division,** unless otherwise specified by the ~~secretary of state.~~ **county election board.**

(b) The designation of a county as a vote center county remains in effect until the county election board, by unanimous vote of its entire membership:

(1) rescinds the order designating the county as a vote center county; and

(2) files a copy of the document rescinding the order with the election division.".

Page 3, line 17, strike "submitted" and insert "**adopted**".

Page 3, line 17, strike "application" and insert "**county election board's order**".

Page 3, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 13. IC 3-11-18-12, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: 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 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.

SECTION 14. IC 3-11-18-13, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. Notwithstanding any other law, the electronic poll list used at each vote center:

(1) must comply with IC 3-11-8-10.3;

~~(1) must be capable of capturing~~ **(2) may include** an electronic image of the signature of a voter ~~on the list,~~ **taken from the voter's registration application, if available;** and

~~(2)~~ **(3)** may be in a format approved by the secretary of state.

SECTION 15. IC 3-11-18-14, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14. Notwithstanding any other law, including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote center ~~pilot~~ county is entitled to cast a ballot at any vote center established in the county without regard to the precinct in which the voter resides.

SECTION 16. IC 3-11-18-16, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 16. The precinct election board administering an election at a vote center shall keep the ballots cast in each precinct separate from the ballots cast in any other precinct whose election is administered at the vote center, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined **and included on the statement required by IC 3-12-4-9.**

SECTION 17. IC 3-11-18-17, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) ~~The secretary of state may permit~~ A county ~~to~~ **may** amend a plan ~~submitted~~ **adopted with a county election board's order** under section 4 of this chapter.

(b) For a county to amend its plan:

(1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the ~~filing of a request to amend the~~ plan **amendment;**

(2) all members of the board must sign the ~~request,~~ **amendment;** and

(3) the ~~request~~ **amendment** must be filed with the ~~secretary of state.~~ **election division.**

~~(c) The request for amendment must set forth the specific amendments proposed to be made to the plan.~~

(c) A plan amendment takes effect immediately upon filing with the election division, unless otherwise specified by the county election board.".

Page 4, delete lines 1 through 3.

Page 4, after line 25, begin a new paragraph and insert:

"SECTION 19. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2010]: IC 3-11-18-2; IC 3-11-18-18; IC 3-11-18-19; IC 3-11-18-20.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1106 as reprinted February 19, 2010.)

_____

Senator LAWSON C