

SENATE MOTION

MADAM PRESIDENT:

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

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 3-5-2-49.9, AS AMENDED BY P.L.108-2008,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2010]: Sec. 49.9. ~~(a)~~ "Vote center" means a polling place
- 6 where a voter who resides in the county in which the vote center is
- 7 located may vote without regard to the precinct in which the voter
- 8 resides.
- 9 ~~(b) This section expires December 31, 2010:".~~
- 10 Page 3, between lines 3 and 4, begin a new paragraph and insert:
- 11 "SECTION 3. IC 3-11-8-10.3 IS ADDED TO THE INDIANA
- 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 13 [EFFECTIVE JULY 1, 2010]: **Sec. 10.3. (a) As used in this section,**
- 14 **"electronic poll list" refers to a poll list that is maintained in a**
- 15 **computer data base.**
- 16 **(b) An electronic poll list must satisfy all of the following:**
- 17 **(1) An electronic poll list must be programmed so that the**
- 18 **coordinated action of two (2) precinct election officers who**
- 19 **are not members of the same political party is necessary to**
- 20 **obtain access to the electronic poll list.**
- 21 **(2) An electronic poll list may not be connected to a voting**
- 22 **system.**
- 23 **(3) An electronic poll list may not permit access to voter**
- 24 **information other than information provided on the certified**
- 25 **list of voters prepared under IC 3-7-29-1.**
- 26 SECTION 4. IC 3-11-18-1, AS ADDED BY P.L.164-2006,
- 27 SECTION 119, IS AMENDED TO READ AS FOLLOWS
- 28 [EFFECTIVE JULY 1, 2010]: Sec. 1. **(a)** This chapter applies to a
- 29 county designated as a vote center ~~in~~ county under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 **(1) Adopt an order approving the draft plan.**

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

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

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

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

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

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

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

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

- 1 following:
- 2 (1) The total number of vote centers to be established.
- 3 (2) The location of each vote center. ~~and the municipality, if any,~~
- 4 ~~in which the vote center is located.~~
- 5 ~~(3) A list of each municipality within the county that is entitled to~~
- 6 ~~conduct a municipal primary or municipal election, as of the date~~
- 7 ~~of the application.~~
- 8 **(3) The effective date of the order.**
- 9 **(4) The following information according to the computerized**
- 10 **list (as defined in IC 3-7-26.3-2) as of the date of the order:**
- 11 (A) The total number of voters within ~~each municipality, as of~~
- 12 ~~the date of the application, and the county.~~
- 13 (B) The number of ~~those active~~ voters within ~~each~~
- 14 ~~municipality designated as "active" and the county.~~
- 15 (C) ~~The number of inactive according to voters within the~~
- 16 ~~county. voter registration office.~~
- 17 (5) For each vote center designated under subdivision (2), a list
- 18 of the precincts whose polls will be located at the vote center.
- 19 (6) For each vote center designated under subdivision (2), the
- 20 number of precinct election boards that will be appointed to
- 21 administer an election at the vote center.
- 22 (7) For each precinct election board designated under subdivision
- 23 (6), the number and name of each precinct the precinct election
- 24 board will administer.
- 25 (8) For each vote center designated under subdivision (2), the
- 26 number and title of the precinct election officers who will be
- 27 appointed to serve at the vote center.
- 28 (9) For each vote center designated under subdivision (2):
- 29 (A) the number and type of ballot variations that will be
- 30 provided at the vote center; and
- 31 (B) whether these ballots will be:
- 32 (i) delivered to the vote center before the opening of the
- 33 polls; or
- 34 (ii) printed on demand for a voter's use.
- 35 (10) A detailed description of any hardware, firmware, or
- 36 software used:
- 37 (A) to create an electronic poll list for each precinct whose
- 38 polls are to be located at a vote center; or
- 39 (B) to establish a secure electronic connection between the
- 40 county election board and the precinct election officials
- 41 administering a vote center.
- 42 (11) A description of the equipment and procedures to be used to
- 43 ensure that information concerning a voter entered into any
- 44 electronic poll list used by precinct election officers at a vote
- 45 center is immediately accessible to:
- 46 (A) the county election board; and

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

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

5 (13) The security and contingency plans to be implemented by the
6 county to **do all of the following:**

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

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

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

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

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

18 (A) equipment; and

19 (B) precinct election officers;
20 within the vote center.

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

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

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

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

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

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

1 ten thousand (10,000) active voters.

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

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

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

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

14 (B) unauthorized access by any person to:

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

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

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

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

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

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

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

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

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

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

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

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

43 "SECTION 13. IC 3-11-18-12, AS ADDED BY P.L.164-2006,
44 SECTION 119, IS AMENDED TO READ AS FOLLOWS
45 [EFFECTIVE JULY 1, 2010]: Sec. 12. Notwithstanding any other law,
46 a voter who resides in a vote center ~~pilot~~ county is entitled to cast an

1 absentee ballot at a vote center located at a satellite office of the county
 2 election board established under IC 3-11-10-26.3 in the same manner
 3 and subject to the same restrictions applicable to a voter wishing to cast
 4 an absentee ballot before an absentee board located in the office of the
 5 circuit court clerk or board of elections and registration.

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

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

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

14 ~~(2)~~ **(3)** may be in a format approved by the secretary of state.

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

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

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

36 (b) For a county to amend its plan:

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

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

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

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

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

4 Page 4, delete lines 1 through 3.

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

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

9 Re-number all SECTIONS consecutively.

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

Senator LAWSON C