



January 29, 2010

## SENATE BILL No. 324

DIGEST OF SB 324 (Updated January 27, 2010 1:24 pm - DI 106)

**Citations Affected:** IC 3-10; IC 3-11.

**Synopsis:** Explanation of proposed constitutional amendments. Requires the legislative services agency to prepare a neutral summary of any proposed state constitutional amendment and to submit the proposed summary to the legislative council for approval. Provides that, if the legislative council does not approve a proposed summary in a timely manner, the summary as submitted to the legislative council shall be distributed and posted. Requires the legislative services agency, not later than 60 days before the election at which the proposed amendment will be submitted to the voters, to distribute copies of the summary to various entities and to post the summary on the general assembly's Internet web site. Requires the posting of a copy of the summary at each polling place. Provides that, subject to the legislative council's approval, the legislative services agency has absolute discretion to determine the contents of the summary. Prohibits the bringing of an action based on the exercise of this discretion.

**Effective:** July 1, 2010.

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**Dillon, Young R Michael**

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January 11, 2010, read first time and referred to Committee on Health and Provider Services.  
January 12, 2010, pursuant to Senate Rule 65(b), reassigned to Committee on Judiciary.  
January 28, 2010, reported favorably — Do Pass.

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SB 324—LS 6398/DI 117+



January 29, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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## SENATE BILL No. 324

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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 3-10-3-11 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2010]: **Sec. 11. (a) The legislative services agency shall prepare  
4 a summary of each proposed constitutional amendment submitted  
5 to the electorate of the state under this chapter.**  
6 **(b) A summary prepared under subsection (a) must:**  
7 **(1) contain not more than two hundred (200) words; and**  
8 **(2) be stated in neutral language.**  
9 **(c) The legislative services agency shall submit each proposed  
10 summary prepared under subsection (a) to the legislative council  
11 created by IC 2-5-1.1-1 for approval. The legislative council shall  
12 meet in a timely manner to consider each proposed summary. The  
13 legislative council must decide whether to approve:**  
14 **(1) a proposed summary submitted by the legislative services  
15 agency; or**  
16 **(2) any alternate language proposed by the legislative services  
17 agency;**

SB 324—LS 6398/DI 117+



1 before the sixty-first day before the election at which the public  
 2 question concerning the proposed state constitutional amendment  
 3 described in the proposed summary will be submitted to the  
 4 electorate of the state under this chapter. If the legislative council  
 5 approves the proposed summary or proposed alternate language  
 6 within the period allowed by this subsection, the proposed  
 7 summary or proposed alternate language approved by the  
 8 legislative council shall be the summary distributed and posted  
 9 under subsections (d) and (e). If the legislative council does not  
 10 approve the proposed summary or proposed alternate language  
 11 within the period allowed by this subsection, the proposed  
 12 summary as initially submitted by the legislative services agency to  
 13 the legislative council shall be the summary distributed and posted  
 14 under subsections (d) and (e).

15 (d) Not later than sixty (60) days before the election at which the  
 16 public question concerning a proposed state constitutional  
 17 amendment will be submitted to the electorate of the state under  
 18 this chapter, the legislative services agency shall do the following:

19 (1) Distribute the summary of the proposed constitutional  
 20 amendment prepared under this section to each of the  
 21 following:

- 22 (A) The election division.
- 23 (B) Indiana news media.
- 24 (C) Indiana public libraries.

25 (2) Post a copy of the summary on the general assembly's  
 26 Internet web site.

27 The legislative services agency may provide for more extensive  
 28 publication of the summary than is required by this subsection.

29 (e) A copy of a summary of a proposed constitutional  
 30 amendment prepared under this section shall be posted at each  
 31 polling place during the election at which the public question  
 32 concerning the proposed constitutional amendment is submitted to  
 33 the electorate of the state.

34 (f) Subject to the legislative council's approval, the legislative  
 35 services agency has absolute discretion to determine the contents  
 36 of a summary prepared under this section. A person may not bring  
 37 an action in any court based on the exercise of this discretion.

38 SECTION 2. IC 3-11-3-4 IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The election division shall  
 40 provide a seal for the ballots. The seal may be of a design considered  
 41 proper by the election division, but the same design may not be used  
 42 for two (2) consecutive elections.

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1           **(b) The election division shall provide each county election**  
2 **board with a copy of each summary of a proposed state**  
3 **constitutional amendment to be submitted to the electorate of the**  
4 **state that is prepared under IC 3-10-3-11.**

5           SECTION 3. IC 3-11-3-11, AS AMENDED BY P.L.230-2005,  
6 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2010]: Sec. 11. The county election board shall deliver the  
8 following to each inspector or the inspector's representative:

9           (1) The supplies provided for the inspector's precinct by the  
10 election division.

11           (2) The local sample ballots, the ballot labels, if any, and all poll  
12 lists, registration lists, and other supplies considered necessary to  
13 conduct the election in the inspector's precinct.

14           (3) The local ballots printed under the direction of the county  
15 election board as follows:

16                   (A) In those precincts where ballot card voting systems are to  
17 be used, the number of ballots at least equal to one hundred  
18 percent (100%) of the number of voters in the inspector's  
19 precinct, according to the poll list.

20                   (B) In those precincts where electronic voting systems are to  
21 be used, the number of ballots that will be required to be  
22 printed and furnished to the precincts for emergency purposes  
23 only.

24                   (C) Provisional ballots in the number considered necessary by  
25 the county election board.

26           (4) Twenty (20) ink pens suitable for printing the names of  
27 write-in candidates on the ballot or ballot envelope.

28           (5) Copies of the voter's bill of rights for posting as required by 42  
29 U.S.C. 15482.

30           (6) Copies of the instructions for a provisional voter required by  
31 42 U.S.C. 15482. The county election board shall provide at least  
32 the number of copies of the instructions as the number of  
33 provisional ballots provided under subdivision (3).

34           **(7) Copies of each summary of a proposed state constitutional**  
35 **amendment to be submitted to the electorate of the state for**  
36 **posting as required by IC 3-10-3-11(e).**

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Report of the President  
Pro Tempore

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Senate Bill 324, currently assigned to the Committee on Health and Provider Services, be reassigned to the Committee on Judiciary.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 324, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 324 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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