



Reprinted
February 2, 2010

SENATE BILL No. 324

DIGEST OF SB 324 (Updated February 1, 2010 8:11 pm - DI 73)

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 not later than 105 days before the election at which the public question concerning a proposed constitutional amendment will be voted on. 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. Specifies that these provisions do not apply to a proposed constitutional amendment if an act enacted by the general assembly in the 2010 legislative session specifies the ballot language for the proposed constitutional amendment. Prohibits the bringing of an action based on the exercise of this discretion.

Effective: July 1, 2010.

Dillon, Young R Michael

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.
February 1, 2010, read second time, amended, ordered engrossed.

SB 324—LS 6398/DI 117+



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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

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) Except as provided in subsection (g), the**
4 **legislative services agency shall prepare a summary of each**
5 **proposed constitutional amendment submitted to the electorate of**
6 **the state under this chapter.**
7 **(b) A summary prepared under subsection (a) must:**
8 **(1) contain not more than two hundred (200) words; and**
9 **(2) be stated in neutral language.**
10 **(c) Not later than one hundred five (105) days before the**
11 **election at which the public question concerning a proposed**
12 **constitutional amendment will be submitted to the electorate of this**
13 **state under this chapter, the legislative services agency shall submit**
14 **each proposed summary prepared under subsection (a) to the**
15 **legislative council created by IC 2-5-1.1-1 for approval. The**
16 **legislative council shall meet in a timely manner to consider each**
17 **proposed summary. The legislative council must decide whether to**



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approve:

- (1) a proposed summary submitted by the legislative services agency; or**
- (2) any alternate language proposed by the legislative services agency;**

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

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

- (1) Distribute the summary of the proposed constitutional amendment prepared under this section to each of the following:**
 - (A) The election division.**
 - (B) Indiana news media.**
 - (C) Indiana public libraries.**

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

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

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

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

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1 (g) This section does not apply to a proposed constitutional
2 amendment if an act enacted by the general assembly in the 2010
3 legislative session specifies the ballot language for the proposed
4 constitutional amendment.

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

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

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

- 18 (1) The supplies provided for the inspector's precinct by the
19 election division.
- 20 (2) The local sample ballots, the ballot labels, if any, and all poll
21 lists, registration lists, and other supplies considered necessary to
22 conduct the election in the inspector's precinct.
- 23 (3) The local ballots printed under the direction of the county
24 election board as follows:
 - 25 (A) In those precincts where ballot card voting systems are to
26 be used, the number of ballots at least equal to one hundred
27 percent (100%) of the number of voters in the inspector's
28 precinct, according to the poll list.
 - 29 (B) In those precincts where electronic voting systems are to
30 be used, the number of ballots that will be required to be
31 printed and furnished to the precincts for emergency purposes
32 only.
 - 33 (C) Provisional ballots in the number considered necessary by
34 the county election board.
- 35 (4) Twenty (20) ink pens suitable for printing the names of
36 write-in candidates on the ballot or ballot envelope.
- 37 (5) Copies of the voter's bill of rights for posting as required by 42
38 U.S.C. 15482.
- 39 (6) Copies of the instructions for a provisional voter required by
40 42 U.S.C. 15482. The county election board shall provide at least
41 the number of copies of the instructions as the number of
42 provisional ballots provided under subdivision (3).

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1 **(7) Copies of each summary of a proposed state constitutional**
2 **amendment to be submitted to the electorate of the state for**
3 **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.

SENATE MOTION

Madam President: I move that Senate Bill 324 be amended to read as follows:

Page 1, line 3, delete "The" and insert "**Except as provided in subsection (g), the**".

Page 1, line 9, delete "The" and insert "**Not later than one hundred five (105) days before the election at which the public question concerning a proposed constitutional amendment will be submitted to the electorate of this state under this chapter, the**".

Page 2, between lines 37 and 38, begin a new paragraph and insert:

"(g) This section does not apply to a proposed constitutional amendment if an act enacted by the general assembly in the 2010 legislative session specifies the ballot language for the proposed constitutional amendment."

(Reference is to SB 324 as printed January 29, 2010.)

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