

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 32 be amended to read as follows:

- 1 Page 1, between lines 6 and 7, begin a new paragraph and insert:
- 2 "SECTION 2. IC 3-11-4-1, AS AMENDED BY P.L.66-2010,
- 3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2011]: Sec. 1. (a) A voter who is otherwise qualified to vote
- 5 in person is entitled to vote by absentee ballot ~~Except as otherwise~~
- 6 ~~provided in this article;~~ a voter voting by absentee ballot must vote
- 7 **using any of the following procedures:**
- 8 **(1) A voter who satisfies either of the following is entitled to**
- 9 **vote by mail:**
- 10 **(A) A voter who has previously voted in an election in**
- 11 **Indiana.**
- 12 **(B) A voter who is an absent uniformed services voter or**
- 13 **an overseas voter.**
- 14 **(2) Before an absentee voter board.**
- 15 **(3) In the office of the circuit court clerk (or board of elections**
- 16 **and registration in a county subject to IC 3-6-5.2 or IC 3-6-5.4).**
- 17 **(4) At a satellite office established under IC 3-11-10-26.3.**
- 18 (b) A county election board, by unanimous vote of its entire
- 19 membership, may authorize a person who is otherwise qualified to vote
- 20 in person to vote by absentee ballot if the board determines that the
- 21 person has been hospitalized or suffered an injury following the final
- 22 date and hour for applying for an absentee ballot that would prevent the
- 23 person from voting in person at the polls.
- 24 (c) The commission, by unanimous vote of its entire membership,

1 may authorize a person who is otherwise qualified to vote in person to  
 2 vote by absentee ballot if the commission determines that an  
 3 emergency prevents the person from voting in person at a polling place.

4 (d) The absentee ballots used in subsection (b) or (c) must be the  
 5 same official absentee ballots as described in section 12.5 of this  
 6 chapter. Taking into consideration the amount of time remaining before  
 7 the election, the commission shall determine whether the absentee  
 8 ballots are transmitted to and from the voter by mail or personally  
 9 delivered. An absentee ballot that is personally delivered ~~shall~~ **must**  
 10 comply with the requirements in sections 19, 20, and 21 of this chapter.

11 SECTION 3. IC 3-11-4-2, AS AMENDED BY P.L.103-2005,  
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2011]: Sec. 2. (a) A voter who wants to vote by absentee  
 14 ballot must apply to the county election board for an official absentee  
 15 ballot. Except as provided in subsection (b), the voter must sign the  
 16 absentee ballot application.

17 (b) If a voter with disabilities is unable to sign the absentee ballot  
 18 application and the voter has not designated an individual to serve as  
 19 attorney in fact for the voter, the county election board may designate  
 20 an individual to sign the application on behalf of the voter. If an  
 21 individual applies for an absentee ballot as the properly authorized  
 22 attorney in fact for a voter, the attorney in fact must attach a copy of the  
 23 power of attorney to the application.

24 (c) A person may provide an individual with an application for an  
 25 absentee ballot with the following information already printed or  
 26 otherwise set forth on the application when provided to the individual:

- 27 (1) The name of the individual.
- 28 (2) The voter registration address of the individual.
- 29 (3) The mailing address of the individual.
- 30 (4) The date of birth of the individual.
- 31 (5) The voter identification number of the individual.

32 (d) A person may not provide an individual with an application for  
 33 an absentee ballot with the following information already printed or  
 34 otherwise set forth on the application when provided to the individual:

- 35 (1) The address to which the absentee ballot would be mailed, if  
 36 different from the voter registration address of the individual.
- 37 (2) In a primary election, the major political party ballot requested  
 38 by the individual.
- 39 (3) In a primary or general election, the types of absentee ballots  
 40 requested by the individual.

41 ~~(4) The reason why the individual is entitled to vote an absentee~~  
 42 ~~ballot:~~

43 ~~(A) by mail; or~~

44 ~~(B) before an absentee voter board (other than an absentee~~  
 45 ~~voter board located in the office of the circuit court clerk or a~~  
 46 ~~satellite office);~~

1 in accordance with ~~IC 3-11-4-18~~; ~~IC 3-11-10-24~~; or  
 2 ~~IC 3-11-10-25~~.

3 (e) If the county election board determines that an absentee ballot  
 4 application does not comply with subsection (d), the board shall deny  
 5 the application under section 17.5 of this chapter.

6 (f) A person who assists an individual in completing any  
 7 information described in subsection (d) on an absentee ballot  
 8 application shall state under the penalties for perjury the following  
 9 information on the application:

10 (1) The full name, residence and mailing address, and daytime  
 11 and evening telephone numbers (if any) of the person providing  
 12 the assistance.

13 (2) The date this assistance was provided.

14 (3) That the person providing the assistance has complied with  
 15 Indiana laws governing the submission of absentee ballot  
 16 applications.

17 (4) That the person has no knowledge or reason to believe that the  
 18 individual submitting the application:

19 (A) is ineligible to vote or to cast an absentee ballot; or

20 (B) did not properly complete and sign the application.

21 (g) This subsection does not apply to an employee of the United  
 22 States Postal Service or a bonded courier company acting in the  
 23 individual's capacity as an employee of the United States Postal Service  
 24 or a bonded courier company. A person who receives a completed  
 25 absentee ballot application from the individual who has applied for the  
 26 absentee ballot shall file the application with the appropriate county  
 27 election board not later than:

28 (1) noon seven (7) days after the person receives the application;  
 29 or

30 (2) the deadline set by Indiana law for filing the application with  
 31 the board;

32 whichever occurs first.

33 (h) This subsection does not apply to an employee of the United  
 34 States Postal Service or a bonded courier company acting in the  
 35 individual's capacity as an employee of the United States Postal Service  
 36 or a bonded courier company. A person filing an absentee ballot  
 37 application, other than the person's own absentee ballot application,  
 38 must sign an affidavit at the time of filing the application. The affidavit  
 39 must be in a form prescribed by the commission. The form must  
 40 include the following:

41 (1) A statement of the full name, residence and mailing address,  
 42 and daytime and evening telephone numbers (if any) of the person  
 43 submitting the application.

44 (2) A statement that the person filing the affidavit has complied  
 45 with Indiana laws governing the submission of absentee ballot  
 46 applications.

1 (3) A statement that the person has no knowledge or reason to  
2 believe that the individual whose application is to be filed:

3 (A) is ineligible to vote or to cast an absentee ballot; or

4 (B) did not properly complete and sign the application.

5 (4) A statement that the person is executing the affidavit under the  
6 penalties of perjury.

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

8 (i) The county election board shall record the date and time of the  
9 filing of the affidavit.

10 SECTION 4. IC 3-11-4-18, AS AMENDED BY P.L.66-2010,  
11 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2011]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications~~  
13 ~~described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot~~  
14 ~~by mail;~~ The county election board shall, at the request of ~~the~~ **a voter**  
15 **entitled to vote an absentee ballot by mail under section 1(a)(1) of**  
16 **this chapter**, mail ~~the~~ **an** official ballot, postage fully prepaid, to the  
17 voter at the address stated in the application.

18 (b) If the county election board mails an absentee ballot to a voter  
19 required to file additional documentation with the county voter  
20 registration office before voting by absentee ballot under this chapter,  
21 the board shall include a notice to the voter in the envelope mailed to  
22 the voter under section 20 of this chapter. The notice must inform the  
23 voter that the voter must file the additional documentation required  
24 under IC 3-7-33-4.5 with the county voter registration office not later  
25 than noon on election day for the absentee ballot to be counted as an  
26 absentee ballot, and that, if the documentation required under  
27 IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the  
28 ballot will be processed as a provisional ballot. The commission shall  
29 prescribe the form of this notice under IC 3-5-4-8.

30 (c) Except as provided in section 18.5 of this chapter, the ballot  
31 shall be mailed:

32 (1) on the day of the receipt of the voter's application; or

33 (2) not more than five (5) days after the date of delivery of the  
34 ballots under section 15 of this chapter;

35 whichever is later.

36 (d) As required by 42 U.S.C. 15481, an election board shall  
37 establish a voter education program (specific to a paper ballot or  
38 optical scan ballot card provided as an absentee ballot under this  
39 chapter) to notify a voter of the effect of casting multiple votes for a  
40 single office.

41 (e) As provided by 42 U.S.C. 15481, when an absentee ballot is  
42 mailed under this section, the mailing must include:

43 (1) information concerning the effect of casting multiple votes for  
44 an office; and

45 (2) instructions on how to correct the ballot before the ballot is  
46 cast and counted, including the issuance of replacement ballots.".

1 Page 2, between lines 4 and 5, begin a new paragraph and insert:  
 2 SECTION 6. IC 3-11-10-24, AS AMENDED BY P.L.120-2009,  
 3 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2011]: Sec. 24. (a) Except as provided in subsection (b), a  
 5 voter who satisfies any of the following **IC 3-11-4-1(a)(1)** is entitled  
 6 to vote by mail.

- 7 (1) The voter has a specific, reasonable expectation of being  
 8 absent from the county on election day during the entire twelve  
 9 (12) hours that the polls are open.
- 10 (2) The voter will be absent from the precinct of the voter's  
 11 residence on election day because of service as:  
 12 (A) a precinct election officer under IC 3-6-6;  
 13 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;  
 14 (C) a challenger or pollbook holder under IC 3-6-7; or  
 15 (D) a person employed by an election board to administer the  
 16 election for which the absentee ballot is requested.
- 17 (3) The voter will be confined on election day to the voter's  
 18 residence; to a health care facility; or to a hospital because of an  
 19 illness or injury during the entire twelve (12) hours that the polls  
 20 are open.
- 21 (4) The voter is a voter with disabilities.
- 22 (5) The voter is an elderly voter.
- 23 (6) The voter is prevented from voting due to the voter's care of  
 24 an individual confined to a private residence because of illness or  
 25 injury during the entire twelve (12) hours that the polls are open.
- 26 (7) The voter is scheduled to work at the person's regular place of  
 27 employment during the entire twelve (12) hours that the polls are  
 28 open.
- 29 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- 30 (9) The voter is prevented from voting due to observance of a  
 31 religious discipline or religious holiday during the entire twelve  
 32 (12) hours that the polls are open.
- 33 (10) The voter is an address confidentiality program participant  
 34 (as defined in IC 5-26.5-1-6).
- 35 (11) The voter is a member of the military or public safety officer.
- 36 (b) A voter with disabilities who:  
 37 (1) is unable to make a voting mark on the ballot or sign the  
 38 absentee ballot secrecy envelope; and  
 39 (2) requests that the absentee ballot be delivered to an address  
 40 within Indiana;
- 41 must vote before an absentee voter board under section 25(b) of this  
 42 chapter.
- 43 (c) If a voter receives an absentee ballot by mail, the voter shall  
 44 personally mark the ballot in secret and seal the marked ballot inside  
 45 the envelope provided by the county election board for that purpose.  
 46 The voter shall:

- 1 (1) deposit the sealed envelope in the United States mail for  
2 delivery to the county election board; or  
3 (2) authorize a member of the voter's household or the individual  
4 designated as the voter's attorney in fact to:  
5 (A) deposit the sealed envelope in the United States mail; or  
6 (B) deliver the sealed envelope in person to the county  
7 election board.  
8 (d) If a member of the voter's household or the voter's attorney in  
9 fact delivers the sealed envelope containing a voter's absentee ballot to  
10 the county election board, the individual delivering the ballot shall  
11 complete an affidavit in a form prescribed by the commission. The  
12 affidavit must contain the following information:  
13 (1) The name and residence address of the voter whose absentee  
14 ballot is being delivered.  
15 (2) A statement of the full name, residence and mailing address,  
16 and daytime and evening telephone numbers (if any) of the  
17 individual delivering the absentee ballot.  
18 (3) A statement indicating whether the individual delivering the  
19 absentee ballot is a member of the voter's household or is the  
20 attorney in fact for the voter. If the individual is the attorney in  
21 fact for the voter, the individual must attach a copy of the power  
22 of attorney for the voter, unless a copy of this document has  
23 already been filed with the county election board.  
24 (4) The date and location at which the absentee ballot was  
25 delivered by the voter to the individual delivering the ballot to the  
26 county election board.  
27 (5) A statement that the individual delivering the absentee ballot  
28 has complied with Indiana laws governing absentee ballots.  
29 (6) A statement that the individual delivering the absentee ballot  
30 is executing the affidavit under the penalties of perjury.  
31 (7) A statement setting forth the penalties for perjury.  
32 (e) The county election board shall record the date and time that the  
33 affidavit under subsection (d) was filed with the board.

- 1 (f) After a voter has mailed or delivered an absentee ballot to the  
2 office of the circuit court clerk, the voter may not recast a ballot, except  
3 as provided in:  
4 (1) section 1.5 of this chapter; or  
5 (2) section 33 of this chapter."  
6 Renumber all SECTIONS consecutively.  
(Reference is to ESB 32 as printed January 28, 2011.)

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Representative Battles