
SENATE BILL No. 221

DIGEST OF INTRODUCED BILL

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

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 or amended 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 legislative session preceding the election at which the constitutional amendment is voted on 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, 2011.

Young R Michael

January 5, 2011, read first time and referred to Committee on Elections.

C
o
p
y



First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C
O
P
Y

SENATE BILL No. 221



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, 2011]: **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 a 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**



1 legislative council shall meet in a timely manner to consider each
 2 proposed summary. The legislative council shall decide whether to
 3 approve:

- 4 (1) a proposed summary submitted by the legislative services
 5 agency;
 6 (2) any alternate language proposed by the legislative services
 7 agency; or
 8 (3) a summary under subdivision (1) or alternate language
 9 under subdivision (2) as amended by the legislative council;

10 before the sixty-first day before the election at which the public
 11 question concerning the proposed state constitutional amendment
 12 described in the proposed summary, alternate language, or
 13 amended language will be submitted to the electorate of the state
 14 under this chapter. If the legislative council approves the proposed
 15 summary, alternate language, or amended language within the
 16 period allowed by this subsection, the proposed summary,
 17 alternate language, or amended language approved by the
 18 legislative council is the summary distributed and posted under
 19 subsections (d) and (e). If the legislative council does not approve
 20 the proposed summary, the alternate language, an amended
 21 proposed summary, or amended proposed alternate language
 22 within the period allowed by this subsection, the proposed
 23 summary as initially submitted by the legislative services agency to
 24 the legislative council is the summary distributed and posted under
 25 subsections (d) and (e).

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

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

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

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

40 (e) A copy of a summary of a proposed constitutional
 41 amendment prepared under this section must be posted at each
 42 polling place during the election at which the public question

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

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.

(g) This section does not apply to a proposed constitutional amendment if an act enacted by the general assembly in the regular or special legislative session immediately preceding the election at which the public question concerning the proposed state constitutional amendment will be submitted to the electorate under this chapter specifies the ballot language for the proposed constitutional amendment.

SECTION 2. IC 3-11-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The election division shall provide a seal for the ballots. The seal may be of a design considered proper by the election division, but the same design may not be used for two (2) consecutive elections.

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

SECTION 3. IC 3-11-3-11, AS AMENDED BY P.L.230-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. The county election board shall deliver the following to each inspector or the inspector's representative:

- (1) The supplies provided for the inspector's precinct by the election division.
- (2) The local sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.
- (3) The local ballots printed under the direction of the county election board as follows:
 - (A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.
 - (B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.
 - (C) Provisional ballots in the number considered necessary by

C
o
p
y



- 1 the county election board.
- 2 (4) Twenty (20) ink pens suitable for printing the names of
- 3 write-in candidates on the ballot or ballot envelope.
- 4 (5) Copies of the voter's bill of rights for posting as required by 42
- 5 U.S.C. 15482.
- 6 (6) Copies of the instructions for a provisional voter required by
- 7 42 U.S.C. 15482. The county election board shall provide at least
- 8 the number of copies of the instructions as the number of
- 9 provisional ballots provided under subdivision (3).
- 10 **(7) Copies of each summary of a proposed state constitutional**
- 11 **amendment to be submitted to the electorate of the state for**
- 12 **posting as required by IC 3-10-3-11(e).**

C
O
P
Y

