January 11, 2011

SENATE BILL No. 32

DIGEST OF SB 32 (Updated January 10, 2011 11:52 am - DI 84)

Citations Affected: IC 3-5; IC 3-11.

Synopsis: Vote centers. Establishes the use of vote centers as an option for all counties. Requires the county election board (board) to adopt an order designating a county a vote center county, adopt a plan to administer the vote centers, and file the order and the plan with the election division. Requires the board to accept and consider public comment before adopting an order designating the county as a vote center county. Provides that designation of a county as a vote center county remains in effect until the board rescinds the order designating the county as a vote center county and files a copy of the rescission with the election division. Redesignates automatically as a vote center county a county previously designated a vote center pilot county. (The law concerning the use of vote centers in vote center pilot counties has expired.)

Effective: December 31, 2010 (retroactive).

Alting, Lawson C, Charbonneau,
Head, Hershman, Arnold, Lanane

January 5, 2011, read first time and referred to Committee on Elections.
January 10, 2011, amended, reported favorably — Do Pass.

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January 11, 2011

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.

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SENATE BILL No. 32

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 3-5-2-49.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]: **Sec. 49.8. "Vote center" means a polling place where a voter who resides in the county in which the vote center is located may vote without regard to the precinct in which the voter resides.**

SECTION 2. IC 3-11-8-10.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]: **Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base.**

(b) An electronic poll list must satisfy all of the following:

(1) An electronic poll list must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll list.

(2) An electronic poll list may not be connected to a voting

system.

(3) An electronic poll list may not permit access to voter information other than information provided on the certified list of voters prepared under IC 3-7-29-1.

SECTION 3. IC 3-11-18.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]:

Chapter 18.1. Vote Centers

Sec. 1. (a) This chapter applies to a county designated as a vote center county under this chapter.

(b) On January 1, 2011, a county designated as a vote center pilot county under:

(1) IC 3-11-18 (before its expiration);

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

(3) P.L.108-2008, SECTION 4 (before its expiration);

is automatically redesignated as a vote center county under this chapter.

Sec. 2. (a) A county must comply with this section to become a vote center county.

(b) As used in this section, "board" refers to any of the following:

(1) The county election board.

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

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

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

(e) At least thirty (30) days after the hearing held under subsection (c), the board shall hold a public hearing to consider the following:

(1) The draft plan.

(2) The written public comments.

(3) Any other public comment that the board may permit on the draft plan.

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

(1) Adopt an order approving the draft plan.

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

The board may adopt the order to approve a plan only by unanimous vote of the entire membership of the board.

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(g) All members of the board must sign the order adopting the plan.

(h) The order and the adopted plan must be filed with the election division and must include a copy of:

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

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

approving the designation of the county as a vote center county.

Sec. 3. The plan required by section 2 of this chapter must include at least the following:

(1) The total number of vote centers to be established.

(2) The location of each vote center.

(3) The effective date of the order.

(4) The following information according to the computerized list (as defined in IC 3-7-26.3-2) as of the date of the order:

(A) The total number of voters within the county.

(B) The number of active voters within the county.

(C) The number of inactive voters within the county.

(5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center.

(6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.

(7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.

(8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.

(9) For each vote center designated under subdivision (2):

(A) the number and type of ballot variations that will be provided at the vote center; and

(B) whether these ballots will be:

(i) delivered to the vote center before the opening of the polls; or

(ii) printed on demand for a voter's use.

(10) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to establish a secure electronic connection between the county election board and the precinct election officials

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administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

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

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

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

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

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

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

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

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

(A) equipment; and

(B) precinct election officers;

within the vote center.

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

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

Sec. 4. A plan must provide a vote center for use by voters residing within the county for use in a primary election, general election, special election, municipal primary, or municipal election conducted on or after the effective date of the county election board's order.

Sec. 5. When the total number of active voters in the county equals at least twenty-five thousand (25,000), the following apply:

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

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each ten thousand (10,000) active voters.

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

Sec. 6. Before adopting an order designating a county as a vote center county under this chapter, the county election board must determine the following:

(1) That the secure electronic connection as described under section 3(10)(B) of this chapter is sufficient to prevent:

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

(B) unauthorized access by any person to:

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

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

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

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

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

Sec. 7. (a) The designation of a county as a vote center county takes effect immediately upon the filing of the order with the election division, unless otherwise specified by the county election board.

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

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

(2) files a copy of the document rescinding the order with the election division.

Sec. 8. The county executive shall publish notice of the location of each vote center in accordance with IC 3-11-8-3.2.

Sec. 9. Except as otherwise provided by this chapter, the county shall administer an election conducted at a vote center in accordance with federal law, this title, and the plan adopted with the county election board's order under section 3 of this chapter.

Sec. 10. Notwithstanding any other law, a voter who resides in a vote center county is entitled to cast an absentee ballot at a vote center located at a satellite office of the county election board established under IC 3-11-10-26.3 in the same manner and subject

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to the same restrictions applicable to a voter wishing to cast an absentee ballot before an absentee board located in the office of the circuit court clerk or board of elections and registration.

Sec. 11. Notwithstanding any other law, the electronic poll list used at each vote center:

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

(2) may include an electronic image of the signature of a voter taken from the voter's registration application, if available; and

(3) may be in a format approved by the secretary of state.

Sec. 12. Notwithstanding any other law, including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote center county is entitled to cast a ballot at any vote center established in the county without regard to the precinct in which the voter resides.

Sec. 13. The precinct election board administering an election at a vote center shall keep the ballots cast in each precinct separate from the ballots cast in any other precinct whose election is administered at the vote center, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined and included on the statement required by IC 3-12-4-9.

Sec. 14. (a) A county may amend a plan adopted with a county election board's order under section 3 of this chapter.

(b) For a county to amend its plan:

(1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the plan amendment;

(2) all members of the board must sign the amendment; and

(3) the amendment must be filed with the election division.

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

SECTION 4. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 32, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 14, delete "precinct".

Page 1, line 16, delete "record the fact that a voter has voted." and insert "**access the electronic poll list.**".

and when so amended that said bill do pass.

(Reference is to SB 32 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 10, Nays 0.

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