



February 16, 2011

SENATE BILL No. 536

DIGEST OF SB 536 (Updated February 14, 2011 12:44 pm - DI 102)

Citations Affected: IC 3-5; IC 3-7; IC 3-10; IC 3-11; IC 3-11.5; IC 3-12; IC 3-14.

Synopsis: Various election law matters. Amends the definition of "active voter". Except for boards of elections and registration in Lake and Tippecanoe counties and the board of registration in Marion County, abolishes all boards of registration on July 1, 2011, and permits a county executive to adopt an order to establish or reestablish a board of registration. Provides that a voter registration application received in person or by mail by the election division, or an absentee ballot application received by the election division, is timely filed if the election division receives the application before the deadline established for a county to receive the application. Requires the election division to forward the application promptly to the county where the applicant resides. Provides that an absentee ballot application received from an absent uniformed services voter, an overseas voter, or an address confidentiality program participant is valid for the period that ends on December 31 after the filing of the application (rather than 12 months after the date of the application). Provides that uncontested municipal offices are not required to appear on the ballot in a municipal or general election. Requires that all absentee ballots be counted at a central location, unless a county election board (board), by the unanimous vote of the board's entire membership, adopts a resolution to count absentee ballots in the precincts on election day. Requires the resolution to state the board's reasons for having the ballots counted in the precincts. Provides that a voter who casts an absentee ballot before election day may not vote in person on election day. Provides that the location of the office of the

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Effective: Upon passage; December 31, 2010 (retroactive); July 1, 2011.

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January 18, 2011, read first time and referred to Committee on Elections.
February 15, 2011, amended, reported favorably — Do Pass.

SB 536—LS 7412/DI 102+



Digest Continued

circuit court clerk (clerk) or the board of registration that is used for the registration of voters of the county is the location at which a voter is entitled to cast an absentee ballot before an absentee voter board. Establishes the office of the board of elections and registration in Lake County as the location at which a voter is entitled to cast an absentee ballot before an absentee voter board. Provides that all other locations at which the clerk or the board of elections and registration has an office must be established as satellite offices in order to be used as locations at which a voter is entitled to cast an absentee ballot before an absentee voter board. Requires a vote center plan to include the total number and locations of satellite offices to be established at vote center locations. Repeals provisions that: (1) have been superseded concerning: (A) an absentee ballot application filed by an absent uniformed services voter or an overseas voter, or (B) the establishment of boards of registration; (2) require the counting of absentee ballots by precinct election boards at the polls on election day; and (3) allow voters who cast an absentee ballot to vote in person under certain circumstances on election day. Makes conforming amendments and technical corrections.

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February 16, 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. 536

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 3-5-2-1.7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1.7. "Active voter"
3 **means the following:**
4 (1) **For purposes of IC 3-11-1.5**, refers to a voter who satisfies
5 either of the following:
6 (†)(A) The voter has registered or voted in any election during
7 the preceding four (4) years at the address indicated on the
8 voter's registration record.
9 (‡)(B) The voter has not voted in any election during the
10 preceding four (4) years at the address indicated on the voter's
11 registration record and has responded in writing to an address
12 confirmation notice sent under IC 3-7 not later than thirty (30)
13 days after the notice was sent.
14 (2) **For purposes of IC 3-11-18.1, has the meaning set forth in**
15 **IC 3-11-18.1-2.**

SB 536—LS 7412/DI 102+



1 SECTION 2. IC 3-5-2-16.2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16.2. "County voter
 3 registration office" means the following:

- 4 (1) A board of registration established ~~under IC 3-7-12~~ or by a
 5 county executive acting under IC 3-7-12.
 6 (2) A board of elections and registration established under
 7 IC 3-6-5.2 or IC 3-6-5.4.
 8 (3) The office of the circuit court clerk, in a county in which a
 9 board has not been established under subdivision (1) or (2).

10 SECTION 3. IC 3-7-12-1 IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) This section does not apply
 12 to the following counties:

- 13 (1) A county in which a board of elections and registration is
 14 established under IC 3-6-5.2 or IC 3-6-5.4.
 15 (2) A county in which a board of registration is established
 16 ~~(A) by this chapter; or~~
 17 ~~(B) by a county acting under this chapter.~~

18 (b) The circuit court clerk:

- 19 (1) is the voter registration officer of each county; and
 20 (2) shall supervise the registration of voters of the county.

21 SECTION 4. IC 3-7-12-3 IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2011]: Sec. 3. **(a) Except for:**

- 23 **(1) a county in which a board of elections and registration is**
 24 **established under IC 3-6-5.2 or IC 3-6-5.4; or**
 25 **(2) a county containing a consolidated city;**

26 **a board of registration established before July 1, 2011, is abolished**
 27 **on July 1, 2011, unless the county executive adopts an order under**
 28 **subsection (b) to reestablish the board.**

29 ~~(a) (b)~~ Except as provided in subsection ~~(b)~~; **(c), the county**
 30 **executive of a county may adopt an order to establish or**
 31 **reestablish** a board of registration. ~~is established in each county having~~
 32 ~~a population of more than one hundred twenty-five thousand (125,000).~~

33 ~~(b) (c)~~ A board of registration ~~is~~ **may not be** established in a county
 34 that has a board of elections and registration established under
 35 IC 3-6-5.2 or IC 3-6-5.4.

36 SECTION 5. IC 3-7-12-5 IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) Except as provided in
 38 subsection (b), an order adopted under section ~~4~~ **3** of this chapter takes
 39 effect immediately.

40 (b) An order adopted during the final sixty (60) days before an
 41 election becomes effective on the day following the election.

42 SECTION 6. IC 3-7-12-17 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. ~~It~~ **This section**
2 **applies to** a county having a population of at least four hundred
3 thousand (400,000) **that establishes or reestablishes a board of**
4 **registration under section 3(b) of this chapter.** The board of
5 registration shall appoint two (2) chief clerks who are members of
6 different political parties.

7 SECTION 7. IC 3-7-33-3.7 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: **Sec. 3.7. (a) This section applies to a voter**
10 **registration application submitted to the election division in person**
11 **or by mail.**

12 (b) **An eligible applicant:**
13 (1) **who submits a completed application; or**
14 (2) **on whose behalf a completed application is submitted;**
15 **in person to the election division not later than 5 p.m. on the**
16 **twenty-ninth day before an election shall be registered to vote in**
17 **the election.**

18 (c) **An eligible applicant:**
19 (1) **who submits a completed application; or**
20 (2) **on whose behalf a completed application is submitted;**
21 **by mail to the election division shall be registered to vote in the**
22 **election, if the application is postmarked not later than the**
23 **twenty-ninth day before the election. If a postmark on an**
24 **application submitted by mail is missing or illegible, an eligible**
25 **applicant shall be registered to vote in the election, if the**
26 **application is received by the election division not later than the**
27 **Monday following the close of the registration period.**

28 (d) **The election division shall promptly forward an application**
29 **received under this section to the county voter registration office**
30 **of the county where the applicant resides.**

31 SECTION 8. IC 3-10-6-7.5 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 7.5. (a) This section**
33 **applies to a municipal office elected during a municipal or general**
34 **election.**

35 (a) ~~(b)~~ **Subject to subsection (b);** An election may not be held for a
36 municipal office if:

- 37 (1) there is only one (1) nominee for the office or only one (1)
38 person has filed a declaration of intent to be a write-in candidate
39 for the office under IC 3-8-2-2.5; and
40 (2) no person has filed a declaration of intent to be a write-in
41 candidate for the office under IC 3-8-2-2.5 that results in a contest
42 for election to the same municipal office.

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1 (b) Except as provided in subsection (c), if there is an election for
2 any office of the municipality, all nominees for each office must be on
3 the ballot.

4 (c) If:

5 (1) there is an election for at least one (1) of a municipality's
6 legislative body members;

7 (2) only the voters who reside in a legislative body district are
8 eligible to vote in the election for a legislative body member; and

9 (3) there is no election for an office to be voted on by all voters of
10 the municipality;

11 the county election board may, by unanimous vote of the entire
12 membership of the board; adopt a resolution providing that an election
13 will be held only in the legislative body districts within the
14 municipality in which voters will elect legislative body members under
15 subdivision (2). The names of unopposed candidates for an office to be
16 voted on by all voters of the municipality shall not be placed on the
17 ballot used for the election of municipal legislative body members
18 under this subsection.

19 SECTION 9. IC 3-10-7-6 IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) A municipal election
21 conducted under this chapter shall be held at the time prescribed by
22 IC 3-10-6.

23 (b) Subject to subsection (c), **This subsection applies to a**
24 **municipal office elected during a municipal or general election.** An
25 election may not be held for a municipal office if:

26 (1) there is only one (1) nominee for the office or only one (1)
27 person has filed a declaration of intent to be a write-in candidate
28 for the office under IC 3-8-2-2.5; and

29 (2) no person has filed a declaration of intent to be a write-in
30 candidate for the office under IC 3-8-2-2.5 that results in a contest
31 for election to the same municipal office.

32 (c) Except as provided in subsection (d), if there is an election for
33 any office of the municipality, all nominees for each office must be on
34 the ballot.

35 (d) If:

36 (1) there is an election for at least one (1) of the town's legislative
37 body members;

38 (2) only the voters who reside in a legislative body district are
39 eligible to vote in the election for a legislative body member; and

40 (3) there is no election for an office to be voted on by all voters of
41 the town;

42 the county election board (or town election board if that board is

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conducting the election under this chapter) may, by unanimous vote of the entire membership of the board; adopt a resolution providing that an election will be held only in the legislative body districts within the town in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the town shall not be placed on the ballot used for the election of town legislative body members under this subsection:

SECTION 10. IC 3-11-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) If the commission or an election board determines that a ballot printed under the authority of the commission or election board does not comply with a requirement imposed by this title or contains any other error or omission that might result in confusion or mistakes by voters, the election division or board shall:

- (1) reprint or correct the ballot; or
- (2) conduct a public hearing concerning the defective ballots.

(b) The commission or board may conduct the hearing after informing each political party, ticket, or candidate that the commission or board determines may have an interest in the matter.

(c) At the hearing, the commission or board shall hear any testimony offered by a person concerning the defective ballots and shall make findings of fact concerning the following:

- (1) The number of ballots, if any, containing the error or omission that have already been cast.
- (2) The cost of correcting the error through the use of pasters, reprinted ballots, or any other suitable method.
- (3) Whether the error or omission would be likely to cause confusion or mistakes by voters.
- (4) Whether any voter objects to the use of the ballots, notwithstanding the error or omission.

(d) If:

- (1) a voter does not file a written objection to the use of the ballots with the commission or board before the commission or board concludes the hearing; and
- (2) the commission or board determines that the use of the ballots would not be likely to cause confusion or mistakes by voters;

the commission or board shall authorize the use of the defective ballots, notwithstanding the error or omission.

(e) If:

- (1) a voter files a written objection to the use of the ballots with the election division or board before the commission or board

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1 concludes the hearing; or
2 (2) the commission or board determines that the use of the ballots
3 would be likely to cause confusion or mistakes by voters;
4 the commission or board shall order the ballots to be reprinted or
5 altered to conform with the requirements of this title.

6 (f) If the commission or board acts under subsection (a) or (e), a
7 voter who has already voted a defective ballot by absentee ballot is
8 entitled to recast the voter's ballot in accordance with ~~IC 3-11-10-1.5~~
9 **IC 3-11.5-4-2**. Notwithstanding the issuance of an order under
10 subsection (e), a defective ballot shall be counted if the intent of the
11 voter can be determined and the ballot would otherwise be counted
12 under IC 3-12-1.

13 SECTION 11. IC 3-11-4-3, AS AMENDED BY P.L.66-2010,
14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: Sec. 3. (a) Except as provided in section 6 of this
16 chapter, an application for an absentee ballot must be received by the
17 circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of
18 the board of elections and registration) not earlier than the date the
19 registration period resumes ~~following a primary election~~ under
20 IC 3-7-13-10 nor later than the following:

- 21 (1) Noon on election day if the voter registers to vote under
22 IC 3-7-36-14.
- 23 (2) Noon on the day before election day if the voter:
 - 24 (A) completes the application in the office of the circuit court
25 clerk; or
 - 26 (B) is an absent uniformed services voter or overseas voter
27 who requests that the ballot be transmitted by electronic mail
28 or fax under section 6(h) of this chapter.
- 29 (3) Noon on the day before election day if:
 - 30 (A) the application is a mailed, transmitted by fax, or hand
31 delivered application from a confined voter or voter caring for
32 a confined person; and
 - 33 (B) the applicant requests that the absentee ballots be
34 delivered to the applicant by an absentee voter board.
- 35 (4) ~~Midnight 11:59 p.m.~~ on the eighth day before election day if
36 the application:
 - 37 (A) is a mailed application; or
 - 38 (B) was transmitted by fax;
- 39 from other voters.

40 (b) **An application for an absentee ballot received by the election**
41 **division by the time and date specified by subsection (a)(2)(B),**
42 **(a)(3), or (a)(4) is considered to have been timely received for**

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1 **purposes of processing by the county. The election division shall**
 2 **immediately transmit the application to the circuit court clerk, or**
 3 **the director of the board of elections and registration, of the county**
 4 **where the applicant resides. The election division is not required to**
 5 **complete or file the affidavit required under section 2(h) of this**
 6 **chapter whenever the election division transmits an application**
 7 **under this subsection.**

8 SECTION 12. IC 3-11-4-6, AS AMENDED BY P.L.66-2010,
 9 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2011]: Sec. 6. (a) This section applies, notwithstanding any
 11 other provision of this title, to absentee ballot applications for the
 12 following:

- 13 (1) An absent uniformed services voter.
 14 (2) An address confidentiality program participant (as defined in
 15 IC 5-26.5-1-6).
 16 (3) An overseas voter.

17 (b) A county election board shall make blank absentee ballot
 18 applications available for persons covered by this section. ~~after~~
 19 ~~November 20 preceding the election to which the application applies.~~
 20 ~~Except as provided in subsection (c);~~ **A person may apply for an**
 21 **absentee ballot at any time after the applications are made available.**
 22 **registration period resumes under IC 3-7-13-10.**

23 (c) A person covered by this section may apply for an absentee
 24 ballot for the next scheduled primary, general, or special election at any
 25 time by filing either of the following:

- 26 (1) A combined absentee registration form and absentee ballot
 27 request approved under 42 U.S.C. 1973ff(b)(2).
 28 (2) A form prescribed under IC 3-5-4-8 that identifies the
 29 applicant as an absent uniformed services voter or an overseas
 30 voter. A form prescribed under this subdivision must permit the
 31 applicant to designate whether the applicant wishes to receive the
 32 absentee ballot by electronic mail, fax, or United States mail.

33 (d) If the county election board receives an absentee ballot
 34 application from a person described by subsection (c), the circuit court
 35 clerk shall mail to the person, free of postage as provided by 39 U.S.C.
 36 3406, all ballots for the election immediately upon receipt of the ballots
 37 under section 15 of this chapter, unless the person has indicated under
 38 subsection (c) that the person wishes to receive the absentee ballot by
 39 electronic mail or fax.

40 (e) Whenever a voter files an application for an absentee ballot and
 41 indicates on the application that the voter

- 42 ~~(1)~~ is an absent uniformed services voter or an overseas voter, ~~and~~

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1 ~~(2) does not expect to be in the county during the twelve (12)~~
 2 ~~months following the date the application is filed;~~
 3 the application is an adequate application for an absentee ballot for
 4 ~~both subsequent general elections and any municipal or special an~~
 5 ~~election conducted during that the period that ends on December 31~~
 6 ~~following the date the application is filed,~~ unless an absentee ballot
 7 mailed to the voter at the address set forth in the application is returned
 8 to the county election board during that period as undeliverable. The
 9 circuit court clerk and county election board shall process this
 10 application and send general election absentee ballots to the voter in
 11 the same manner as other general election and special election absentee
 12 ballot applications and ballots are processed and sent under this
 13 chapter.

14 (f) Whenever a voter described in subsection (a)(2) files a
 15 application for a primary election absentee ballot and indicates on the
 16 application that the voter is an address confidentiality program
 17 participant, the application is an adequate application for a general
 18 election absentee ballot under this chapter and an absentee ballot for a
 19 special election conducted during the ~~twelve (12) months period that~~
 20 **ends on December 31** following the date ~~of~~ the application **is filed.**
 21 The circuit court clerk and county election board shall process this
 22 application and send general election and special election absentee
 23 ballots to the voter in the same manner as other general election and
 24 special election absentee ballot applications and ballots are processed
 25 and sent under this chapter.

26 (g) The name, address, telephone number, and any other identifying
 27 information relating to a program participant (as defined in
 28 IC 5-26.5-1-6) in the address confidentiality program, as contained in
 29 a voting registration record, is declared confidential for purposes of
 30 IC 5-14-3-4(a)(1). The county voter registration office may not disclose
 31 for public inspection or copying a name, an address, a telephone
 32 number, or any other information described in this subsection, as
 33 contained in a voting registration record, except as follows:

- 34 (1) To a law enforcement agency, upon request.
- 35 (2) As directed by a court order.

36 (h) The county election board shall by fax or electronic mail
 37 transmit an absentee ballot to and receive an absentee ballot from an
 38 absent uniformed services voter or an overseas voter by electronic mail
 39 or fax at the request of the voter indicated in the application filed under
 40 this section. If the voter wants to submit absentee ballots by fax or
 41 electronic mail, the voter must separately sign and date a statement
 42 submitted with the electronic mail or the fax transmission that states

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substantively the following: "I understand that by faxing or e-mailing my voted ballot I am voluntarily waiving my right to a secret ballot."

(i) The county election board shall send confirmation to a voter described in subsection (h) that the voter's absentee ballot has been received as follows:

(1) If the voter provides a fax number to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the fax number provided by the voter.

(2) If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the electronic mail address provided by the voter.

(3) If:

(A) the voter does not provide a fax number or an electronic mail address; or

(B) the number or address provided does not permit the board to send the confirmation not later than the end of the first business day after the board receives the voter's absentee ballot;

the county election board shall send the confirmation by United States mail.

The county election board shall send the confirmation required by this subsection not later than the end of the first business day after the county election board receives the voter's absentee ballot.

(j) A county election board may transmit an absentee ballot to an absent uniformed services voter or an overseas voter by electronic mail under a program authorized and administered by the Federal Voting Assistance Program of the United States Department of Defense or directly to the voter at the voter's electronic mail address, if requested to do so by the voter. A voter described by this section may transmit the voted absentee ballot to a county election board by electronic mail. **If a voter described in this section transmits the voted absentee ballot through the United States Department of Defense program, the ballot must be transmitted** in accordance with the procedures established under ~~this~~ **that** program. An electronic mail message transmitting a voted absentee ballot under this subsection must include an optically scanned image of the voter's signature on the statement required under subsection (h).

SECTION 13. IC 3-11-4-17.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17.7. (a) This section applies when a voter:

(1) has been mailed the official ballot under this chapter; and

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1 (2) notifies the county election board that the ballot has been
 2 destroyed, spoiled, lost, or not received by the voter after a
 3 reasonable time has elapsed for delivery of the ballot by mail.
 4 (b) As required under 42 U.S.C. 15481, the voter may obtain a
 5 replacement official ballot under the procedures set forth in this chapter
 6 after the voter files a statement with the county election board. The
 7 statement must affirm, under penalties of perjury, that the voter did not
 8 receive the official ballot (or that the ballot was received by the voter,
 9 but was destroyed, spoiled, or lost), and must set forth any facts known
 10 by the voter concerning the destruction, spoiling, or loss of the ballot.
 11 (c) After a voter files the statement required under subsection (b),
 12 the county election board may issue a replacement official ballot to the
 13 voter in accordance with this chapter. ~~and shall include information~~
 14 ~~regarding the official replacement ballot in the certification provided~~
 15 ~~to the precinct inspector under section 22 of this chapter.~~
 16 (d) After receiving the official replacement ballot, the voter shall
 17 destroy any spoiled ballot in the possession of the voter or any lost or
 18 delayed official ballot that comes into the possession of the voter.
 19 SECTION 14. IC 3-11-8-25.2, AS AMENDED BY P.L.164-2006,
 20 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2011]: Sec. 25.2. (a) The poll clerk or assistant
 22 poll clerk shall examine the list provided under IC 3-7-29-1 to
 23 determine if the county election board has indicated that the voter is
 24 required to provide additional personal identification under 42 U.S.C.
 25 15483 and IC 3-7-33-4.5 before voting in person. If the list ~~(or a~~
 26 ~~certification concerning absentee voters under IC 3-11-10-12)~~ indicates
 27 that the voter is required to present this identification before voting in
 28 person, the poll clerk shall advise the voter that the voter must present,
 29 in addition to the proof of identification required by section 25.1(a) of
 30 this chapter, a piece of identification described in subsection (b) to the
 31 poll clerk.
 32 (b) As required by 42 U.S.C. 15483, and in addition to the proof of
 33 identification required by section 25.1(a) of this chapter, a voter
 34 described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5
 35 before appearing at the polls on election day must present one (1) of the
 36 following documents to the poll clerk:
 37 (1) A current and valid photo identification.
 38 (2) A current utility bill, bank statement, government check,
 39 paycheck, or government document that shows the name and
 40 address of the voter.
 41 (c) If a voter presents a document under subsection (b), the poll
 42 clerk shall add a notation to the list indicating the type of document

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1 presented by the voter. The election division shall prescribe a
2 standardized coding system to classify documents presented under this
3 subsection for entry into the county voter registration system.

4 (d) If a voter required to present documentation under subsection (b)
5 is unable to present the documentation to the poll clerk while present
6 in the polls, the poll clerk shall notify the precinct election board. The
7 board shall provide a provisional ballot to the voter under IC 3-11.7-2.

8 (e) The precinct election board shall advise the voter that the voter
9 may file a copy of the documentation with the county voter registration
10 office to permit the provisional ballot to be counted under IC 3-11.7.

11 SECTION 15. IC 3-11-10-3 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. A county election
13 board must receive an absentee ballot ~~in time for the board to deliver~~
14 ~~the ballot to the precinct election board of the voter's precinct before~~
15 ~~the closing of the polls noon~~ on election day.

16 SECTION 16. IC 3-11-10-4.5, AS AMENDED BY P.L.221-2005,
17 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2011]: Sec. 4.5. (a) Upon receipt of an absentee ballot from
19 a voter required to provide additional information to the county voter
20 registration office under IC 3-7-33-4.5, the county election board shall
21 contact the county voter registration office to determine if the
22 additional information has been filed with the office by the voter.

23 (b) If the voter has filed the information with the county voter
24 registration office, the county election board shall add a notation to the
25 application indicating that the required information has been filed and
26 that the absentee ballot may be counted if the ballot otherwise complies
27 with this article.

28 (c) If the voter has not filed the information with the county voter
29 registration office, the county election board shall add a notation on the
30 application filed by a voter described under subsection (b) and on the
31 envelope provided under this chapter reading substantially as follows:

32 ~~"INSPECTOR: "~~**ABSENTEE BALLOT COUNTERS: AS OF**
33 **(insert date absentee ballot application approved) THIS VOTER**
34 **WAS REQUIRED TO FILE ADDITIONAL**
35 **DOCUMENTATION WITH THE COUNTY VOTER**
36 **REGISTRATION OFFICE BEFORE THIS BALLOT MAY BE**
37 **COUNTED. CHECK THE POLL LIST AND COUNTY**
38 **ELECTION BOARD CERTIFICATION TO SEE IF THE**
39 **VOTER HAS FILED THIS INFORMATION. IF NOT, PROCESS**
40 **AS A PROVISIONAL BALLOT IF THIS BALLOT**
41 **OTHERWISE COMPLIES WITH INDIANA LAW."**

42 SECTION 17. IC 3-11-10-5 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. If a county election
 2 board unanimously finds that the signature on a ballot envelope or
 3 transmitted affidavit is not genuine, the board shall write upon the
 4 ballot envelope or transmitted affidavit the words "The county election
 5 board has ~~questioned the genuineness of~~ **rejected this ballot because**
 6 the signature of this voter **is not genuine.**". These ballots shall be
 7 delivered to ~~the polls on election day under section 12 of this chapter~~
 8 ~~with instructions to verify the voter's signature under section 15 of this~~
 9 ~~chapter: the absentee ballot counters on election day under~~
 10 **IC 3-11.5.**

11 SECTION 18. IC 3-11-10-6 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. If a county election
 13 board is unable to unanimously determine whether the signature on a
 14 ballot envelope is genuine, the board shall write upon the ballot
 15 envelope or transmitted affidavit the words "Signature Disputed". The
 16 board then shall deliver all disputed ballot envelopes, together with any
 17 evidence of a documentary nature presented before the board, to the
 18 ~~proper precinct at the same time that undisputed ballots are delivered:~~
 19 **absentee ballot counters on election day under IC 3-11.5.**

20 SECTION 19. IC 3-11-10-8 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. If a county election
 22 board (or the absentee voter board in the office of the circuit court
 23 clerk) unanimously finds that the signature on a ballot envelope or
 24 transmitted affidavit is genuine, the board shall enclose immediately
 25 the accepted and unopened ballot envelope together with the voter's
 26 application for the absentee ballot in a large or carrier envelope. The
 27 envelope shall be securely sealed and endorsed with the name and
 28 official title of the circuit court clerk and the following words: "This
 29 envelope contains an absentee ballot and must be opened ~~only at the~~
 30 ~~polls on election day while the polls are open.~~" **as provided under**
 31 **IC 3-11.5."**

32 SECTION 20. IC 3-11-10-9 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. Each circuit court
 34 clerk shall keep all accepted ballot envelopes securely in the clerk's
 35 office until ~~they are delivered to the proper precincts in accordance~~
 36 ~~with section 12 of this chapter: the ballot envelopes are opened by~~
 37 **the absentee ballot counters under IC 3-11.5-4.**

38 SECTION 21. IC 3-11-10-11, AS AMENDED BY P.L.221-2005,
 39 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2011]: Sec. 11. (a) **Not later than noon** on election day, each
 41 circuit court clerk (or an agent of the clerk) shall visit the appropriate
 42 post office to accept delivery of absentee envelopes. ~~at the latest~~

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1 possible time that will permit delivery of the ballots to the appropriate
 2 precinct election boards before 6 p.m.

3 (b) Not later than noon on election day, the county voter registration
 4 office shall visit the appropriate post office to accept delivery of mail
 5 containing documentation submitted by a voter to comply with
 6 IC 3-7-33-4.5. The office shall immediately notify the county election
 7 board regarding the filing of this documentation to permit the board to
 8 provide certification of this filing to the appropriate precinct election
 9 boards before 6 p.m. **absentee ballot counters under IC 3-11.5-4.**

10 SECTION 22. IC 3-11-10-11.5 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2011]: **Sec. 11.5. (a) Except as provided in**
 13 **subsection (b), the county election board shall count absentee**
 14 **ballots voted by any method provided under this chapter at a**
 15 **central location using the procedures in IC 3-11.5, including the**
 16 **procedures for challenging absentee ballots.**

17 (b) A county election board may, by the unanimous vote of the
 18 board's entire membership, adopt a resolution to count absentee
 19 ballots in the precincts on election day. The resolution must state
 20 the board's reasons for having the absentee ballots counted in the
 21 precincts.

22 SECTION 23. IC 3-11-10-24, AS AMENDED BY P.L.120-2009,
 23 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2011]: Sec. 24. (a) Except as provided in subsection (b), a
 25 voter who satisfies any of the following is entitled to vote by mail:

26 (1) The voter has a specific, reasonable expectation of being
 27 absent from the county on election day during the entire twelve
 28 (12) hours that the polls are open.

29 (2) The voter will be absent from the precinct of the voter's
 30 residence on election day because of service as:

31 (A) a precinct election officer under IC 3-6-6;
 32 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
 33 (C) a challenger or pollbook holder under IC 3-6-7; or
 34 (D) a person employed by an election board to administer the
 35 election for which the absentee ballot is requested.

36 (3) The voter will be confined on election day to the voter's
 37 residence, to a health care facility, or to a hospital because of an
 38 illness or injury during the entire twelve (12) hours that the polls
 39 are open.

40 (4) The voter is a voter with disabilities.
 41 (5) The voter is an elderly voter.
 42 (6) The voter is prevented from voting due to the voter's care of

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- 1 an individual confined to a private residence because of illness or
 2 injury during the entire twelve (12) hours that the polls are open.
 3 (7) The voter is scheduled to work at the person's regular place of
 4 employment during the entire twelve (12) hours that the polls are
 5 open.
 6 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
 7 (9) The voter is prevented from voting due to observance of a
 8 religious discipline or religious holiday during the entire twelve
 9 (12) hours that the polls are open.
 10 (10) The voter is an address confidentiality program participant
 11 (as defined in IC 5-26.5-1-6).
 12 (11) The voter is a member of the military or public safety officer.
 13 (b) A voter with disabilities who:
 14 (1) is unable to make a voting mark on the ballot or sign the
 15 absentee ballot secrecy envelope; and
 16 (2) requests that the absentee ballot be delivered to an address
 17 within Indiana;
 18 must vote before an absentee voter board under section 25(b) of this
 19 chapter.
 20 (c) If a voter receives an absentee ballot by mail, the voter shall
 21 personally mark the ballot in secret and seal the marked ballot inside
 22 the envelope provided by the county election board for that purpose.
 23 The voter shall:
 24 (1) deposit the sealed envelope in the United States mail for
 25 delivery to the county election board; or
 26 (2) authorize a member of the voter's household or the individual
 27 designated as the voter's attorney in fact to:
 28 (A) deposit the sealed envelope in the United States mail; or
 29 (B) deliver the sealed envelope in person to the county
 30 election board.
 31 (d) If a member of the voter's household or the voter's attorney in
 32 fact delivers the sealed envelope containing a voter's absentee ballot to
 33 the county election board, the individual delivering the ballot shall
 34 complete an affidavit in a form prescribed by the commission. The
 35 affidavit must contain the following information:
 36 (1) The name and residence address of the voter whose absentee
 37 ballot is being delivered.
 38 (2) A statement of the full name, residence and mailing address,
 39 and daytime and evening telephone numbers (if any) of the
 40 individual delivering the absentee ballot.
 41 (3) A statement indicating whether the individual delivering the
 42 absentee ballot is a member of the voter's household or is the

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1 attorney in fact for the voter. If the individual is the attorney in
 2 fact for the voter, the individual must attach a copy of the power
 3 of attorney for the voter, unless a copy of this document has
 4 already been filed with the county election board.
 5 (4) The date and location at which the absentee ballot was
 6 delivered by the voter to the individual delivering the ballot to the
 7 county election board.
 8 (5) A statement that the individual delivering the absentee ballot
 9 has complied with Indiana laws governing absentee ballots.
 10 (6) A statement that the individual delivering the absentee ballot
 11 is executing the affidavit under the penalties of perjury.
 12 (7) A statement setting forth the penalties for perjury.
 13 (e) The county election board shall record the date and time that the
 14 affidavit under subsection (d) was filed with the board.
 15 (f) After a voter has mailed or delivered an absentee ballot to the
 16 office of the circuit court clerk, the voter may not recast a ballot, except
 17 as provided in
 18 ~~(1) section 1.5 of this chapter; or~~
 19 ~~(2) section 33 of this chapter.~~
 20 **IC 3-11.5-4-2.**
 21 SECTION 24. IC 3-11-10-26, AS AMENDED BY P.L.66-2010,
 22 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2011]: Sec. 26. (a) **This subsection applies to all counties,**
 24 **except for a county to which IC 3-6-5.2 applies.** As an alternative to
 25 voting by mail, a voter is entitled to cast an absentee ballot before an
 26 absentee voter board **at any of the following:**
 27 (1) ~~in~~ **The location of the office of the circuit court clerk (or**
 28 **board of elections and registration in a county subject to**
 29 **IC 3-6-5.2); or the board of registration that is used for the**
 30 **registration of voters of the county.**
 31 (2) ~~at~~ A satellite office established under section 26.3 of this
 32 chapter.
 33 **(b) This subsection applies to a county to which IC 3-6-5.2**
 34 **applies. As an alternative to voting by mail, a voter is entitled to**
 35 **cast an absentee ballot before an absentee voter board at any of the**
 36 **following:**
 37 **(1) The office of the board of elections and registration.**
 38 **(2) A satellite office established under section 26.3 of this**
 39 **chapter.**
 40 **(c) Except for a location designated under subsection (a)(1), a**
 41 **location of the office of the circuit court clerk must be established**
 42 **as a satellite office under section 26.3 of this chapter in order to be**

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used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

~~(b)~~ **(d)** The voter must:

- (1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and
- (2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

~~(c)~~ **(e)** The voter may vote before the board not more than twenty-nine (29) days nor later than noon on the day before election day.

~~(d)~~ **(f)** An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-nine (29) days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

~~(e)~~ **(g)** The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

~~(f)~~ **(h)** Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

~~(g)~~ **(i)** As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

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1 ~~(j)~~ (j) As provided by 42 U.S.C. 15481, when an absentee ballot is
 2 provided under this section, the board must also provide the voter with:
 3 (1) information concerning the effect of casting multiple votes for
 4 an office; and
 5 (2) instructions on how to correct the ballot before the ballot is
 6 cast and counted, including the issuance of replacement ballots.

7 ~~(i)~~ (k) If:
 8 (1) the voter is unable or declines to present the proof of
 9 identification; or
 10 (2) a member of the board determines that the proof of
 11 identification provided by the voter does not qualify as proof of
 12 identification under IC 3-5-2-40.5;

13 the voter shall be permitted to cast an absentee ballot and the voter's
 14 absentee ballot shall be treated as a provisional ballot.

15 ~~(j)~~ (l) A voter casting an absentee ballot under this section is entitled
 16 to cast the voter's ballot in accordance with IC 3-11-9.

17 SECTION 25. IC 3-11-10-30 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 30. Even though the
 19 voter may have applied for and received an absentee ballot, a voter who
 20 returns to the voter's place of residence before the close of the polls on
 21 election day may vote in person under the conditions prescribed by
 22 section 31 ~~or 32~~ of this chapter.

23 SECTION 26. IC 3-11-10-32 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 32. If a voter has
 25 marked and returned an absentee ballot, ~~but appears the voter may not~~
 26 **vote** in person at ~~the a~~ precinct. ~~before the voter's name has been~~
 27 ~~marked on the poll list under section 16 of this chapter, then the voter~~
 28 ~~may:~~

29 ~~(1) have the voter's absentee ballot envelope opened in the voter's~~
 30 ~~presence and the ballot contained in the envelope deposited in the~~
 31 ~~ballot box; or~~

32 ~~(2) request a new ballot, which the voter may vote as any other~~
 33 ~~voter voting in person. However, before the voter may vote, the~~
 34 ~~inspector shall take the unopened absentee ballot envelope and~~
 35 ~~write upon the envelope the words "Unopened because voter~~
 36 ~~appeared and voted in person". The envelope shall be preserved~~
 37 ~~with other defective ballots.~~

38 SECTION 27. IC 3-11-18.1-4, AS ADDED BY SEA 32-2011,
 39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 4. The plan required
 41 by section 3 of this chapter must include at least the following:

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

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- 1 (2) The location of each vote center.
- 2 (3) The effective date of the order.
- 3 (4) The following information according to the computerized list
- 4 (as defined in IC 3-7-26.3-2) as of the date of the order:
- 5 (A) The total number of voters within the county.
- 6 (B) The number of active voters within the county.
- 7 (C) The number of inactive voters within the county.
- 8 (5) For each vote center designated under subdivision (2), a list
- 9 of the precincts whose polls will be located at the vote center
- 10 consistent with section ~~12~~ 13 of this chapter.
- 11 (6) For each vote center designated under subdivision (2), the
- 12 number of precinct election boards that will be appointed to
- 13 administer an election at the vote center.
- 14 (7) For each precinct election board designated under subdivision
- 15 (6), the number and name of each precinct the precinct election
- 16 board will administer consistent with section ~~12~~ 13 of this
- 17 chapter.
- 18 (8) For each vote center designated under subdivision (2), the
- 19 number and title of the precinct election officers who will be
- 20 appointed to serve at the vote center.
- 21 (9) For each vote center designated under subdivision (2):
- 22 (A) the number and type of ballot variations that will be
- 23 provided at the vote center; and
- 24 (B) whether these ballots will be:
- 25 (i) delivered to the vote center before the opening of the
- 26 polls; or
- 27 (ii) printed on demand for a voter's use.
- 28 (10) A detailed description of any hardware, firmware, or
- 29 software used:
- 30 (A) to create an electronic poll list for each precinct whose
- 31 polls are to be located at a vote center; or
- 32 (B) to establish a secure electronic connection between the
- 33 county election board and the precinct election officials
- 34 administering a vote center.
- 35 (11) A description of the equipment and procedures to be used to
- 36 ensure that information concerning a voter entered into any
- 37 electronic poll list used by precinct election officers at a vote
- 38 center is immediately accessible to:
- 39 (A) the county election board; and
- 40 (B) the electronic poll lists used by precinct election officers
- 41 at all other vote centers in the county.
- 42 (12) For each precinct designated under subdivision (5), the

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- 1 number of electronic poll lists to be provided for the precinct.
- 2 (13) The security and contingency plans to be implemented by the
- 3 county to do all of the following:
- 4 (A) Prevent a disruption of the vote center process.
- 5 (B) Ensure that the election is properly conducted if a
- 6 disruption occurs.
- 7 (C) Prevent access to an electronic poll list without the
- 8 coordinated action of two (2) precinct election officers who are
- 9 not members of the same political party.
- 10 (14) A certification that the vote center complies with the
- 11 accessibility requirements applicable to polling places under
- 12 IC 3-11-8.
- 13 (15) A sketch depicting the planned layout of the vote center,
- 14 indicating the location of:
- 15 (A) equipment; and
- 16 (B) precinct election officers;
- 17 within the vote center.
- 18 (16) The total number of ~~vote centers to be established at and~~
- 19 **locations of** satellite offices ~~that are to be~~ established under
- 20 IC 3-11-10-26.3 **at voter center locations designated under**
- 21 **subdivision (2)** to allow voters to cast absentee ballots in
- 22 accordance with IC 3-11. ~~However, a plan must provide for at~~
- 23 ~~least one (1) vote center to be established as a satellite office~~
- 24 ~~under IC 3-11-10-26.3 on the two (2) Saturdays immediately~~
- 25 ~~preceding an election day.~~
- 26 (17) The method and timing of providing voter data to persons
- 27 who are entitled to receive the data under this title. Data shall be
- 28 provided to all persons entitled to the data without unreasonable
- 29 delay.
- 30 SECTION 28. IC 3-11-18.1-10, AS ADDED BY SEA 32-2011,
- 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 10. Except as
- 33 otherwise provided by this chapter, the county shall administer an
- 34 election conducted at a vote center in accordance with federal law, this
- 35 title, and the plan adopted with the county election board's order under
- 36 section ~~4 3~~ of this chapter.
- 37 SECTION 29. IC 3-11-18.1-15, AS ADDED BY SEA 32-2011,
- 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 15. (a) A county may
- 40 amend a plan adopted with a county election board's order under
- 41 section ~~4 3~~ of this chapter.
- 42 (b) For a county to amend its plan:

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

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

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

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

10 SECTION 30. IC 3-11.5-4-9 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) Upon delivery of
12 the certificates under section 8 of this chapter to a precinct election
13 board, the inspector shall do the following in the presence of the poll
14 clerks:

15 (1) Mark the poll list.

16 (2) Attach the certificates of voters who have registered and voted
17 under IC 3-7-36-14 to the poll list.

18 The poll clerks shall sign the statement printed on the certificate
19 indicating that the inspector marked the poll list and attached the
20 certificates under this section in the presence of both poll clerks to
21 indicate that the absentee ballot of the voter has been received by the
22 county election board.

23 ~~(b)~~ If a person listed in the certificate has voted in person at the
24 polls before the delivery of the certificate, the inspector shall initial the
25 voter's name on the certificate in the presence of both poll clerks. The
26 poll clerks shall sign the statement printed on the certificate supplied
27 under section 1 of this chapter indicating that the inspector initialed the
28 names of voters under this subsection in the presence of both poll
29 clerks.

30 ~~(c)~~ (b) The inspector shall then deposit:

31 (1) the certificate prepared under section 1 of this chapter;

32 (2) the certificate prepared under section 8 of this chapter; and

33 (3) any challenge affidavit executed by a qualified person under
34 section 16 of this chapter;

35 in an envelope in the presence of both poll clerks.

36 ~~(d)~~ (c) The inspector shall seal the envelope. The inspector and each
37 poll clerk shall then sign a statement printed on the envelope indicating
38 that the inspector or poll clerk has complied with the requirements of
39 this chapter governing the marking of the poll list and certificates.

40 ~~(e)~~ (d) The couriers shall immediately return the envelope described
41 in subsection ~~(c)~~ (b) to the county election board. Upon delivering the
42 envelope to the county election board, each courier shall sign a

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1 statement printed on the envelope indicating that the courier has not
2 opened or tampered with the envelope since the envelope was delivered
3 to the courier.

4 SECTION 31. IC 3-11.5-4-12, AS AMENDED BY P.L.221-2005,
5 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2011]: Sec. 12. (a) If the absentee ballot counters find under
7 section 11 of this chapter that:

- 8 (1) the affidavit is properly executed;
- 9 (2) the signatures correspond;
- 10 (3) the absentee voter is a qualified voter of the precinct;
- 11 (4) the absentee voter is registered and is not required to file
- 12 additional information with the county voter registration office
- 13 under IC 3-7-33-4.5;
- 14 ~~(5) the absentee voter has not voted in person at the election;~~ and
- 15 ~~(6)~~ (5) in case of a primary election, if the absentee voter has not
- 16 previously voted, the absentee voter has executed the proper
- 17 declaration relative to age and qualifications and the political
- 18 party with which the absentee voter intends to affiliate;

19 the absentee ballot counters shall open the envelope containing the
20 absentee ballots so as not to deface or destroy the affidavit and take out
21 each ballot enclosed without unfolding or permitting a ballot to be
22 unfolded or examined.

23 (b) If the absentee ballot counters find under subsection (a) that the
24 voter has not filed the additional information required to be filed with
25 the county voter registration office under IC 3-7-33-4.5, but that all of
26 the other findings listed under subsection (a) apply, the absentee ballot
27 shall be processed as a provisional ballot under IC 3-11.7.

28 (c) The absentee ballot counters shall then deposit the ballots in a
29 secure envelope with the name of the precinct set forth on the outside
30 of the envelope. After the absentee ballot counters or the county
31 election board has made the findings described in subsection (a) or
32 section 13 of this chapter for all absentee ballots of the precinct, the
33 absentee ballot counters shall remove all the ballots deposited in the
34 envelope under this section for counting under IC 3-11.5-5 or
35 IC 3-11.5-6.

36 SECTION 32. IC 3-12-2-1, AS AMENDED BY P.L.230-2005,
37 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2011]: Sec. 1. (a) This chapter:

- 39 (1) is enacted to comply with 42 U.S.C. 15481 by establishing
- 40 uniform and nondiscriminatory standards to define what will be
- 41 counted as a vote on a paper ballot; and
- 42 (2) applies to each precinct where voting is by paper ballot.

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1 (b) After the polls have closed, each precinct election board shall
2 count the paper ballot votes for each candidate for each office and on
3 each public question. The ballots shall be counted by laying each ballot
4 upon a table in the order in which it is taken from the ballot box.

5 ~~(c) Notwithstanding subsection (b), the precinct election board may~~
6 ~~count absentee ballots before the polls have closed. If the precinct~~
7 ~~election board counts absentee ballots under this subsection, a member~~
8 ~~of the precinct election board may not, before the polls have closed,~~
9 ~~provide any person other than a member of the precinct election board~~
10 ~~with information concerning the number of votes:~~

- 11 ~~(1) a candidate received for an office; or~~
- 12 ~~(2) cast to approve or reject a public question;~~
- 13 ~~on absentee ballots counted under this subsection.~~

14 ~~(d) (c)~~ If a precinct election board administers more than one (1)
15 precinct, the board shall keep the ballots cast in each precinct separate
16 from ballots cast in any other precinct, so that the votes cast for each
17 candidate and on each public question in each of the precincts
18 administered by the board may be determined.

19 SECTION 33. IC 3-12-3-1.2 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1.2. This section
21 applies to a precinct where votes have been cast on a ballot card system
22 that is designed to allow the counting and tabulation of votes by the
23 precinct election board. ~~Except as provided in section 14 of this~~
24 ~~chapter,~~ If the polls for more than one (1) precinct are located in the
25 same room, the inspector of a precinct using the room may not begin
26 the vote counting procedure until all the polls in the room are officially
27 closed and no more persons are waiting in line to vote.

28 SECTION 34. IC 3-12-3.5-1.5 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1.5. ~~Except as provided~~
30 ~~in section 7 of this chapter,~~ If the polls for more than one (1) precinct
31 are located in the same room, the inspector of a precinct using the room
32 may not begin the vote counting procedure until all the polls in the
33 room are officially closed and no more persons are waiting in line to
34 vote.

35 SECTION 35. IC 3-14-4-10, AS AMENDED BY P.L.221-2005,
36 SECTION 140, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2011]: Sec. 10. A person who knowingly
38 violates:

- 39 (1) IC 3-11.5-5; or
- 40 (2) IC 3-11.5-6;
- 41 ~~(3) IC 3-12-2-1;~~
- 42 ~~(4) IC 3-12-3-14; or~~

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1 ~~(5) IC 3-12-3.5-7;~~
 2 by providing any other person with information concerning the number
 3 of votes a candidate received for an office or cast to approve or reject
 4 a public question on absentee ballots counted under IC 3-11.5-5 **or**
 5 IC 3-11.5-6 ~~or IC 3-12~~ before the closing of the polls commits a Class
 6 D felony.

7 SECTION 36. THE FOLLOWING ARE REPEALED [EFFECTIVE
 8 JULY 1, 2011]: IC 3-7-12-4; IC 3-11-4-6.1; IC 3-11-4-22;
 9 IC 3-11-10-1.5; IC 3-11-10-7; IC 3-11-10-12; IC 3-11-10-12.5;
 10 IC 3-11-10-13; IC 3-11-10-15; IC 3-11-10-16; IC 3-11-10-16.5;
 11 IC 3-11-10-17; IC 3-11-10-18; IC 3-11-10-19; IC 3-11-10-20;
 12 IC 3-11-10-21; IC 3-11-10-22; IC 3-11-10-23; IC 3-11-10-33;
 13 IC 3-11-10-35; IC 3-11.5-1; IC 3-11.5-4-19; IC 3-11.5-5-1;
 14 IC 3-11.5-6-1; IC 3-12-3-14; IC 3-12-3.5-7.

15 SECTION 37. **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. 536, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1.7. "Active voter" means the following:

(1) For purposes of IC 3-11-1.5, refers to a voter who satisfies either of the following:

(1) (A) The voter has registered or voted in any election during the preceding four (4) years at the address indicated on the voter's registration record.

(2) (B) The voter has not voted in any election during the preceding four (4) years at the address indicated on the voter's registration record and has responded in writing to an address confirmation notice sent under IC 3-7 not later than thirty (30) days after the notice was sent.

(2) For purposes of IC 3-11-18.1, has the meaning set forth in IC 3-11-18.1-2.

SECTION 2. IC 3-5-2-16.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16.2. "County voter registration office" means the following:

(1) A board of registration established ~~under IC 3-7-12~~ or by a county executive acting under IC 3-7-12.

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

(3) The office of the circuit court clerk, in a county in which a board has not been established under subdivision (1) or (2).

SECTION 3. IC 3-7-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) This section does not apply to the following counties:

(1) A county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4.

(2) A county in which a board of registration is established

(A) by this chapter; or

(B) by a county acting under this chapter.

(b) The circuit court clerk:

(1) is the voter registration officer of each county; and

(2) shall supervise the registration of voters of the county.

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SECTION 4. IC 3-7-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. **(a) Except for:**

(1) a county in which a board of elections and registration is established under IC 3-6-5.2 or IC 3-6-5.4; or

(2) a county containing a consolidated city;

a board of registration established before July 1, 2011, is abolished on July 1, 2011, unless the county executive adopts an order under subsection (b) to reestablish the board.

~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~; **(c)**, **the county executive of a county may adopt an order to establish or reestablish** a board of registration. ~~is established in each county having a population of more than one hundred twenty-five thousand (125,000):~~

~~(b)~~ **(c)** A board of registration ~~is~~ **may not be** established in a county that has a board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4.

SECTION 5. IC 3-7-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) Except as provided in subsection (b), an order adopted under section ~~4~~ **3** of this chapter takes effect immediately.

(b) An order adopted during the final sixty (60) days before an election becomes effective on the day following the election.

SECTION 6. IC 3-7-12-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. ~~In~~ **This section applies to** a county having a population of at least four hundred thousand (400,000) **that establishes or reestablishes a board of registration under section 3(b) of this chapter.** The board of registration shall appoint two (2) chief clerks who are members of different political parties."

Page 2, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 8. IC 3-10-6-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7.5. **(a) This section applies to a municipal office elected during a municipal or general election.**

~~(a)~~ **(b)** ~~Subject to subsection (b)~~; An election may not be held for a municipal office if:

(1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and

(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

~~(b)~~ **Except as provided in subsection (c)**; ~~if there is an election for~~

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any office of the municipality; all nominees for each office must be on the ballot.

(c) If:

- (1) there is an election for at least one (1) of a municipality's legislative body members;
- (2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and
- (3) there is no election for an office to be voted on by all voters of the municipality;

the county election board may, by unanimous vote of the entire membership of the board; adopt a resolution providing that an election will be held only in the legislative body districts within the municipality in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the municipality shall not be placed on the ballot used for the election of municipal legislative body members under this subsection:

SECTION 9. IC 3-10-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) A municipal election conducted under this chapter shall be held at the time prescribed by IC 3-10-6.

(b) **Subject to subsection (c); This subsection applies to a municipal office elected during a municipal or general election.** An election may not be held for a municipal office if:

- (1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and
- (2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

(c) Except as provided in subsection (d); if there is an election for any office of the municipality; all nominees for each office must be on the ballot.

(d) If:

- (1) there is an election for at least one (1) of the town's legislative body members;
- (2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and
- (3) there is no election for an office to be voted on by all voters of the town;

the county election board (or town election board if that board is conducting the election under this chapter) may, by unanimous vote of

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the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the town in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the town shall not be placed on the ballot used for the election of town legislative body members under this subsection."

Page 6, line 41, delete "FOLLOWS:" and insert "FOLLOWS [EFFECTIVE JULY 1, 2011]:".

Page 10, line 12, delete "The" and insert "**(a) Except as provided in subsection (b), the**".

Page 10, between lines 15 and 16, begin a new paragraph and insert:

"(b) A county election board may, by the unanimous vote of the board's entire membership, adopt a resolution to count absentee ballots in the precincts on election day. The resolution must state the board's reasons for having the absentee ballots counted in the precincts."

Page 12, line 21, delete "single".

Page 12, line 21, delete "that is considered the primary" and insert "**of the**".

Page 12, line 22, after "clerk" delete ".".

Page 12, line 23, reset in roman "or" and insert "**the board of registration that is used for the registration of voters of the county.**".

Page 12, delete line 30, begin a new line block indented and insert:

"(1) The office of the board of elections and registration."

Page 12, delete line 31.

Page 12, line 34, delete "(a)(1) or" and insert "**(a)(1),**".

Page 12, line 35, delete "(b)(1),".

Page 12, line 35, delete "or the board".

Page 12, line 36, delete "of elections and registration".

Page 14, between lines 32 and 33, begin a new paragraph and insert:
"SECTION 27. IC 3-11-18.1-4, AS ADDED BY SEA 32-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 4. The plan required by section 3 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.

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- (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 consistent with section ~~12~~ **13** of this chapter.
- (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 consistent with section ~~12~~ **13** of this chapter.
- (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 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

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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 and locations of~~ satellite offices ~~that are to be~~ established under IC 3-11-10-26.3 ~~at voter center locations designated under subdivision (2)~~ to allow voters to cast absentee ballots in accordance with IC 3-11. ~~However, a plan must provide for at least one (1) vote center to be established as a satellite office under IC 3-11-10-26.3 on the two (2) Saturdays immediately preceding an election day.~~

(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.

SECTION 28. IC 3-11-18.1-10, AS ADDED BY SEA 32-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 10. 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 ~~4~~ **3** of this chapter.

SECTION 29. IC 3-11-18.1-15, AS ADDED BY SEA 32-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 15. (a) A county may amend a plan adopted with a county election board's order under section ~~4~~ **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

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(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."

Page 17, line 1, delete "FOLLOWS:" and insert "FOLLOWS [EFFECTIVE JULY 1, 2011]:".

Page 17, line 10, delete "FOLLOWS:" and insert "FOLLOWS [EFFECTIVE JULY 1, 2011]:".

Page 17, line 30, after "JULY 1, 2011:" insert "IC 3-7-12-4;".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 536 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 6, Nays 2.

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