

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:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 3-5-2-1.7 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1.7. "Active voter"
5 **means the following:**
6 **(1) For purposes of IC 3-11-1.5,** refers to a voter who satisfies
7 either of the following:
8 ~~(1)~~ **(A)** The voter has registered or voted in any election during
9 the preceding four (4) years at the address indicated on the
10 voter's registration record.
11 ~~(2)~~ **(B)** The voter has not voted in any election during the
12 preceding four (4) years at the address indicated on the voter's
13 registration record and has responded in writing to an address
14 confirmation notice sent under IC 3-7 not later than thirty (30)
15 days after the notice was sent.
16 **(2) For purposes of IC 3-11-18.1, has the meaning set forth in**
17 **IC 3-11-18.1-2.**
18 SECTION 2. IC 3-5-2-16.2 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16.2. "County voter
20 registration office" means the following:

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

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

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

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

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

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

13 ~~(A)~~ by this chapter; or

14 ~~(B)~~ by a county acting under this chapter.

15 (b) The circuit court clerk:

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

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

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

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

22 **(2) a county containing a consolidated city;**

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

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

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

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

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

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

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

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

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

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

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

21 ~~(b)~~ **Except as provided in subsection (c);** if there is an election for
 22 any office of the municipality, all nominees for each office must be on
 23 the ballot:

24 ~~(c)~~ **If:**

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

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

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

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

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

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

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

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

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

17 (d) ~~If:~~

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

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

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

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

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

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

37 Page 10, between lines 15 and 16, begin a new paragraph and insert:
 38 "(b) **A county election board may, by the unanimous vote of the**

1 **board's entire membership, adopt a resolution to count absentee**
 2 **ballots in the precincts on election day. The resolution must state**
 3 **the board's reasons for having the absentee ballots counted in the**
 4 **precincts."**

5 Page 12, line 21, delete "single".

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

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

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

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

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

14 Page 12, delete line 31.

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

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

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

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

19 Page 14, between lines 32 and 33, begin a new paragraph and insert:

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

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

25 (2) The location of each vote center.

26 (3) The effective date of the order.

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

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

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

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

32 (5) For each vote center designated under subdivision (2), a list
 33 of the precincts whose polls will be located at the vote center
 34 consistent with section ~~12~~ **13** of this chapter.

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

38 (7) For each precinct election board designated under subdivision

- 1 (6), the number and name of each precinct the precinct election
2 board will administer consistent with section ~~12~~ **13** of this
3 chapter.
- 4 (8) For each vote center designated under subdivision (2), the
5 number and title of the precinct election officers who will be
6 appointed to serve at the vote center.
- 7 (9) For each vote center designated under subdivision (2):
- 8 (A) the number and type of ballot variations that will be
9 provided at the vote center; and
- 10 (B) whether these ballots will be:
- 11 (i) delivered to the vote center before the opening of the
12 polls; or
- 13 (ii) printed on demand for a voter's use.
- 14 (10) A detailed description of any hardware, firmware, or
15 software used:
- 16 (A) to create an electronic poll list for each precinct whose
17 polls are to be located at a vote center; or
- 18 (B) to establish a secure electronic connection between the
19 county election board and the precinct election officials
20 administering a vote center.
- 21 (11) A description of the equipment and procedures to be used to
22 ensure that information concerning a voter entered into any
23 electronic poll list used by precinct election officers at a vote
24 center is immediately accessible to:
- 25 (A) the county election board; and
- 26 (B) the electronic poll lists used by precinct election officers
27 at all other vote centers in the county.
- 28 (12) For each precinct designated under subdivision (5), the
29 number of electronic poll lists to be provided for the precinct.
- 30 (13) The security and contingency plans to be implemented by the
31 county to do all of the following:
- 32 (A) Prevent a disruption of the vote center process.
- 33 (B) Ensure that the election is properly conducted if a
34 disruption occurs.
- 35 (C) Prevent access to an electronic poll list without the
36 coordinated action of two (2) precinct election officers who are
37 not members of the same political party.
- 38 (14) A certification that the vote center complies with the

1 accessibility requirements applicable to polling places under
2 IC 3-11-8.

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

5 (A) equipment; and

6 (B) precinct election officers;

7 within the vote center.

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

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

20 SECTION 28. IC 3-11-18.1-10, AS ADDED BY SEA 32-2011,
21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 10. Except as
23 otherwise provided by this chapter, the county shall administer an
24 election conducted at a vote center in accordance with federal law, this
25 title, and the plan adopted with the county election board's order under
26 section ~~4~~ **3** of this chapter.

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

32 (b) For a county to amend its plan:

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

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

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

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

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

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

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

9 Renumber all SECTIONS consecutively.

(Reference is to SB 536 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

Landske

Chairperson