



March 8, 2013

ENGROSSED
SENATE BILL No. 388

DIGEST OF SB 388 (Updated March 6, 2013 3:57 pm - DI 75)

Citations Affected: IC 3-11.

Synopsis: Election matters. Provides that a voter casting, or waiting in line to cast, an early vote absentee ballot in person at: (1) a location of an office of the circuit court clerk designated by the circuit court clerk; (2) the office of a board of elections and registration; or (3) a satellite office; when the hour for closing the location or office, or the deadline for voting occurs, shall be permitted to vote unless otherwise prevented according to law. Provides that these rules also apply to voting at a vote center.

Effective: July 1, 2013.

**Miller Pete, Holdman, Tallian,
Steele, Randolph**

(HOUSE SPONSORS — SMALTZ, HALE, RICHARDSON, BATTLES)

January 10, 2013, read first time and referred to Committee on Elections.
February 4, 2013, amended, reported favorably — Do Pass.
February 7, 2013, read second time, amended, ordered engrossed.
February 8, 2013, engrossed.
February 11, 2013, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 26, 2013, read first time and referred to Committee on Elections and Apportionment.
March 7, 2013, amended, reported — Do Pass.

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ES 388—LS 6722/DI 102+



March 8, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 388

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 3-11-8-11, AS AMENDED BY P.L.221-2005,
2 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 11. (a) When the hour for closing the polls occurs,
4 the precinct election board shall permit all voters who:
5 (1) have passed the challengers and who are waiting to announce
6 their names to the poll clerks for the purpose of signing the poll
7 list;
8 (2) have signed the poll list but who have not voted; or
9 (3) are in the act of voting;
10 to vote. In addition, the inspector shall require all voters who have not
11 yet passed the challengers to line up in single file within the chute. The
12 poll clerks shall record the names of the voters in the chute, and these
13 voters may vote unless otherwise prevented according to law.
14 (b) This subsection applies if a court order (or other order) has been
15 issued to extend the hours that the polls are open under section 8 of this
16 chapter. As provided in 42 U.S.C. 15482, the inspector shall identify
17 the voters who would not otherwise be eligible to vote after the closing

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1 of the polls under subsection (a) and shall provide a provisional ballot
2 to the voters in accordance with IC 3-11.7.

3 **(c) This section also applies to voting at a vote center under**
4 **IC 3-11-18.1.**

5 SECTION 2. IC 3-11-8-11.3 IS ADDED TO THE INDIANA CODE
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2013]: **Sec. 11.3. (a) This section applies to a voter casting an**
8 **absentee ballot at:**

- 9 (1) a location of the office of the circuit court clerk designated
- 10 by the circuit court clerk under IC 3-11-10-26(a)(1);
- 11 (2) the office of the board of elections and registration under
- 12 IC 3-11-10-26(b)(1); or
- 13 (3) a satellite office established under IC 3-11-10-26.3.

14 **(b) When the hour for closing the location or office, or the**
15 **deadline for voting established by IC 3-11-10-26 occurs, a voter**
16 **who is:**

- 17 (1) in the act of voting; or
- 18 (2) in line to vote, as determined in subsection (c);

19 **shall be permitted to vote, unless otherwise prevented according to**
20 **law.**

21 **(c) At the time described in subsection (b):**

- 22 (1) an individual designated by the circuit court clerk shall
- 23 determine the end of the line of voters who are waiting to vote
- 24 at the time described in subsection (b); and
- 25 (2) other individuals designated by the circuit court clerk shall
- 26 record the names of the voters waiting in the line of voters
- 27 determined under subdivision (1).

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 388, 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, delete lines 1 through 17.

Page 2, delete lines 1 through 20.

Page 4, delete lines 19 through 25.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 388 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 388 be amended to read as follows:

Page 3, line 22, after "courthouse" insert "**or the deadline for voting established by this section**".

(Reference is to SB 388 as printed February 5, 2013.)

MILLER PETE

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 388, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 388 as reprinted February 8, 2013, Author Correction.)

SMITH M, Chair

Committee Vote: yeas 10, nays 0.

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