Reprinted
April 12, 2013

# ENGROSSED
# SENATE BILL No. 519

DIGEST OF SB 519 (Updated April 11, 2013 5:11 pm - DI 75)

**Citations Affected:** IC 3-5; IC 3-6; IC 3-7; IC 3-10; IC 3-11; IC 3-11.5; IC 3-14; IC 12-14; IC 12-15; IC 16-35; IC 35-51; noncode.

**Synopsis:** Various election law matters. Defines "domicile", "inhabitant" and "immediate family" for purposes of election law. Removes references to "pasters". Specifies that a county order to use electronic poll books applies to all precincts in a county conducting an election. Makes changes in the standards for determining residency of voters and candidates. Requires the NVRA official to conduct an annual residency confirmation and outreach procedure. Establishes the voter education outreach fund to receive, hold, and disburse funds for education and outreach to citizens concerning voter rights and responsibilities. Permits county vote center plans to designate other titles for precinct election officials. Provides that the county vote center plan must specify which precinct election officer is to perform a duty

(Continued next page)

**Effective:** Upon passage; July 1, 2013.

**Landske, Miller Patricia**
(HOUSE SPONSORS — RICHARDSON, SMITH M)

January 14, 2013, read first time and referred to Committee on Elections.
February 4, 2013, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 18, 2013, amended, reported favorably — Do Pass.
February 21, 2013, read second time, ordered engrossed.
February 22, 2013, engrossed.
February 25, 2013, read third time, passed. Yeas 37, nays 13.

HOUSE ACTION

March 5, 2013, read first time and referred to Committee on Elections and Apportionment.
April 8, 2013, amended, reported — Do Pass.
April 11, 2013, read second time, amended, ordered engrossed.

C o p y

required of a precinct election officer by the election code. Provides that vote center plans are required to include certain provisions applicable only when an election is not being held in all of a county. Provides that the NVRA official (rather than the secretary of family and social services) designates "full service" registration agencies. Makes several other changes regarding the designation of voter registration agencies. Provides that the subscription of an entity to statewide voter registration file information expires on the first January 1 following payment of the annual fee. Requires that a poll list used in a primary to indicate if a voter is less than 18 years of age. Specifies that a state agency or county voter registration office receiving a voter registration application through the statewide voter registration system is not subject to the requirements applicable to a person who takes custody of an individual's voter registration application. Provides that a voter registration application is considered incomplete if another person takes custody of the application from the applicant, and files the application with the county voter registration office without including certain information to be provided by the person with custody of the application. Specifies that registration forms previously approved by the Indiana election commission which do not comply with the requirements to provide a space for a sworn statement of the name and address of an individual who received the form from the applicant, the date on which the form was received from the applicant, and contain a receipt to be given to the applicant from the individual who receives the application may not be used after December 31, 2013 or accepted by a county voter registration office. Requires comparison of voter lists from certain neighboring states and others with the Indiana voter registration list to identify duplicate registrations and any cases in which a voter cast a ballot in more than one state during the same election. Requires a county voter registration office to cancel the registration of a voter if the office receives certain notices of the voter's death. Requires the state department of health and the election division to obtain certain information about the deaths of Indiana residents for purposes of maintaining voter registration records. Establishes procedures for county processing of voter registration record cancellations. Provides that a "tablet" may be used in place of a signature pad to capture a voter's signature at the polls in counties using electronic poll books. Establishes standards regarding the storage and archiving of information obtained from electronic poll books. Requires that the statewide voter registration system be able to upload vote history and other information from an electronic pollbook certified by the secretary of state for use in Indiana at the end of each day absentee voting is conducted using the electronic pollbook. Requires that an electronic pollbook must be able to permit vote history to be quickly and accurately uploaded into the statewide voter registration system on each day after absentee voting concludes in the clerk's office, a satellite clerk's office, or a vote center. Requires that a signature pad used with an electronic pollbook must capture the image of the signature made by the voter for retention as part of the records of the election. Permits the county election board of a county that is not a vote center county to adopt an order to use electronic poll lists. Establishes additional standards for electronic poll lists. Permits the family and social services administration and the state department of health to transmit voter registration applications by first class mail. (Current law requires the use of certified mail, when mail is used.) Provides that the polls may not be located in a structure on or in which is affixed any display visible to a voter of political preference or party allegiance. Specifies that this does not prohibit the location of the polls in a structure that includes any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official, other than within the polls or chute. States that an individual commits a violation when knowingly making a false statement regarding the voter's address

(Continued next page)

C o p y

Digest Continued

(whether the address has changed or remains the same as set forth on the poll list). Provides that a government employee may not knowingly or intentionally: (1) use certain property of the employee's government employer to solicit a contribution, advocate the election or defeat of a candidate, or advocate the approval or defeat of a public question; or (2) distribute campaign materials advocating: the election or defeat of a candidate; or the approval or defeat of a public question; on the government employer's real property during regular working hours. Provides that the prohibitions do not apply to activities permitted under the statute governing issuance of bonds or other evidences of indebtedness by a political subdivision. Provides that a violation of the prohibition is a Class A misdemeanor. Provides that a second or subsequent conviction for a violation is a Class D felony. Makes technical changes. Repeals: (1) obsolete procedures relating to designation of voter registration agencies; (2) a requirement for counties to have an NVRA implementation plan; (3) requirements relating to making memoranda of voter registration documents; (4) statutes relating to pasters; (5) sample ballots; and (6) delivery of absentee ballot applications.

C o p y

Copy

Reprinted
April 12, 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.

C o p y

# ENGROSSED
# SENATE BILL No. 519

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

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

SECTION 1. IC 3-5-2-16.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 16.4. "Domicile" means residence, as determined under IC 3-5-5.**

SECTION 2. IC 3-5-2-23.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 23.2. (a) Except as provided in subsection (b), "expedited basis" refers to the processing of:

(1) a voter registration application;
(2) a cancellation of a voter registration application;
(3) a transfer of a voter registration application; or
(4) another document that creates or amends the voter registration record of an individual;

not later than forty-eight (48) hours after the document is received by a county voter registration office or an agency required under IC 3-7 to

transmit voter registration documents to a county voter registration office.

(b) If a voter registration application or other document listed in subsection (a) includes a partial Social Security number that must be submitted to the Commissioner of Social Security for verification under 42 U.S.C. 405(r), "expedited basis" refers to the processing of the application or document not later than forty-eight (48) hours after the bureau of motor vehicles commission receives verification from the Commissioner regarding the partial Social Security number.

**(c) This subsection applies to the processing of a voter registration document described in subsection (a)(1) that is received by a county voter registration office not more than seven (7) days before the close of a registration period under IC 3-7-13-10. The processing of a document subject to this subsection on an "expedited basis" refers to processing not later than seven (7) days following the receipt of the document.**

SECTION 3. IC 3-5-2-26.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 26.4. "Inhabitant", for purposes of:**

**(1) Article 4, Section 7 of the Constitution of the State of Indiana; and**

**(2) Article 6, Section 4 of the Constitution of the State of Indiana;**

**means a person who resides at a location, as determined under IC 3-5-5.**

SECTION 4. IC 3-5-2-47.5 AS ADDED BY HEA 1311-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 47.5. "Signing the poll list" means:

(1) a voter writing the voter's name on the certified list of registered voters for the precinct prepared in accordance with IC 3-7-29-1; or

(2) a voter writing the voter's name on an electronic poll list using an electronic signature pad, **tablet, or other signature capturing device** at a polling place, **office of the circuit court clerk (under IC 3-11-10-26),** or satellite office (as established under IC 3-11-10-26.3) where the use of an electronic poll list is authorized in accordance with IC 3-7-29-6.

SECTION 5. IC 3-5-5-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 0.2. Notwithstanding any other law, the additions and amendments to IC 3-5-2 or this chapter made by SEA 519-2013 do not affect any:**

C o p y

**(1) rights or liabilities accrued;**
**(2) penalties incurred;**
**(3) violations committed; or**
**(4) proceedings begun;**
**before July 1, 2013. Those rights, liabilities, penalties, offenses, and proceedings continue and shall be imposed and enforced under prior law as if SEA 519-2013 had not been enacted.**

SECTION 6. IC 3-5-5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. For purposes of this chapter, an individual's "immediate family" includes the spouse, children, stepchildren, parents, or grandparents of the individual.**

SECTION 7. IC 3-5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a)** A person does not have residence in more than one (1) precinct **within Indiana.**

**(b) For purposes of this chapter, a person does not have residence both within Indiana and outside Indiana.**

SECTION 8. IC 3-5-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. As provided in Article 2, Section 4 of the Constitution of the State of Indiana, a person ~~is not considered to have lost~~ **does not lose** residence in a precinct in Indiana by reason of the person's absence on the business of:

(1) the state of Indiana; or
(2) the United States.

SECTION 9. IC 3-5-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. **(a)** Sections 7 through 17 of this chapter establish presumptions regarding the residency of a person in a precinct. A person can rebut these presumptions by demonstrating intent to reside in another precinct and conduct taken to implement that intent.

**(b) An individual who makes a statement regarding the residence of the individual, under the penalties for perjury, is presumed to reside at the location specified by the individual, as of the date of making the statement.**

SECTION 10. IC 3-5-5-7, AS AMENDED BY P.L.164-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. **Subject to section 6 of this chapter,** a person does not gain residency in a precinct into which the person moves for:

(1) temporary employment;
(2) educational purposes; ~~or~~
**(3) preparing to purchase or occupy a residence; or**
~~(3)~~ **(4)** other purposes;

C o p y

without the intent of making a permanent home in the precinct.

SECTION 11. IC 3-5-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. **Subject to section 6 of this chapter,** if a person ~~moves into~~ **is physically present within** another state with the intention of making that state the person's residence, the person loses residency in Indiana.

SECTION 12. IC 3-5-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. **Subject to section 6 of this chapter,** if a person ~~moves to~~ **is physically present within** another state with the intention of remaining in the other state for an indefinite time as a place of residence, the person loses residency in Indiana, even if the person intends to return at some time.

SECTION 13. IC 3-5-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. **Subject to section 6 of this chapter,** if a person ~~moves into~~ **is physically present within** another precinct in Indiana with the intention of making that precinct the person's residence, the person loses residency in the precinct that the person left.

SECTION 14. IC 3-5-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. **Subject to section 6 of this chapter,** if a person:

(1) is living at a place other than the residence of the person's immediate family; and

(2) has the intention of remaining at that place **and engages in conduct to carry out that intent;**

the place where the person lives is the person's residence.

SECTION 15. IC 3-5-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. **Subject to section 6 of this chapter,** a married person who does not live in a household with the person's spouse may establish a separate residence from the residence of the person's spouse **by intending to do so and engaging in conduct to carry out that intent.**

SECTION 16. IC 3-5-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. **Subject to section 6 of this chapter,** the residence of a person who:

(1) is unmarried; and

(2) does not have an immediate family;

is where the person usually sleeps **if that is the intent of the person, and the person engages in conduct to carry out that intent.**

SECTION 17. IC 3-6-3.7-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 4. (a) The voter education outreach fund is**

C o p y

**established for the purpose of receiving, holding, and disbursing funds for education and outreach to citizens concerning voter rights and responsibilities, including voter identification requirements.**

**(b) The fund shall be administered by the secretary of state.**

**(c) The expenses of administering the fund shall be paid from money in the fund.**

**(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.**

SECTION 18. IC 3-6-5-14, AS AMENDED BY P.L.221-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) Each county election board, in addition to duties otherwise prescribed by law, shall do the following:

~~(1) Adopt and amend a written plan to implement NVRA within the county.~~

~~(2)~~ **(1)** Conduct all elections and administer the election laws within the county, except as provided in IC 3-8-5 and IC 3-10-7 for town conventions and municipal elections in certain small towns.

~~(3)~~ **(2)** Prepare all ballots.

~~(4)~~ **(3)** Distribute all ballots ~~and pasters~~ to all of the precincts in the county.

(b) ~~This subsection does not apply to pasters to be attached to ballots during the final three (3) days before an election.~~ Not later than the Monday before distributing ballots ~~pasters,~~ and voting systems to the precincts in the county, the county election board shall notify the county chairman of each major political party and, upon request, the chairman of any other bona fide political party in the county, that sample ballots ~~and pasters~~ are available for inspection.

SECTION 19. IC 3-6-6-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 5.5. (a) This section applies in a county using vote centers under IC 3-11-18.1.**

**(b) The county vote center plan:**

**(1) may use other titles to designate precinct election officers; and**

**(2) must specify which precinct election officer is to perform a duty required under this title to be performed by a precinct election officer.**

**(c) A precinct election officer in a vote center county shall comply with section 7 of this chapter.**

C o p y

SECTION 20. IC 3-7-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The co-directors of the ~~commission~~ **election division** are jointly designated under 42 U.S.C. 1973gg-8 as the chief state election official responsible for the coordination of state responsibilities under NVRA.

SECTION 21. IC 3-7-12-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26. Each county fiscal body shall appropriate an adequate amount of funds for the ~~circuit court clerk or board of~~ **county voter** registration **office** to conduct:

(1) the voter list maintenance activity under this article; and

(2) the mailing of notices required under the voter list maintenance program.

SECTION 22. IC 3-7-12-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 27. (a) The circuit court clerk (or **in a county with a board of registration, the members of the** board of registration) ~~members~~ shall, ~~following the cancellation of voter registrations as provided by the voter list maintenance program under this article,~~ **not later than noon seventy-seven (77) days before each general, primary, or municipal election,** file an affidavit under affirmation with the election division.

(b) The affidavit must be on a form prescribed by the commission and must state that the ~~clerk or board~~ **county voter registration office** has:

(1) conducted the voter list maintenance program under this article; and

(2) canceled the registrations required under the voter list maintenance program.

SECTION 23. IC 3-7-16-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2.5. The NVRA official shall designate the agencies required to provide voter registration services under this chapter after determining the extent to which:**

**(1) an agency's programs are funded by the state; and**

**(2) the agency is primarily engaged in serving persons with disabilities.**

SECTION 24. IC 3-7-16-3 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 3. The commission shall determine if an agency is required to provide voter registration services under NVRA and this chapter.~~

SECTION 25. IC 3-7-16-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 4. Before making a determination under section 3 of this chapter, the commission shall do the following:~~

~~(1) Notify the governing body of the agency that the agency may~~



C o p y

~~be required to provide voter registration services under this chapter and NVRA.~~

~~(2) Conduct a public hearing on the matter.~~

SECTION 26. IC 3-7-16-5 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 5. The commission shall accept evidence at the public hearing concerning the extent to which:~~

~~(1) the agency's programs are funded by the state; and~~

~~(2) the agency is primarily engaged in serving persons with disabilities.~~

SECTION 27. IC 3-7-16-6 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 6. The commission may only accept evidence at the hearing concerning the agency's cost in complying with NVRA or this chapter to determine when an order issued under section 7 of this chapter should take effect.~~

SECTION 28. IC 3-7-16-7 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 7. If the commission determines that the agency is required to provide voter registration services under NVRA and this chapter, the NVRA official shall issue an order specifying the date that the agency must begin providing voter registration services and prescribing any other procedures reasonably necessary for the agency to comply with NVRA.~~

SECTION 29. IC 3-7-16-8 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 8. An order issued under section 7 of this chapter expires when the earlier of the following occurs:~~

~~(1) Ten (10) years after the date that an agency is required to begin providing voter registration services.~~

~~(2) When revoked by the NVRA official after a public hearing as provided in this chapter.~~

SECTION 30. IC 3-7-21-2 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 2. Each county election board shall file the county's NVRA implementation plan adopted under IC 3-6-5-14 with the election division.~~

SECTION 31. IC 3-7-21-3 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 3. A county NVRA implementation plan may recommend that additional federal, state, and local governmental offices (or nongovernmental offices) within the county be designated as voter registration agencies.~~

SECTION 32. IC 3-7-21-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 4. The commission shall review each county NVRA implementation plan and determine the following:~~

~~(1) Whether the voter registration agencies located within the county will adequately implement the legislative findings and~~

C o p y

~~purposes set forth in NVRA and this article.~~

~~(2) Whether designating an office recommended as a voter registration agency under section 3 of this chapter will implement the legislative findings and purposes.~~

SECTION 33. IC 3-7-21-5 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 5. (a) If the commission determines that the voter registration agencies located within the county will not adequately implement NVRA or this article, the commission shall recommend an amendment to the county NVRA implementation plan to ensure that NVRA and this article are adequately implemented.~~

~~(b) Unless the county election board files a written protest with the NVRA official not later than noon thirty (30) days after the commission recommends the plan amendment, the plan is amended as provided in the recommendation. A written protest under this subsection is referred to the commission for final determination.~~

~~(c) If recommended in the county NVRA implementation plan:~~

~~(1) as filed under section 2 of this chapter; or~~

~~(2) as amended under subsection (b);~~

~~the county election board shall enter into an agreement to designate an office described in the plan as a voter registration agency. An agreement under this subsection is subject to review and approval by the commission.~~

SECTION 34. IC 3-7-21-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 5.5. The designation of an office as a voter registration agency under a county NVRA implementation plan before July 1, 2013, remains in effect until otherwise ordered by the county election board.**

SECTION 35. IC 3-7-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. **(a)** For the purposes of this chapter, the officer, board, entity, or agency that has the authority to enter into an agreement with the county election board is the "governing body" under ~~IC 3-17-18.~~ **IC 3-7-18.**

**(b) A county election board, by unanimous vote of its entire membership, may enter into an agreement to designate an office located within the county as a voter registration agency.**

SECTION 36. IC 3-7-26.3-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 29. **(a)** The computerized list must include voter registration management features that do the following:

(1) Automatically assign voter identification numbers in accordance with this title.

C o p y

(2) Calculate the number of registered voters by precinct or any election district.

(3) Permit expedited web based inquiries concerning polling place locations.

(4) Track and report all voter list maintenance transactions performed within the system.

(5) Permit tracking regarding the political party ballot requested by voters voting in a primary.

(6) Generate a variety of reports on paper ~~compact disc,~~ or ~~floppy~~ disc format, such as walking lists, call lists, lists of voters by precinct, lists of voters by name, date of birth, or date of registration, and lists of voters by other household data.

(7) Identify voters who are currently less than eighteen (18) years of age.

(8) Permit electronic processing of voter registration information received as files from other state and federal agencies.

(9) Provide flexible query functions for management and statistical reports, including the ability of the secretary of state or a co-director of the election division to view individual voter registration records.

(10) Contain full audit controls and management reports to track and manage the work of county voter registration office employees, including the ability of the secretary of state or the co-directors of the election division to determine whether a county voter registration office is performing voter list maintenance functions in the manner required by IC 3-7.

**(b) The reports and lists generated under subsection (a)(6) and (a)(7) may not contain any information described by IC 3-7-26.4-8(c), except when provided to a person who:**

**(1) is entitled to a complete compilation of the voter registration information; and**

**(2) has paid the annual fee required under IC 3-7-26.4 for the current calendar year.**

SECTION 37. IC 3-7-26.3-33 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 33. (a) The computerized list must have the capacity to receive vote history and other information from an electronic pollbook certified by the secretary of state under IC 3-11-18.1-12. This information must be able to be uploaded into the computerized list on each day after absentee voting concludes in the circuit court clerk's office, a satellite office, or a vote center, and after election day.**



C o p y

**(b) The computerized list must have the capacity to transmit electronic images of the signature of a voter taken from the voter's registration application, if available, to be downloaded in connection with a voter's record on any electronic poll list certified by the secretary of state under IC 3-11-18.1-12.**

SECTION 38. IC 3-7-26.4-12, AS AMENDED BY P.L.164-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) This section does not apply to the chief justice of the supreme court or to a person described by section 8 of this chapter.

(b) Notwithstanding IC 5-14-3-8, the election division shall charge each person described by section 6 of this chapter an annual **subscription** fee of five thousand dollars ($5,000) to receive the following:

(1) A complete compilation of the voter registration information contained in the computerized list.

(2) Updates of the voter registration information made during the year covered by the fee.

**(c) A subscription to the statewide voter registration system information expires on the first January 1 following the payment of the subscription fee.**

SECTION 39. IC 3-7-27-6, AS AMENDED BY P.L.225-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) As required under 42 U.S.C. 1973gg-6(i), a county voter registration office shall retain records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the voter registration list. These records include the following:

(1) Lists of names and addresses of voters who were sent notices under the voter list maintenance program.

(2) Information concerning whether a voter has responded to a notice described by subdivision (1) as of the date the inspection of the record is made.

(b) The county voter registration office shall retain the records described by this section for at least two (2) years. Except for records concerning declinations to register to vote or that indicate the identity of a voter registration agency where a person registered, the county voter registration office shall make the records available for public inspection and photocopying at a reasonable cost as provided in IC 5-14-3.

(c) In accordance with IC 5-14-3-3(h) and notwithstanding any other statute, a county voter registration office shall, with regard to voter

C o p y

registration information concerning voters of the county on a computerized system, act in accordance with a nondiscriminatory uniform policy adopted by the county election board. The policy must either permit a person to duplicate or obtain a duplicate copy of a ~~computer tape,~~ computer disc ~~microfilm,~~ or other similar record system that contains this voter registration information or not permit the person to duplicate or obtain a duplicate copy of the information. **Notwithstanding IC 5-14-3-8, the county election board may adopt a nondiscriminatory uniform fee for the production of this electronic record.**

(d) A person who requests computerized voter registration information under subsection (c) must provide a written statement that the person will not:

(1) use the information to solicit merchandise, goods, services, or subscriptions; or

(2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person;

for a purpose other than political activities or political fundraising activities.

(e) Publication of information obtained under subsection (d) in a news broadcast or newspaper is not prohibited.

SECTION 40. IC 3-7-27-8 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 8. In a county that has a board of registration, the board shall have prepared a memorandum for each voter's original affidavit of registration or transfer of an original registration executed by the board.~~

SECTION 41. IC 3-7-27-9 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 9. The memorandum must indicate the name, assigned identification number, street and number, ward, and precinct of each resident voter of the county who has executed an original affidavit of registration. For a resident voter of the county who executes a transfer of an original registration or a change of name, the memorandum must indicate the name, the assigned identification number, and the former and present addresses by street and number, ward, and precinct.~~

SECTION 42. IC 3-7-27-10 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 10. The board of registration shall retain the original copies of all memoranda or microfilmed copies of the memoranda as part of the board's records until disposal of the record is permitted under this article after cancellation of the registration.~~

SECTION 43. IC 3-7-28-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The ~~circuit court clerk or board of~~ **county voter** registration **office** shall provide ~~a copy~~

C o p y

~~of~~ voter registration ~~memoranda as described in IC 3-7-27-8~~ **information** to certain county chairmen and candidates as provided in this chapter.

SECTION 44. IC 3-7-28-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) This section does not apply to confidential information included on a voter registration application.

(b) ~~Copies of~~ **A report containing information regarding** all registration applications executed under this article during that part of a registration period ending sixty-five (65) days before a primary, general, or municipal election shall be forwarded not later than sixty (60) days before the election to the following upon request:

(1) Each of the county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party that has at least one (1) candidate on the ballot of the election.

(B) An independent candidate's committee if the candidate is on the ballot at the election.

SECTION 45. IC 3-7-28-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. ~~Copies of~~ **(a) This section does not apply to confidential information included on a voter registration application.**

**(b) A report containing information regarding** all ~~memoranda~~ **registration applications** executed under this article during that part of a registration period beginning sixty-five (65) days before a primary, general, or municipal election and ending twenty-nine (29) days before the election shall be forwarded daily and within forty-eight (48) hours of the date on which the ~~memoranda were~~ **report was** originally made to the following upon request:

(1) Each of the county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party that has at least one (1) candidate on the ballot of the election.

(B) An independent candidate's committee if the candidate is on the ballot at the election.

SECTION 46. IC 3-7-29-1, AS AMENDED BY HEA 1311-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) **Except as provided in subsection (f),** this section does not apply to a county that:

(1) has adopted an order under section 6 of this chapter; or

C o p y

(2) is a vote center county under IC 3-11-18.1.

(b) Not later than ten (10) days before the election at which the registration record is to be used, the county voter registration office shall prepare certified copies of the list of registered voters for each precinct in the county.

(c) The lists must contain the following information concerning each registered voter:

(1) The full name of the voter.

(2) The address of the voter.

(3) The assigned voter identification number.

(4) Whether the voter is required to provide additional identification before voting either in person or by absentee ballot.

(5) The date of birth of the voter, **including an indication whether the voter is less than eighteen (18) years of age for a poll list used in a primary election.**

(6) The scanned signature of the voter.

(7) Whether the voter is required to provide an affirmation of the voter's residence.

(8) A bar code that allows the county voter registration office to efficiently record whether the voter has signed the poll list.

(9) For a poll list used in a primary election, a letter abbreviation of the name of the major political party whose ballot the voter has requested.

(10) A space for a poll clerk to indicate when a voter has cast an absentee ballot.

(11) A space for a poll clerk to indicate when a voter has cast a provisional ballot.

(12) For a voter required to submit additional documentation required under IC 3-7-33-4.5, a space for a poll clerk to insert letters serving as an abbreviation for the type of documentation provided by the voter.

(d) The names shall be arranged in the same order as they are in the registration record of the precinct.

(e) The poll list must also contain a statement at the top of each page indicating that an individual who knowingly makes a false statement:

**(1)** by signing a poll list; or ~~indicating~~

**(2)** on a poll list ~~that a voter's~~ **concerning the individual's name or residence** address; ~~has changed~~

commits a Class D felony as provided by IC 3-14-2-11.

(f) This subsection applies to a county that has adopted an order under section 6 of this chapter or is a vote center county under

Copy

IC 3-11-18.1. The precinct election board shall post in a location within the precinct or vote center a notice that:

(1) is clearly visible to an individual (or to an individual providing assistance under IC 3-11-9) who is providing information to a precinct election officer using an electronic poll list; and

(2) indicates that an individual commits a Class D felony under IC 3-14-2-11, if the individual knowingly makes a false statement to a precinct election officer **concerning:**

(A) ~~concerning~~ the individual's name; or

(B) ~~indicating that~~ the individual's **residence** address. ~~has changed.~~

SECTION 47. IC 3-7-29-3, AS AMENDED BY HEA 1311-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a) This section does not apply to a county that:**

**(1) has adopted an order under section 6 of this chapter; or**

**(2) is a vote center county under IC 3-11-18.1.**

**(b)** When the inspector of a precinct procures the ballots and other election supplies for an election, the inspector shall also procure from the county voter registration office the certified copies of the registration record of the precinct with the information required under section 1 of this chapter ~~(or an electronic poll list in a county in which an order is adopted under section 6 of this chapter or that is a vote center county under IC 3-11-18.1)~~ and other necessary registration supplies.

SECTION 48. IC 3-7-29-6 AS ADDED BY HEA 1311-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) If a county election board adopts an order to provide an electronic poll list to the inspector for use at a polling place, **an office of the circuit court clerk (under IC 3-11-10-26),** or at a satellite office established under IC 3-11-10-26.3, electronic poll lists may be used at an election (rather than certified poll lists prepared under this chapter) **in all precincts in which the election is to be conducted.**

(b) An order adopted under subsection (a) must require the use of an electronic signature (as defined in IC 26-2-8-102) to sign an electronic poll list at an election (rather than requiring voters to sign certified poll lists prepared under this chapter).

(c) The county voter registration office shall download the information required to be available on an electronic poll list before the electronic poll list is delivered and installed as required by IC 3-11-3-11(b).

C o p y

SECTION 49. IC 3-7-31-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. Except as provided under section 3 of this chapter, ~~a circuit court clerk or board of~~ **the county voter** registration **office** shall use the forms prescribed by the commission under section 1 of this chapter.

SECTION 50. IC 3-7-31-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. A ~~circuit court clerk or board of~~ **county voter** registration **office** may make minor modifications to registration forms to use the form in the county registration records **after filing a copy of the modified form with the election division.**

SECTION 51. IC 3-7-31-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. **(a)** The registration forms prescribed under section 1 of this chapter must:

(1) provide for the residence address and the mailing address of the individual completing the forms;

(2) contain a statement that a notice of disposition of the person's registration application will be mailed to the mailing address of the individual; ~~and~~

(3) require the applicant to provide the applicant's voter identification number;

**(4) after December 31, 2013, require an individual subject to IC 3-7-32-8 who receives a completed application from the applicant to state on the application the name and residence address of the individual and the date on which the individual received the application from the applicant, with this statement being certified to by the individual under the penalties for perjury; and**

**(5) after December 31, 2013, contain a receipt to be given by an individual subject to IC 3-7-32-8 to the applicant when the individual receives the completed application.**

**The receipt provided under subdivision (5) must state the name and residence address of the individual and the date on which the individual took custody of the application.**

**(b) Not later than August 1, 2013, the commission shall act under IC 3-5-4-8 to approve a voter registration form that complies with this section and IC 3-7-32. Any version of a form approved by the commission under section 1 of this chapter before August 1, 2013, may not be used after December 31, 2013, or accepted by a county voter registration office under IC 3-5-4-8.**

SECTION 52. IC 3-7-32-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. **(a)** If the voter is

C o p y

unable to ~~write,~~ **execute an original registration application in a manner authorized under section 1 of this chapter,** the voter may procure another individual to **assist with the execution of the application.**

**(b) If the voter is unable to sign the application, the person assisting the voter may** write the voter's name ~~and~~ **in the space provided for the voter's signature. Unless the voter is physically unable to do so,** the voter shall **also** make the voter's mark **in the space provided for the voter's signature.**

**(c)** The person ~~writing in the name of the voter~~ **assisting the voter with the execution of the application** shall ~~also~~ write the person's own name and **residence** address on the affidavit **in the space indicated for that purpose.**

SECTION 53. IC 3-7-32-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 8. (a) This section does not apply to a voter registration application received by any of the following:**

**(1) An employee of a license branch acting in accordance with IC 3-7-14.**

**(2) An employee of a public assistance agency acting in accordance with IC 3-7-15.**

**(3) An employee of an agency serving persons with disabilities acting in accordance with IC 3-7-16.**

**(4) An employee of an office designated under IC 3-7-18 acting in accordance with that chapter.**

**(5) An employee of an office designated under IC 3-7-19 acting in accordance with that chapter.**

**(6) An employee of the office of the department of employment and training services acting in accordance with IC 3-7-20.5.**

**(7) An employee of the United States Postal Service or a bonded courier company, acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company.**

**(8) A member of the applicant's household.**

**(9) An applicant's attorney in fact under IC 30-5-5-14.**

**(10) The election division acting in accordance with IC 3-7-33-3.7.**

**(11) A state agency or county voter registration office receiving an application through the online voter registration system under IC 3-7-26.7.**

**(b) After December 31, 2013, a person who receives a completed**

C o p y

**application form shall file the application with the appropriate county voter registration office or the election division not later than:**

**(1) noon ten (10) days after the person receives the application; or**

**(2) the deadline set by state law for filing the application with the county voter registration office;**

**whichever occurs first.**

**(c) If a person receives a completed voter registration application that the person has reason to believe is materially false, fictitious, or fraudulent, the person shall deliver the application to the appropriate county election board not later than the deadline set forth in subsection (b), with a statement sworn or affirmed to under the penalties for perjury, setting forth the reasons why the person believes the application may be materially false, fictitious, or fraudulent. The county election board shall act under IC 3-6-5-31 to determine if a violation of election law has occurred.**

SECTION 54. IC 3-7-33-3.7, AS ADDED BY P.L.225-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3.7. (a) This section applies to a voter registration application submitted to the election division in person or by mail.

(b) An eligible applicant:

(1) who submits a completed application; or

(2) on whose behalf a completed application is submitted;

in person to the election division not later than 5 p.m. on the twenty-ninth day before an election shall be registered to vote in the election.

(c) An eligible applicant:

(1) who submits a completed application; or

(2) on whose behalf a completed application is submitted;

by mail to the election division shall be registered to vote in the election, if the application is postmarked not later than the twenty-ninth day before the election. If a postmark on an application submitted by mail is missing or illegible, an eligible applicant shall be registered to vote in the election, if the application is received by the election division not later than the Monday following the close of the registration period.

(d) The election division shall promptly forward an application received under this section to the county voter registration office of the county where the applicant resides. **However, the election division shall not transmit to a county voter registration office an application that cannot be processed during the period when**

C o p y

**registration is closed under IC 3-7-13-10 until at least seven (7) days after the date of the close of registration. The election division shall clearly identify the applications described by this subsection in the transmittal to the county voter registration office as "late registrations".**

SECTION 55. IC 3-7-33-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 5.5. (a) This section applies to a voter registration application that is received by a county voter registration office after the date specified for filing the application under IC 3-7-32-8.**

**(b) In determining the eligibility of the applicant, the county voter registration office may not reject the application solely on the ground that an individual who received the application from the applicant failed to comply with IC 3-7-32-8. However, the county voter registration office shall, not later than three (3) days after receipt of the application, provide notice of the apparent violation of IC 3-7-32-8 to the county election board for appropriate action under IC 3-6-5-31.**

SECTION 56. IC 3-7-34-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1.5. (a) For purposes of this chapter, a registration form is "incomplete" if the applicant does not provide any of the following:**

**(1) The name of the applicant.**

**(2) The residence address of the applicant (other than the ZIP code).**

**(3) The mailing address of the applicant (other than the ZIP code), unless the applicant provides a residence address at which United States Postal Service mail delivery for the applicant can be received.**

**(4) The date of birth of the applicant.**

**(5) The voter identification number of the applicant or a statement that the applicant has no voter identification number.**

**(6) The applicant's response to the question, "Are you a citizen of the United States of America?".**

**(7) The applicant's response to the question, "Will you be at least eighteen (18) years of age on or before election day?".**

**(8) A map or diagram of the voter's residence (if the applicant has no residence address with a street number or name included on this application).**

**(9) The signature of the applicant to the statement swearing**

C o p y

**or affirming that:**

**(A) the applicant meets the requirements for approval of the application;**

**(B) the information and all other statements on the application are true; and**

**(C) the applicant understands if the applicant signs the statement knowing that the statement is not true, the applicant is committing perjury, and understands the penalties for committing perjury.**

**(b) For purposes of this chapter, a registration form is "incomplete" if a person who received a completed application from the applicant does not provide any of the following:**

**(1) The name and residence address of the individual who received the application.**

**(2) The date on which the individual received the application from the applicant.**

**(3) The signature of the individual certifying this information.**

SECTION 57. IC 3-7-34-2, AS AMENDED BY P.L.81-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) This section applies when a county voter registration office receives a registration form that is not fully and properly completed so that the county voter registration office can:

**(1) administer voter registration and other parts of the election process (as provided by 42 U.S.C. 1973gg-7); or**

**(2)** determine if the applicant is eligible to register under this article, ~~or~~ **including when the applicant** fails to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4).

(b) As required by 42 U.S.C. 15483, the county voter registration office shall promptly make:

(1) one (1) effort to contact the voter by mail if possible; and

(2) one (1) effort to contact the voter by telephone if a telephone number is listed.

SECTION 58. IC 3-7-38.2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As required under 42 U.S.C. 1973gg-6(a)(4), **the NVRA official and** each county voter registration office shall conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters due to a change of residence of the voter.

SECTION 59. IC 3-7-38.2-2, AS AMENDED BY P.L.1-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A voter list maintenance program conducted under this chapter must:

C o p y

(1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);
(2) not result in the removal of the name of a person from the official list of voters solely due to the person's failure to vote; and
(3) be completed not later than ninety (90) days before a primary, general, or municipal election.

(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each registered voter at the residence address:
(1) listed in the voter's registration record; and
(2) determined by the county voter registration office not to be the voter's current residence address.

(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):
(1) The United States Postal Service National Change of Address Service.
(2) A court regarding jury duty notices.
(3) The return of a mailing sent by the county voter registration office to all **active** voters **(as defined in IC 3-11-18.1-2)** in the county.
(4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(d) The notice described in subsection (b) must:
(1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and
(2) include a postage prepaid return card that:
(A) is addressed to the county voter registration office;
(B) states a date **(which must be at least thirty (30) days after the date the notice is mailed)** by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and
(C) permits the voter to provide the voter's current residence address.

(e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:
(1) in the county, the county voter registration office shall update

C o p y

the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

**(f) If a voter returns the card described in subsection (d)(2) after the final day for completing voter list maintenance activities under section 3 of this chapter, the county voter registration office shall, when registration reopens after the next primary, general, or municipal election following the date specified in the notice, process any update or cancellation of the voter registration record indicated on the card by the voter under subsection (e). If a card is returned as undeliverable due to an unknown or insufficient address by the United States Postal Service after the date specified in subsection (d)(2)(B), the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, designate the voter as inactive.**

~~(f)~~ **(g)** If a voter does not return the card described in subsection (d)(2) by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

~~(g)~~ **(h)** A voter's registration that becomes inactive under subsection (f) **or (g)** remains in inactive status from the date described in subsection (d)(2)(B) until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

~~(h)~~ **(i)** After the date described in subsection ~~(g)(2),~~ **(h)(2),** the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 60. IC 3-7-38.2-5, AS AMENDED BY P.L.164-2006, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. **(a)** To assist in performing voter list maintenance under this chapter, the NVRA official ~~may~~ **shall** submit the names of all registered voters in Indiana to the United States Postal Service National Change of Address Service. The submission under this chapter shall be compiled from the county voter registration information submitted to the election division under IC 3-7-26.3.

**(b) This subsection does not require the NVRA official to request voter registration data from a state listed in this subsection if the NVRA official will be receiving voter registration data from that state under the memorandum of understanding described in**

C o p y

**subsection (d). To assist in performing voter list maintenance under this chapter, not later than December 31 of each calendar year the NVRA official shall request that the chief state election official who is responsible for the coordination of state responsibilities under NVRA in each of the following states provide a list of the registered voters in that state:**

**(1) Florida.**
**(2) Illinois.**
**(3) Kentucky.**
**(4) Michigan.**
**(5) Ohio.**

**(c) The NVRA official shall request a list of registered voters from any other state in which the NVRA official determines there is a reasonable possibility that a significant number of individuals who have registered to vote in Indiana may also be registered to vote in that state.**

**(d) Not later than August 1, 2013, the NVRA official shall execute a memorandum of understanding with the Kansas Secretary of State. Notwithstanding any limitation under IC 3-7-26.4 regarding the availability of certain information from the computerized list, on January 15 of each year, the NVRA official shall provide data from the statewide voter registration list without cost to the Kansas Secretary of State to permit the comparison of voter registration data in the statewide voter registration list with registration data from all other states participating in this memorandum of understanding and to identify any cases in which a voter cast a ballot in more than one (1) state during the same election. Not later than thirty (30) days following the receipt of information under this subsection indicating that a voter of Indiana may also be registered to vote in another state, the NVRA official shall provide the appropriate county voter registration office with the name and any other information obtained under this subsection concerning that voter. The county voter registration office shall determine whether the individual:**

**(1) identified in the report provided by the NVRA official under this subsection is the same individual who is a registered voter of the county;**
**(2) registered to vote in another state on a date following the date that voter registered in Indiana; and**
**(3) authorized the cancellation of any previous registration by the voter when the voter registered in another state.**

**(e) If the county voter registration office determines that the**

C o p y

**voter is described by subsection (d)(1) through (d)(3), the county voter registration office shall cancel the voter registration of that voter. If the county voter registration office determines that the voter is described by subsection (d)(1) and (d)(2), but has not authorized the cancellation of any previous registration, the county voter registration office shall send an address confirmation notice to the Indiana address of the voter.**

SECTION 61. IC 3-7-38.2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. ~~If~~ **When** the names of voters are submitted under section 5 of this chapter, the NVRA official shall request that the United States Postal Service indicate the voters who no longer reside at the submitted address. However, the NVRA official shall also request that a voter who:

(1) has a temporary forwarding order in effect;
(2) is an absent uniformed services voter; or
(3) is an overseas voter;

not be included in the list of voters who no longer reside at the submitted address.

SECTION 62. IC 3-7-38.2-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 7.5. The NVRA official shall do both of the following:**

**(1) Compare the lists of voters described in section 5(c) of this chapter with the list of registered voters in Indiana to identify any individuals who may be registered to vote in more than one (1) state.**

**(2) Provide each county voter registration office with a list of potential duplicate registrations not later than thirty (30) days after receipt of a list of voters of a state.**

SECTION 63. IC 3-7-38.2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. **At least once each month,** the NVRA official shall notify each county voter registration office whose residences may have changed according to information supplied under this chapter.

SECTION 64. IC 3-7-38.2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. **(a) During each even-numbered year,** the NVRA official ~~may also~~ **shall** conduct ~~an annual~~ **a** residency confirmation and outreach procedure under this chapter. The NVRA official (or a contractor acting on behalf of the NVRA official) may send a mailing by U.S. mail, postage prepaid, to each **active** voter **(as defined in IC 3-11-18.1-2)** in Indiana. ~~who has not received a mailing under any other provision of this chapter.~~

C o p y

**(b) The NVRA official shall, not later than January 31 of each year, request information from the:**

**(1) United States District Court for the Northern District of Indiana; and**

**(2) United States District Court for the Southern District of Indiana;**

**concerning the return of U.S. mail sent by the court for jury selection purposes. The state shall provide each county voter registration office with information concerning any registered voter who appears to no longer reside at the address set forth in the voter's registration record due to a mailing returned to the courts as undeliverable due to an unknown or insufficient address. The county voter registration office shall send an address confirmation notice to the voter described by this subsection.**

SECTION 65. IC 3-7-45-4, AS AMENDED BY P.L.164-2006, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) Except as provided in subsection (b), a county voter registration office shall cancel the registration of a deceased person after receiving a copy of the deceased person's death certificate on an expedited basis, as required under 42 U.S.C. 15483. The county voter registration office shall enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3.

**(b) Except as provided in subsection (c), a county voter registration office shall cancel the registration of a deceased person after receiving a copy of an obituary, notice of estate administration, or other notice of death of that person published in a newspaper in which a legal notice may be published under IC 5-3-1.**

~~(b)~~ **(c)** A county voter registration office may require additional written information before canceling the registration of a person under subsection (a) if the information contained in the death certificate **or notice of death** is insufficient to identify the person whose registration is to be canceled. If:

(1) additional written information is not given to the county voter registration office; or

(2) the additional written information is insufficient to identify the person whose registration is to be canceled;

the county voter registration office is not required to cancel the person's registration.

SECTION 66. IC 3-7-45-5, AS AMENDED BY P.L.164-2006, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C o p y

JULY 1, 2013]: Sec. 5. (a) The state department of health shall ~~negotiate with appropriate agencies in each state other than Indiana to~~ acquire information regarding the deaths of Indiana residents occurring in each of the other states **from those states or from the State and Territorial Exchange of Vital Events (STEVE) System and Electronic Verification of Vital Events (EVVE) System, administered by the National Association for Public Health Statistics and Information Systems.** The state department of health may offer to share with each other state information regarding the deaths of the other state's residents in Indiana.

(b) ~~If an agreement is made with the agency of another state under this section, the agreement must provide for acquisition of information about the deaths of Indiana residents in the other state so that~~ **At least once each month,** the state department of health ~~can~~ **shall** forward that information as provided in section 2.1 of this chapter.

SECTION 67. IC 3-7-45-6.1, AS AMENDED BY HEA 1391-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6.1. (a) **At least once each month,** the election division shall obtain information regarding Indiana residents identified as deceased by the federal Social Security Administration as required by 42 U.S.C. 15483 and in conformity with IC 3-7-26.3.

(b) **Not later than thirty (30) days after receiving a report obtained under subsection (a),** the election division shall provide each county voter registration office with a report identifying the deceased individuals who are shown as residing in the county.

(c) Except as provided in section 7 of this chapter, the county voter registration office shall cancel the registration of each deceased person listed in the report provided under subsection (b).

(d) If the election division does not perform a duty in accordance with this section, the secretary of state shall perform the duty.

SECTION 68. IC 3-7-45-8, AS AMENDED BY HEA 1391-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) **At least once each month,** the NVRA official shall notify each county voter registration office of the names of deceased persons obtained under this chapter.

(b) If the NVRA official does not perform a duty in accordance with this section, the secretary of state shall perform the duty.

SECTION 69. IC 3-10-1-7.1, AS AMENDED BY HEA 1311-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7.1. (a) This subsection does not apply to a county in which electronic poll lists are used under IC 3-7-29-6 or IC 3-11-18.1. Each county election board shall furnish the inspector of

C o p y

each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

(b) This subsection does not apply to a county in which electronic poll lists ~~with the capability to display signatures of voters~~ are used under IC 3-7-29-6 or IC 3-11-18.1. The county voter registration office may also provide the inspector of each precinct in the county a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of this chapter.

(c) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct or the electronic poll list, it is sufficient evidence of the person's right to vote unless the person is challenged.

SECTION 70. IC 3-11-3-16, AS AMENDED BY HEA 1311-2013, SECTION 16, AND SEA 518-2013, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. **(a) Except as provided in subsection (b),** each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 (or an electronic poll list in a county described by IC 3-7-29-6 or IC 3-11-18.1) and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8.

**(b) In a county described by IC 3-7-29-6 or IC 3-11-18.1, the electronic poll lists shall be delivered and installed for use by the county election board under section 11(b) of this chapter.**

**(c)** The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29 (or in the use of the electronic poll lists).

SECTION 71. IC 3-11-3-29.5, AS AMENDED BY HEA 1157-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 29.5. (a) This section applies to a ~~primary,~~ general or special election in which the name of a candidate appears on the ballot. This section does not apply to an election for presidential electors in which the name of a candidate for President of the United States or Vice President of the United States appears on the ballot.

(b) The election board shall print new ballots to remove the name of a candidate who has died or is no longer a candidate under IC 3-13-2-1 if:

(1) the candidate's party does not fill the vacancy under IC 3-13-1

C o p y

or IC 3-13-2 not later than noon, five (5) days before the election; and

(2) when a candidate has died, the election board:

(A) receives a certificate of death issued under IC 16-37-3 not later than noon the seventh day before the election; or

(B) votes unanimously by the entire membership that there is good cause to believe that the candidate has died.

(c) The election board shall provide the number of ballots necessary to reflect a vacancy to the following:

(1) The absentee voter board.

(2) The inspector of each precinct in which the candidate is on the ballot.

(3) The circuit court clerk.

(d) The election board may order the printing of new ballots that omit the name of a candidate described in subsection (b). ~~Except for ballots used in a primary election,~~ A ballot printed under this subsection must contain the statement "NO CANDIDATE" or "CANDIDATE DECEASED" or words to that effect at the appropriate position on the ballot.

(e) If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled after noon five (5) days before the election, the election board is not required to reprint ballots to remove the name of an individual who is no longer a candidate but may do so upon the vote of the election board.

SECTION 72. IC 3-11-8-3, AS AMENDED BY P.L.230-2005, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a) This section does not apply to a county using vote centers under IC 3-11-18.1.**

~~(a)~~ **(b)** Before each election each county executive shall secure for each precinct of the county an accessible facility in which to hold the election.

~~(b)~~ **(c)** If an accessible facility is not available within the precinct, then the polls may be located in another precinct in the county if the polls are:

(1) either:

(A) not more than five (5) miles from the closest boundary of the precinct for which it is the polls; or

(B) located in the same township as the precinct that does not have an accessible facility available; and

(2) located in an accessible facility.

~~(c)~~ **(d)** If the county election board, by a unanimous vote of its entire membership, determines that an accessible facility is not available

Copy

under subsection ~~(b),~~ **(c),** the board may locate the polls in the most convenient available accessible facility in the county.

~~(d)~~ **(e)** If the county election board, by unanimous vote of its entire membership, determines that:

(1) an accessible facility is not available under subsection ~~(b)~~ **(c)** or ~~(c);~~ **(d);** and

(2) the most convenient accessible facility is located in an adjoining county;

the board may locate the polls in the facility described in subdivision (2) with the unanimous consent of the entire membership of the county election board of the county in which the facility is located.

SECTION 73. IC 3-11-8-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.1. **(a) This section does not apply to a county using vote centers under IC 3-11-18.1.**

**(b)** The polls for each precinct may be located in only one (1) place.

SECTION 74. IC 3-11-8-6.3 AS ADDED BY SEA 518-2013, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6.3. **(a)** The polls may not be located in a structure on or in which is ~~located~~ **affixed** any display visible to a voter of political preference or party allegiance. ~~including~~ **Except as provided in subsection (b), this section does not prohibit the location of the polls in a structure that includes** any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.

**(b) The polls may not be located in a structure in which the polls or chute contain any display visible to the voter of political preference or party allegiance, including any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.**

SECTION 75. IC 3-11-8-10.3, AS AMENDED BY HEA 1311-2013, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base.

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

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

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

(3) An electronic poll list may not permit access to voter

C o p y

information other than:

(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:

(i) The county's receipt of an absentee ballot from the voter.

(ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.

(iii) The county's issuance of a certificate of error.

(4) The information contained on an electronic poll list must be encrypted and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. **The electronic poll book must have the capability of:**

**(A) storing a local version of the data base that serves as a backup; and**

**(B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.**

(5) The electronic poll list must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:

(A) already cast a ballot at the election;

(B) returned an absentee ballot; or

(C) submitted any additional documentation required under IC 3-7-33-4.5.

(6) After the voter has been provided with a ballot, the electronic poll list must permit a poll clerk to enter information indicating that the voter has voted at the election.

(7) The electronic poll list must transmit the information in subdivision (6) to the county election board so that the board may transmit the information immediately to every other polling place or satellite absentee office in the county in which an electronic poll list is being used.

(8) The electronic poll list must permit reports to be:

(A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and

(B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.

C o p y

(9) After election day, the electronic poll list must permit voter history to be quickly and accurately uploaded into the computerized list.

(10) The electronic poll list must be able to display an electronic image of the signature of a voter taken from the voter's registration application, if available.

(11) The electronic poll list must be used with a signature pad, **tablet, or other signature capturing device** that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). **An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.**

(12) The electronic poll list must include a bar code reader **or tablet** that:

(A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader **or tablet;** and

(B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.

(13) The electronic poll list must be compatible with:

(A) any hardware attached to the poll book, such as signature pads, bar code scanners, and network cards;

(B) the statewide voter registration system; and

(C) any software system used to prepare voter information to be included on the electronic poll list.

(14) The electronic poll list must have the ability to be used in conformity with this title for:

(A) any type of election conducted in Indiana; or

(B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

(15) The procedures for setting up, using, and shutting down an electronic poll list must:

(A) be reasonably easy for a precinct election officer to learn, understand, and perform; and

(B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.

(16) The electronic poll list must enable a precinct election officer to verify that the electronic poll list:

C o p y

(A) has been set up correctly;
(B) is working correctly so as to verify the eligibility of the voter;
(C) is correctly recording that a voter has voted; and
(D) has been shut down correctly.

(17) The electronic poll list must include the following documentation:

(A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll list.

(B) Training materials that:
(i) may be in written or video form; and
(ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.

(C) Failsafe data recovery procedures for information included in the electronic poll list.

(D) Usability tests:
(i) that are conducted by the manufacturer of the electronic poll list using individuals who are representative of the general public;
(ii) that include the setting up, using, and shutting down of the electronic poll list; and
(iii) that report their results using the ANSI/INCITS -354 Common Industry Format (CIF) for Usability Test Reports approved by the American National Standards Institute (ANSI) on December 12, 2001.

(E) A clear model of the electronic poll list system architecture and the following documentation:
(i) End user documentation.
(ii) System-level documentation.
(iii) Developer documentation.

(F) Detailed information concerning:
(i) electronic poll list consumables; and
(ii) the vendor's supply chain for those consumables.

(G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll list.

(H) Repair and maintenance policies for the electronic poll list.

(I) As of the date of the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2), the following:

C o p y

(i) A list of customers who are using or have previously used the vendor's electronic poll list.

(ii) A description of any known anomalies involving the functioning of the electronic poll list, including how those anomalies were resolved.

(18) The electronic poll list and any hardware attached to the poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.

(19) The electronic poll list must demonstrate that it correctly processes all activity regarding each voter registration record included on the list, including the use, alteration, storage, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll list.

(20) The electronic poll list must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2).

**(21) The electronic poll list must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter voted, and the electronic signature of the voter, for retention on the dedicated private server maintained by the county election board for the period required by Indiana and federal law.**

**(22) The electronic poll list must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2).**

**(23) The electronic poll list must:**

**(A) permit a voter to sign the poll list even when there is a temporary interruption in connectivity to the Internet; and**

**(B) provide for the uploading of each signature and its assignment to the voter's registration record.**

SECTION 76. IC 3-11-8-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. **(a) This section does not apply to a county using vote centers under IC 3-11-18.1.**

**(b)** In a precinct, ~~for which assistant poll clerks are provided,~~ as many ~~as six (6)~~ voters may be admitted to the polls at one **(1)** time for



C o p y

the purpose of voting ~~If there are no assistant poll clerks, no more than three (3) voters may be admitted to the polls at any one time.~~ **as there are stations for voting in the polls.**

SECTION 77. IC 3-11-8-25.1, AS AMENDED BY P.L.53-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a precinct election officer shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list **or to provide the following information for entry into the electronic poll list:**

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

C o p y

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29 **or enter the information into the electronic poll list.** If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) **The electronic poll list (or** each line on a poll list sheet provided to take a voter's current address) must include a box under the heading "Address Unchanged" so that **the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll list is used, the poll clerk may check the box** ~~a voter whose~~ **after stating to the voter the address shown on the electronic poll list and receiving an oral affirmation from the voter that the voter's** residence address shown on the poll list is the voter's current residence address ~~may check the box~~ instead of writing the voter's current residence address on the poll list **or reentering the address in the electronic poll list.**

**(l) If the voter makes:**

**(1) a written affirmation on the poll list that the voter resides at an address within the precinct but not at the address shown on the poll list for the precinct; or**

**(2) an oral affirmation of a change of address under IC 3-7-39-7;**

**the county election board shall direct the county voter registration office to transfer the individual's voter registration record to the address within the precinct indicated by the voter.**



C o p y

SECTION 78. IC 3-11-10-26, AS AMENDED BY SEA 518-2013, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26. (a) This subsection applies to all counties, except for a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

(1) One (1) location of the office of the circuit court clerk designated by the circuit court clerk.

(2) A satellite office established under section 26.3 of this chapter.

(b) This subsection applies to a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

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

(2) A satellite office established under section 26.3 of this chapter.

(c) Except for a location designated under subsection (a)(1), a location of the office of the circuit court clerk must be established as a satellite office under section 26.3 of this chapter in order to be used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

(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.

(e) The voter may vote before the board not more than twenty-eight (28) days nor later than noon on the day before election day. If the close of a voter registration period is transferred **under IC 3-5-4-1.5** from twenty-nine (29) days to a later date ~~under this title,~~ **due to the Columbus Day holiday,** the voter may vote before the board on the first day following the day on which the voter registration period closes.

(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-eight (28) days before the election and not later than noon on election day. If the close of a voter registration period is transferred **under IC 3-5-4-1.5** from twenty-nine (29) days to a later date ~~under this title,~~ **due to the Columbus Day holiday,** the voter may vote before the board on the first day following the day on which the voter registration period

C o p y

closes. 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.

(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.

(h) Notwithstanding subsection (g), 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.

(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.

(j) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(k) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

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

(l) A voter casting an absentee ballot under this section is entitled

C o p y

to cast the voter's ballot in accordance with IC 3-11-9.

SECTION 79. IC 3-11-17-1, AS AMENDED BY HEA 1311-2013, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter applies to a voting system or an electronic poll book vendor who **markets,** sells, leases, installs, implements, or permits the use of a voting system or an electronic poll book in an election conducted in Indiana.

SECTION 80. IC 3-11-17-2, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. In addition to any other penalty imposed, a vendor who knowingly, recklessly, or negligently sells, leases, installs, implements, or permits the use of a voting system **or an electronic pollbook** in an election conducted in Indiana in violation of this title is subject to a civil penalty under this chapter.

SECTION 81. IC 3-11-18.1-4, AS ADDED BY P.L.225-2011, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: 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.

(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 13 of this chapter **for an election that is not being held in each precinct of the county.**

(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 13 of this chapter **for an election that is not being held in each precinct of the county.**

(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):

C o p y

(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 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 and locations of satellite offices to be established under IC 3-11-10-26.3 at vote center locations designated under subdivision (2) to allow voters to cast absentee ballots in accordance with IC 3-11. However, a plan must provide

C o p y

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.

**(18) That the county election board shall adopt a resolution under IC 3-11.5-5-1 or IC 3-11.5-6-1 to make the central counting of absentee ballots applicable to the county (if the board has not already done so).**

SECTION 82. IC 3-11-18.1-8, AS ADDED BY P.L.1-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) **Except as provided in subsection (b),** the designation of a county as a vote center county takes effect immediately upon the filing of the order with the election division, unless otherwise specified by the county election board.

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

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

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

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

SECTION 83. IC 3-11-18.1-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 14.5. Each day after absentee voting concludes in the circuit court clerk's office, a satellite office, or a vote center, the county election board shall direct that the vote history be uploaded from each electronic pollbook into the computerized list.**

SECTION 84. IC 3-11.5-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. **(a) Except as provided in subsection (b),** at any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

(1) open the outer or carrier envelope containing an absentee

C o p y

ballot envelope and application;
(2) announce the absentee voter's name; and
(3) compare the signature upon the application with the signature upon the affidavit on the ballot envelope or transmitted affidavit.

**(b) This subsection applies to a county that:**
**(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or**
**(2) is a vote center county under IC 3-11-18.1.**

**Immediately after the electronic poll lists used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.**

SECTION 85. IC 3-14-1-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 17. (a) As used in this section, "government employee" refers to any of the following:**
**(1) An employee of the state.**
**(2) An employee of a political subdivision.**
**(3) A special state appointee (as defined in IC 4-2-6-1).**
**(4) An employee of a charter school (as defined in IC 20-24-1-4).**

**(b) As used in this section, "government employer" refers to the state or a political subdivision.**

**(c) As used in this section, "property" refers only to the following:**
**(1) Equipment, goods, and materials, including mail and messaging systems.**
**(2) Money.**

**(d) A government employee may not knowingly or intentionally use the property of the employee's government employer to do any of the following:**
**(1) Solicit a contribution.**
**(2) Advocate the election or defeat of a candidate.**
**(3) Advocate the approval or defeat of a public question.**

**(e) A government employee may not knowingly or intentionally distribute campaign materials advocating:**
**(1) the election or defeat of a candidate; or**
**(2) the approval or defeat of a public question;**
**on the government employer's real property during regular**

C o p y

**working hours.**

**(f) This section does not prohibit activities permitted under IC 6-1.1-20.**

**(g) A government employee who knowingly or intentionally performs several actions described in subsection (d) or (e) in a connected series that are closely related in time, place, and circumstance may be charged with only one (1) violation of this section for that connected series of actions.**

**(h) A government employee who violates this section commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section.**

SECTION 86. IC 12-14-1.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) As required under 42 U.S.C. 1973gg-5(d)(1), the county director or designated office employee shall transmit ~~a copy of~~ a completed voter registration application:

(1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted at the office.

(b) The county director or designated employee shall transmit ~~a copy of~~ the voter registration application (or a separate declination form) on which the individual declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(c) The declination must be transmitted:

(1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted at the office.

SECTION 87. IC 12-14-1.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. A county director or designated employee may use any of the following methods to transmit voter registration applications or declinations under section 4 ~~or 5~~ of this chapter:

(1) Hand delivery to the circuit court clerk or board of registration.

(2) ~~Certified~~ **Delivery by the United States Postal Service, using first class** mail. ~~return receipt requested.~~

SECTION 88. IC 12-14-25-3 IS AMENDED TO READ AS

C o p y

FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) As required under 42 U.S.C. 1973gg-5(d)(1), the designated office employee shall transmit ~~a copy of~~ a completed voter registration application:

(1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted at the office.

(b) The designated employee shall transmit ~~a copy of~~ the voter registration application (or a separate declination form) on which the individual declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(c) The declination must be transmitted:

(1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted at the office.

SECTION 89. IC 12-15-1.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) This section does not apply to a voter registration application or declination to register accepted at a county office during the final five (5) days before the end of a registration period under IC 3-7-13.

(b) As required under 42 U.S.C. 1973gg-5(d)(1), the county director or designated office employee shall transmit ~~a copy of~~ a completed voter registration application:

(1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and

(2) not later than ten (10) days after the application is accepted at the office.

(c) The county director or designated employee shall transmit ~~a copy of~~ the voter registration application (or a separate declination form) on which the individual declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(d) The declination must be transmitted:

(1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and

(2) not later than ten (10) days after the application is accepted at

C o p y

the office.

SECTION 90. IC 12-15-1.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. A county director or designated employee may use any of the following methods to transmit voter registration applications or declinations under section 4 or 5 of this chapter:

(1) Hand delivery to the circuit court clerk or board of registration.

(2) ~~Certified~~ **Delivery by the United States Postal Service, using first class** mail. ~~return receipt requested.~~

(3) Electronic transfer, after approval by the co-directors of the election division.

SECTION 91. IC 16-35-1.6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) As required under 42 U.S.C. 1973gg-5(d)(1), the designated office employee shall transmit ~~a copy of~~ a completed voter registration application:

(1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted at the office.

(b) The employee shall transmit ~~a copy of~~ the voter registration application (or a separate declination form) on which the individual declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(c) The declination must be transmitted:

(1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted at the office.

SECTION 92. IC 16-35-1.6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. A designated employee may use any of the following methods to transmit voter registration applications or declinations under section 5 ~~or 6~~ of this chapter:

(1) Hand delivery to the circuit court clerk or board of registration.

(2) ~~Certified~~ **Delivery by the United States Postal Service, using first class** mail. ~~return receipt requested.~~

SECTION 93. IC 35-51-3-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C o p y

JULY 1, 2013]: Sec. 1. The following statutes define crimes in ~~IC 3:~~

**IC 3-14-1:**

IC 3-14-1-1 (Concerning elections).
IC 3-14-1-2 (Concerning elections).
IC 3-14-1-3 (Concerning elections).
IC 3-14-1-6 (Concerning elections).
IC 3-14-1-7 (Concerning elections).
IC 3-14-1-10 (Concerning elections).
IC 3-14-1-10.5 (Concerning elections).
IC 3-14-1-11 (Concerning elections).
IC 3-14-1-13 (Concerning elections).
IC 3-14-1-14 (Concerning elections).
IC 3-14-1-14.5 (Concerning elections).
**IC 3-14-1-17 (Concerning election campaign violations).**
~~IC 3-14-2-1 (Concerning voting).~~
~~IC 3-14-2-2 (Concerning voting).~~
~~IC 3-14-2-2.5 (Concerning voting).~~
~~IC 3-14-2-3 (Concerning voting).~~
~~IC 3-14-2-4 (Concerning voting).~~
~~IC 3-14-2-5 (Concerning voting).~~
~~IC 3-14-2-6 (Concerning voting).~~
~~IC 3-14-2-7 (Concerning voting).~~
~~IC 3-14-2-8 (Concerning voting).~~
~~IC 3-14-2-9 (Concerning voting).~~
~~IC 3-14-2-10 (Concerning voting).~~
~~IC 3-14-2-11 (Concerning voting).~~
~~IC 3-14-2-12 (Concerning voting).~~
~~IC 3-14-2-13 (Concerning voting).~~
~~IC 3-14-2-14 (Concerning voting).~~
~~IC 3-14-2-15 (Concerning voting).~~
~~IC 3-14-2-16 (Concerning voting).~~
~~IC 3-14-2-17 (Concerning voting).~~
~~IC 3-14-2-18 (Concerning voting).~~
~~IC 3-14-2-19 (Concerning voting).~~
~~IC 3-14-2-20 (Concerning voting).~~
~~IC 3-14-2-21 (Concerning voting).~~
~~IC 3-14-2-22 (Concerning voting).~~
~~IC 3-14-2-23 (Concerning voting).~~
~~IC 3-14-2-24 (Concerning voting).~~
~~IC 3-14-2-25 (Concerning voting).~~
~~IC 3-14-2-26 (Concerning voting).~~
~~IC 3-14-2-27 (Concerning voting).~~

C o p y

~~IC 3-14-2-28 (Concerning voting).~~
~~IC 3-14-2-29 (Concerning voting).~~
~~IC 3-14-2-30 (Concerning voting).~~
~~IC 3-14-3-1.1 (Concerning voting).~~
~~IC 3-14-3-2 (Concerning voting).~~
~~IC 3-14-3-3 (Concerning voting).~~
~~IC 3-14-3-4 (Concerning voting).~~
~~IC 3-14-3-5 (Concerning voting).~~
~~IC 3-14-3-6 (Concerning voting).~~
~~IC 3-14-3-7 (Concerning voting).~~
~~IC 3-14-3-8 (Concerning voting).~~
~~IC 3-14-3-9 (Concerning voting).~~
~~IC 3-14-3-10 (Concerning voting).~~
~~IC 3-14-3-11 (Concerning voting).~~
~~IC 3-14-3-12 (Concerning voting).~~
~~IC 3-14-3-13 (Concerning voting).~~
~~IC 3-14-3-14 (Concerning voting).~~
~~IC 3-14-3-15 (Concerning voting).~~
~~IC 3-14-3-16 (Concerning voting).~~
~~IC 3-14-3-17 (Concerning voting).~~
~~IC 3-14-3-18 (Concerning voting).~~
~~IC 3-14-3-19 (Concerning voting).~~
~~IC 3-14-3-20 (Concerning voting).~~
~~IC 3-14-3-20.5 (Concerning voting).~~
~~IC 3-14-3-21 (Concerning voting).~~
~~IC 3-14-3-21.5 (Concerning voting).~~
~~IC 3-14-4-1 (Concerning elections).~~
~~IC 3-14-4-2 (Concerning elections).~~
~~IC 3-14-4-3 (Concerning elections).~~
~~IC 3-14-4-3.5 (Concerning elections).~~
~~IC 3-14-4-4 (Concerning elections).~~
~~IC 3-14-4-6 (Concerning elections).~~
~~IC 3-14-4-7 (Concerning elections).~~
~~IC 3-14-4-8 (Concerning elections).~~
~~IC 3-14-4-9 (Concerning elections).~~
~~IC 3-14-4-10 (Concerning elections).~~
~~IC 3-14-6-1.1 (Concerning elections).~~
~~IC 3-14-6-2 (Concerning elections).~~

SECTION 94. IC 35-51-3-2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2. The following statutes define crimes in IC 3-14-2:**

**IC 3-14-2-1 (Concerning voting).**

C o p y

**IC 3-14-2-2 (Concerning voting).**
**IC 3-14-2-2.5 (Concerning voting).**
**IC 3-14-2-3 (Concerning voting).**
**IC 3-14-2-4 (Concerning voting).**
**IC 3-14-2-5 (Concerning voting).**
**IC 3-14-2-6 (Concerning voting).**
**IC 3-14-2-7 (Concerning voting).**
**IC 3-14-2-8 (Concerning voting).**
**IC 3-14-2-9 (Concerning voting).**
**IC 3-14-2-10 (Concerning voting).**
**IC 3-14-2-11 (Concerning voting).**
**IC 3-14-2-12 (Concerning voting).**
**IC 3-14-2-13 (Concerning voting).**
**IC 3-14-2-14 (Concerning voting).**
**IC 3-14-2-15 (Concerning voting).**
**IC 3-14-2-16 (Concerning voting).**
**IC 3-14-2-17 (Concerning voting).**
**IC 3-14-2-18 (Concerning voting).**
**IC 3-14-2-19 (Concerning voting).**
**IC 3-14-2-20 (Concerning voting).**
**IC 3-14-2-21 (Concerning voting).**
**IC 3-14-2-22 (Concerning voting).**
**IC 3-14-2-23 (Concerning voting).**
**IC 3-14-2-24 (Concerning voting).**
**IC 3-14-2-25 (Concerning voting).**
**IC 3-14-2-26 (Concerning voting).**
**IC 3-14-2-27 (Concerning voting).**
**IC 3-14-2-28 (Concerning voting).**
**IC 3-14-2-29 (Concerning voting).**
**IC 3-14-2-30 (Concerning voting).**

SECTION 95. IC 35-51-3-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 3. The following statutes define crimes in IC 3-14-3:**

**IC 3-14-3-1.1 (Concerning voting).**
**IC 3-14-3-2 (Concerning voting).**
**IC 3-14-3-3 (Concerning voting).**
**IC 3-14-3-4 (Concerning voting).**
**IC 3-14-3-5 (Concerning voting).**
**IC 3-14-3-6 (Concerning voting).**
**IC 3-14-3-7 (Concerning voting).**
**IC 3-14-3-8 (Concerning voting).**
**IC 3-14-3-9 (Concerning voting).**

C o p y

**IC 3-14-3-10 (Concerning voting).**
**IC 3-14-3-11 (Concerning voting).**
**IC 3-14-3-12 (Concerning voting).**
**IC 3-14-3-13 (Concerning voting).**
**IC 3-14-3-14 (Concerning voting).**
**IC 3-14-3-15 (Concerning voting).**
**IC 3-14-3-16 (Concerning voting).**
**IC 3-14-3-17 (Concerning voting).**
**IC 3-14-3-18 (Concerning voting).**
**IC 3-14-3-19 (Concerning voting).**
**IC 3-14-3-20 (Concerning voting).**
**IC 3-14-3-20.5 (Concerning voting).**
**IC 3-14-3-21 (Concerning voting).**
**IC 3-14-3-21.5 (Concerning voting).**

SECTION 96. IC 35-51-3-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 4. The following statutes define crimes in IC 3-14-4:**

**IC 3-14-4-1 (Concerning elections).**
**IC 3-14-4-2 (Concerning elections).**
**IC 3-14-4-3 (Concerning elections).**
**IC 3-14-4-3.5 (Concerning elections).**
**IC 3-14-4-4 (Concerning elections).**
**IC 3-14-4-6 (Concerning elections).**
**IC 3-14-4-7 (Concerning elections).**
**IC 3-14-4-8 (Concerning elections).**
**IC 3-14-4-9 (Concerning elections).**
**IC 3-14-4-10 (Concerning elections).**

SECTION 97. IC 35-51-3-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6. The following statutes define crimes in IC 3-14-6:**

**IC 3-14-6-1.1 (Concerning elections).**
**IC 3-14-6-2 (Concerning elections).**

SECTION 98. [EFFECTIVE UPON PASSAGE] **(a) Not later than May 31, 2013, the election division may enter into a contract with an entity to provide management services for the statewide voter registration system, with the consent of the secretary of state. If the election division does not enter into a contract before June 1, 2013, the secretary of state may enter into the contract without the approval of the election division.**

**(b) This SECTION expires July 1, 2015.**

SECTION 99. [EFFECTIVE JULY 1, 2013] **(a) Not later than October 1, 2013, the election division may enter into a contract**

C o p y

**with an entity to conduct the address confirmation mailing to each voter registration record address within Indiana. If the election division does not enter into a contract before October 2, 2013, the secretary of state may enter into the contract without the approval of the election division.**

**(b) This SECTION expires January 1, 2015.**

SECTION 100. **An emergency is declared for this act.**

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 519, 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 2, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 4. IC 3-5-5-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 0.2. Notwithstanding any other law, the additions and amendments to this chapter made by SEA 519-2013 do not affect any:**

**(1) rights or liabilities accrued;**

**(2) penalties incurred;**

**(3) violations committed; or**

**(4) proceedings begun;**

**before July 1, 2013. Those rights, liabilities, penalties, offenses, and proceedings continue and shall be imposed and enforced under prior law as if SEA 519-2013 had not been enacted.**".

Page 11, line 38, strike "memoranda were" and insert "**report was**".

Page 12, line 15, after "contain" insert "**only**".

Page 12, line 32, delete "subsection" and insert "**section**".

Page 12, line 38, delete "of the county." and insert "**eligible to vote in the next election.**".

Page 13, line 28, after "that" insert "**:**

**(A)**".

Page 13, line 28, after "chapter;" insert "**and**

**(B) provides an electronic poll list that contains scanned images of the signatures of voters; or**".

Page 13, delete line 29.

Page 15, between lines 37 and 38, begin a new line block indented and insert:

"**(10) The election division acting in accordance with IC 3-7-33-3.7.**".

Page 15, line 38, delete "an individual" and insert "**a person**".

Page 15, line 40, after "office" insert "**or the election division**".

Page 15, line 41, delete "individual" and insert "**person**".

Delete page 17.

Page 18, delete lines 1 through 38.

Page 21, line 29, delete "date specified in the notice," and insert "**final day for completing voter list maintenance activities under section 3 of this chapter,**".



C o p y

Page 22, line 15, delete "at least".

Page 22, line 16, delete "once each month".

Page 23, line 1, delete "On" and insert "**Notwithstanding any limitation under IC 3-7-26.4 regarding the availability of certain information from the computerized list, on**".

Page 23, line 6, delete "understanding." and insert "**understanding and to identify any cases in which a voter cast a ballot in more than one (1) state during the same election.**".

Page 24, line 25, delete "Division" and insert "**Division,**".

Page 26, line 10, after "those states" delete "and" and insert "**or**".

Page 28, line 20, delete "states" and insert "**makes a written affirmation**".

Page 28, line 22, after "makes an" insert "**oral**".

Page 30, line 32, after "generated" insert "**by a county election board**".

Page 37, line 41, delete "three" and insert "**five**".

Page 37, line 42, delete "sixty-five".

Page 37, line 42, delete "($365,000)" and insert "**($500,000)**".

Page 38, line 6, delete "(a) There is".

Page 38, delete lines 7 through 14.

Page 38, line 15, delete "(c)" and insert "**(a)**".

Page 38, line 21, delete "(d)" and insert "**(b)**".

Page 38, line 22, delete "(a) There is".

Page 38, delete lines 23 through 26.

Page 38, line 27, delete "(b)" and insert "**(a)**".

Page 38, line 29, delete "described in subsection (a)." and insert "**to each voter registration record address within Indiana.**".

Page 38, line 33, delete "(c)" and insert "**(b)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 519 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 5, Nays 3.

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 519, 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:

Delete the title and insert the following:

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

Page 4, delete lines 41 through 42.

Page 5, delete lines 1 through 2.

Page 36, delete lines 10 through 31.

Page 36, line 33, delete "shall" and insert "**may**".

Page 36, line 41, delete "shall" and insert "**may**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 519 as printed February 5, 2013.)

KENLEY, Chairperson

Committee Vote: Yeas 6, Nays 4.

---

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 519, 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:

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 4. IC 3-5-2-47.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 47.5. "Signing the poll list" means:**

**(1) a voter writing the voter's name on the certified list of registered voters for the precinct prepared in accordance with IC 3-7-29-1; or**

**(2) a voter writing the voter's name on an electronic poll list using an electronic signature pad at a polling place, office of the circuit court clerk (under IC 3-11-10-26), or satellite office (as established under IC 3-11-10-26.3) where the use of an electronic poll list is authorized in accordance with IC 3-7-29-6.**".

C o p y

Page 2, line 29, after "to" insert "**IC 3-5-2 or**".

Page 6, line 18, delete "secretary of family and social services" and insert "**NVRA official**".

Page 6, line 19, delete "appointed under IC 12-8-1.5".

Page 9, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 37. IC 3-7-26.3-33 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 33. (a) The computerized list must have the capacity to receive vote history and other information from an electronic pollbook certified by the secretary of state under IC 3-11-18.1-12. This information must be able to be uploaded into the computerized list on each day after absentee voting concludes in the circuit court clerk's office, a satellite office, or a vote center, and after election day.**

**(b) The computerized list must have the capacity to transmit electronic images of the signature of a voter taken from the voter's registration application, if available, to be downloaded in connection with a voter's record on any electronic poll list certified by the secretary of state under IC 3-11-18.1-12.**".

Page 12, delete lines 13 through 42, begin a new paragraph and insert:

"SECTION 46. IC 3-7-29-1, AS AMENDED BY P.L.81-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. **(a) Except as provided in subsection (f), this section does not apply to a county that:**

**(1) has adopted an order under section 6 of this chapter; or**

**(2) is a vote center county under IC 3-11-18.1.**

~~(a)~~ **(b)** Not later than ten (10) days before the election at which the registration record is to be used, the county voter registration office shall prepare certified copies of the list of registered voters for each precinct in the county.

~~(b)~~ **(c)** The lists must contain the following information concerning each registered voter:

(1) The full name of the voter.

(2) The address of the voter.

(3) The assigned ~~county~~ **voter** identification number.

(4) Whether the voter is required to provide additional identification before voting either in person or by absentee ballot.

**(5) The voter's date of birth, including an indication whether the voter is less than eighteen (18) years of age for a poll list used in a primary election.**

**(6) The scanned signature of the voter.**



C o p y

**(7) Whether the voter is required to provide an affirmation of the voter's residence.**

**(8) A bar code that allows the county voter registration office to efficiently record whether the voter has signed the poll list.**

**(9) For a poll list used in a primary election, a letter abbreviation of the name of the major political party whose ballot the voter has requested.**

**(10) A space for a poll clerk to indicate when a voter has cast an absentee ballot.**

**(11) A space for a poll clerk to indicate when a voter has cast a provisional ballot.**

**(12) For a voter required to submit additional documentation required under IC 3-7-33-4.5, a space for a poll clerk to insert letters serving as an abbreviation for the type of documentation provided by the voter.**

~~(c)~~ **(d)** The names shall be arranged in the same order as they are in the registration record of the precinct.

**(e) The poll list must also contain a statement at the top of each page indicating that an individual who knowingly makes a false statement by signing a poll list or indicating on a poll list that a voter's address has changed commits a Class D felony as provided by IC 3-14-2-11.**

**(f) This subsection applies to a county that has adopted an order under section 6 of this chapter or is a vote center county under IC 3-11-18.1. The precinct election board shall post in a location within the precinct or vote center a notice that:**

**(1) is clearly visible to an individual (or to an individual providing assistance under IC 3-11-9) who is providing information to a precinct election officer using an electronic poll list; and**

**(2) indicates that an individual commits a Class D felony under IC 3-14-2-11 if the individual knowingly makes a false statement to a precinct election officer:**

**(A) concerning the individual's name; or**

**(B) indicating that the individual's address has changed.**".

Page 13, delete lines 1 through 11.

Page 13, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 48. IC 3-7-29-3, AS AMENDED BY P.L.164-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. When the inspector of a precinct procures the ballots and other election supplies for an election, the inspector shall

C o p y

also procure from the county voter registration office the certified copies of the registration record of the precinct with the information required under section 1 of this chapter **(or an electronic poll list in a county in which an order is adopted under section 6 of this chapter or that is a vote center county under IC 3-11-18.1)** and other necessary registration supplies.

SECTION 49. IC 3-7-29-4, AS AMENDED BY P.L.164-2006, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. **(a) This section does not apply to a county that:**

**(1) has adopted an order under section 6 of this chapter; or**

**(2) is a vote center county under IC 3-11-18.1.**

**(b)** The county voter registration office may also provide the inspector of each precinct in the county with a ~~certified~~ ~~photocopy~~ **scanned copy** of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under IC 3-10-1-24.6 or IC 3-11-8-25.1.

SECTION 50. IC 3-7-29-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6. (a) If a county election board adopts an order to provide an electronic poll list to the inspector for use at a polling place, an office of the circuit court clerk (under IC 3-11-10-26), or a satellite office established under IC 3-11-10-26.3, electronic poll lists may be used at an election (rather than certified poll lists prepared under this chapter).**

**(b) An order adopted under subsection (a) must require the use of an electronic signature (as defined in IC 26-2-8-102) to sign an electronic poll list at an election (rather than requiring voters to sign certified poll lists prepared under this chapter).**

**(c) The county voter registration office shall download the information required to be available on an electronic poll list before the electronic poll list is delivered and installed as required by IC 3-11-3-11(b).**".

Page 14, delete lines 1 through 16.

Page 15, line 11, after "IC 3-7-32." insert "**Any version of a form approved by the commission under section 1 of this chapter before August 1, 2013, may not be used after December 31, 2013, or accepted by a county voter registration office under IC 3-5-4-8.**".

Page 19, line 24, after "all" insert "**active**".

Page 19, line 24, after "voters" insert "**(as defined in IC 3-11-18.1-2)**".

Page 22, line 38, strike "an".



C o p y

Page 22, line 39, strike "annual" and insert "**a**".

Page 22, line 42, after "each" insert "**active**".

Page 22, line 42, after "voter" insert "**(as defined in IC 3-11-18.1-2)**".

Page 23, delete lines 2 through 13.

Page 23, line 14, delete "(c)" and insert "**(b)**".

Page 25, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 72. IC 3-7-48-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as otherwise provided by NVRA or in this chapter, a person whose name does not appear on the registration record may not vote, unless the ~~circuit court clerk or board of~~ **county voter** registration ~~provides~~ **office issues** a signed certificate of error **immediately available for inspection** in the **county voter registration** office ~~where the permanent registration record is kept~~ showing that the voter is legally registered in the precinct where the voter resides.

(b) A person whose name does not appear on the registration record may cast a provisional ballot as provided in IC 3-11.7.

SECTION 73. IC 3-7-48-2, AS AMENDED BY P.L.81-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A certificate of error issued under section 1 of this chapter:

(1) may be issued at any time after:

**(A)** the production of the certified list under IC 3-7-29; **or**

**(B) the downloading of the information into an electronic poll list under IC 3-7-29-6(c);**

(2) shall be executed by the circuit court clerk, or in a county with a board of registration, by both members of the board; and

(3) shall be numbered serially in the method prescribed for entry in the computerized list maintained under IC 3-7-26.3.

SECTION 74. IC 3-7-48-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a) This section does not apply whenever a county voter registration office provides confirmation of the issuance of a certificate of error to a precinct election officer by transmitting the confirmation through an electronic poll list used at a precinct or vote center.**

**(b)** One (1) copy of the certificate of error shall be delivered to the inspector of the precinct of the voter's residence. The inspector shall return that copy to the circuit court clerk with other election material at the close of the polls as provided in this title. ~~The other copy shall be delivered to the county election board and returned to the circuit court clerk when the polls are closed.~~".

C o p y

Page 26, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 77. IC 3-10-1-24, AS AMENDED BY P.L.164-2006, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 24. (a) A voter who desires to vote must give the voter's name and political party to the poll clerks of the precinct on primary election day. The poll clerks shall require the voter to write the following on the poll list **or to provide the following information for entry into the electronic poll list:**

(1) The voter's name.

(2) Except as provided in subsection (d), the voter's current residence address.

(3) The name of the voter's party.

(b) The poll clerks shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

(d) **The electronic poll list (or** each line on a poll list sheet provided to take a voter's current residence address) must include a box under the heading "Address Unchanged" so that **the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll list is used, the poll clerk may check the box** ~~a voter whose~~ **after stating to the voter the address shown on the electronic poll list and receiving an oral affirmation from the voter that the voter's** residence address shown on the poll list is the voter's current residence address ~~may check the box~~ instead of writing the voter's current residence address on the poll list **or reentering the address in the electronic poll list.**

**(e) If the voter makes:**

**(1) a written affirmation on the poll list that the voter resides at an address within the precinct but not at the address shown on the poll list for the precinct; or**

**(2) an oral affirmation of a change of address under IC 3-7-39-7;**

**the county election board shall direct the county voter registration**



C o p y

**office to transfer the individual's voter registration record to the address within the precinct indicated by the voter.**".

Page 27, delete lines 1 through 6.

Page 27, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 79. IC 3-11-3-11, AS AMENDED BY P.L.230-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. **(a) Except as provided in subsection (b),** the county election board shall deliver the following to each inspector or the inspector's representative:

(1) The supplies provided for the inspector's precinct by the election division.

(2) The local sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The local ballots printed under the direction of the county election board as follows:

(A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the voter's bill of rights for posting as required by 42 U.S.C. 15482.

(6) Copies of the instructions for a provisional voter required by 42 U.S.C. 15482. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

**(7) Copies of the notice for posting as required by IC 3-7-29-1(f).**

**(8) The blank voter registration applications required to be provided under IC 3-7-48-7(b).**

**(b) This subsection applies to a county that:**

**(1) has adopted an order under IC 3-7-29-6 of this chapter; or**

**(2) is a vote center county under IC 3-11-18.1.**

**The county election board shall deliver and install the hardware,**

Copy

**firmware, and software necessary to use an electronic poll list in each precinct or vote center.**".

Page 28, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 83. IC 3-11-8-10.3, AS ADDED BY P.L.1-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base.

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

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

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

(3) An electronic poll list may not permit access to voter information other than:

**(A)** information provided on the certified list of voters prepared under IC 3-7-29-1**; or**

**(B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:**

**(i) The county's receipt of an absentee ballot from the voter.**

**(ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.**

**(iii) The county's issuance of a certificate of error.**

**(4) The information contained on an electronic poll list must be encrypted and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board.**

**(5) The electronic poll list must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote and, if so, whether the voter has:**

**(A) already cast a ballot at the election;**

**(B) returned an absentee ballot; or**

**(C) submitted any additional documentation required under IC 3-7-33-4.5.**

**(6) After the voter has been provided with a ballot, the electronic poll list must permit a poll clerk to enter**

C o p y

**information indicating that the voter has voted at the election.**
**(7) The electronic poll list must transmit the information in subdivision (6) to the county election board so that the board may transmit the information immediately to every other polling place or satellite absentee office in the county in which an electronic poll list is being used.**
**(8) The electronic poll list must permit reports to be:**
**(A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and**
**(B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.**
**(9) On each day after absentee ballots are cast before an absentee voting board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll list must permit voter history to be quickly and accurately uploaded into the computerized list.**
**(10) The electronic poll list must be able to display an electronic image of the signature of a voter taken from the voter's registration application, if available.**
**(11) The electronic poll list must be used with a signature pad that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.**
**(12) The electronic poll list must include a bar code reader that:**
**(A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader; and**
**(B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.**
**(13) The electronic poll list must be compatible with:**
**(A) any hardware attached to the pollbook, such as signature pads, bar code scanners, and network cards;**
**(B) the statewide voter registration system; and**
**(C) any software system used to prepare voter information**

C o p y

**to be included on the electronic poll list.**

**(14) The electronic poll list must have the ability to be used in conformity with this title for:**

**(A) any type of election conducted in Indiana; or**

**(B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.**

**(15) The procedures for setting up, using, and shutting down an electronic poll list must:**

**(A) be reasonably easy for a precinct election officer to learn, understand, and perform; and**

**(B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.**

**(16) The electronic poll list must enable a precinct election officer to verify that the electronic poll list:**

**(A) has been set up correctly;**

**(B) is working correctly so as to verify the eligibility of the voter;**

**(C) is correctly recording that a voter has voted; and**

**(D) has been shut down correctly.**

**(17) The electronic poll list must include the following documentation:**

**(A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll list.**

**(B) Training materials that:**

**(i) may be in written or video form; and**

**(ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.**

**(C) Failsafe data recovery procedures for information included in the electronic poll list.**

**(D) Usability tests:**

**(i) that are conducted by the manufacturer of the electronic poll list using individuals who are representative of the general public;**

**(ii) that include the setting up, using, and shutting down of the electronic poll list; and**

**(iii) that report their results using the ANSI/INCITS-354 Common Industry Format (CIF) for Usability Test Reports approved by the American National Standards Institute (ANSI) on December 12, 2001.**

**(E) A clear model of the electronic poll list system**

C o p y

**architecture and the following documentation:**

**(i) End user documentation.**

**(ii) System-level documentation.**

**(iii) Developer documentation.**

**(F) Detailed information concerning:**

**(i) electronic poll list consumables; and**

**(ii) the vendor's supply chain for those consumables.**

**(G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll list.**

**(H) Repair and maintenance policies for the electronic poll list.**

**(I) As of the date of the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2), the following:**

**(i) A list of customers who are using or have previously used the vendor's electronic poll list.**

**(ii) A description of any known anomalies involving the functioning of the electronic poll list, including how those anomalies were resolved.**

**(18) The electronic poll list and any hardware attached to the pollbook must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.**

**(19) The electronic poll list must demonstrate that it correctly processes all activity regarding each voter registration record included on the list, including the use, alteration, storage, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll list.**

**(20) The electronic poll list must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2).**

**(21) The electronic poll list must:**

**(A) permit a voter to sign the poll list even when there is a temporary interruption in connectivity to the Internet; and**

**(B) provide for the uploading of each signature and its assignment to the voter's registration record.**".

Page 29, delete lines 1 through 20.

C o p y

Page 29, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 85. IC 3-11-8-25.1, AS AMENDED BY P.L.53-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a precinct election officer shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list **or to provide the following information for entry into the electronic poll list:**

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter

C o p y

identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29 **or enter the information into the electronic poll list.** If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) **The electronic poll list (or** each line on a poll list sheet provided to take a voter's current address) must include a box under the heading "Address Unchanged" so that **the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll list is used, the poll clerk may check the box** ~~a voter whose~~ **after stating to the voter the address shown on the electronic poll list and receiving an oral affirmation from the voter that the voter's** residence address shown on the poll list is the voter's current residence address ~~may check the box~~ instead of writing the voter's current residence address on the poll list **or reentering the address in the electronic poll list.**

**(l) If the voter makes:**

**(1) a written affirmation on the poll list that the voter resides at an address within the precinct but not at the address shown on the poll list for the precinct; or**

**(2) an oral affirmation of a change of address under IC 3-7-39-7;**

**the county election board shall direct the county voter registration office to transfer the individual's voter registration record to the address within the precinct indicated by the voter.**

SECTION 86. IC 3-11-8-25.5, AS AMENDED BY P.L.164-2006,



C o p y

SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25.5. If an individual signs the individual's name and either:

(1) signs the individual's address; or

(2) checks the "Address Unchanged" box;

on the poll list **or provides the information for entry by the poll clerk into the electronic poll list** under section 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls to cast a ballot at the election.

SECTION 87. IC 3-11-8-25.7, AS ADDED BY P.L.120-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25.7. (a) This section applies only to a voter who is a member of the military or public safety officer.

(b) Notwithstanding section 25.5 of this chapter, if a voter signs the voter's name and either:

(1) writes the voter's address; or

(2) checks the "Address Unchanged" box;

on the poll list **or provides the information for entry by the poll clerk into the electronic poll list** under section 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may reenter the polls to cast a ballot at the election as provided in this section.

(c) A voter who leaves the polls to respond to an emergency in the voter's capacity as a member of the military or public safety officer must notify a precinct election officer that the voter is leaving the polls to respond to an emergency in the voter's capacity as a member of the military or public safety officer.

(d) A poll clerk or assistant poll clerk shall make a notation on the poll list with the voter's name indicating that the voter has left the polls as permitted by this section and the time the voter left the polls.

(e) If the voter returns to the polls, the voter shall be permitted to vote if the voter executes an affidavit stating all of the following:

(1) The name of the voter.

(2) That the voter is a member of the military or public safety officer.

(3) The military or public safety position the voter holds.

(4) That after the voter signed the poll list, but before the voter voted, the voter was called to respond to an emergency in the voter's capacity as a member of the military or public safety officer.

(5) A brief description of the emergency to which the voter

C o p y

responded.

(6) The time at which the voter returned to the polls.

(f) The commission shall prescribe the form of the affidavit required by this section.

SECTION 88. IC 3-11-8-26.1, AS AMENDED BY P.L.164-2006, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26.1. (a) If a voter:

(1) cannot sign; or

(2) is a voter with a disability that makes it difficult for the voter to sign;

the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

(b) If satisfied as to the voter's identity under subsection (a), one (1) of the poll clerks shall then place the following on the poll list **or enter the information into the electronic poll list:**

(1) The voter's name.

(2) Except as provided in subsection (e), the voter's current residence address.

(c) The poll clerks shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(d) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.

(e) **The electronic poll list (or** each line on a poll list sheet provided to take a voter's current residence address) must include a box under the heading "Address Unchanged" so that **the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll list is used,** the poll clerk may check the box ~~to indicate that the~~ **after stating to the voter the address shown on the electronic poll list and receiving an oral affirmation from the voter that the voter's** residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list **or reentering the address in the electronic poll list.**

SECTION 89. IC 3-11-10-26, AS AMENDED BY P.L.225-2011, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26. (a) This subsection applies to all counties,

C o p y

except for a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

(1) One (1) location of the office of the circuit court clerk designated by the circuit court clerk.

(2) A satellite office established under section 26.3 of this chapter.

(b) This subsection applies to a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

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

(2) A satellite office established under section 26.3 of this chapter.

(c) Except for a location designated under subsection (a)(1), a location of the office of the circuit court clerk must be established as a satellite office under section 26.3 of this chapter in order to be used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

(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.

(e) The voter may vote before the board not more than ~~twenty-nine (29)~~ **twenty-eight (28)** days nor later than noon on the day before election day. **If the close of a voter registration period is transferred pursuant to IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes.**

(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)~~ **twenty-eight (28)** days before the election and not later than noon on election day. **If the close of a voter registration period is transferred pursuant to IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes.** 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

C o p y

county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(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.

(h) Notwithstanding subsection (g), 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.

(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.

(j) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(k) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

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

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

SECTION 90. IC 3-11-16-4, AS ADDED BY P.L.221-2005,



C o p y

SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. The person or entity designated under this chapter to conduct the program shall do the following:

(1) Develop and propose procedures and standards for the certification, acquisition, functioning, training, and security for voting systems used to conduct elections in Indiana.

(2) Compile and maintain an inventory of all voting systems used to conduct elections in Indiana.

(3) Review reports concerning voting systems prepared by independent laboratories and submitted by applicants for voting system certification.

(4) Recommend to the commission whether an application for voting system certification should be approved and, if so, whether the approval should be subject to any restrictions or conditions to ensure compliance with Indiana law.

(5) Perform any additional testing of a voting system necessary to determine whether the voting system complies with state law.

(6) Each year perform random audits of voting systems used to conduct Indiana elections and prepare reports indicating whether the voting systems have been certified, programmed, and used in compliance with Indiana law.

(7) Review contracts, leases, purchase orders, and amendments to those documents concerning the acquisition or maintenance of voting systems.

(8) Assist with the development of quantity purchase agreements and other contracts for the lease or purchase of voting systems.

**(9) Develop and propose procedures and standards for the certification, acquisition, functioning, training, and security for electronic pollbooks used to conduct elections in Indiana.**

~~(9)~~ **(10)** Perform any other duties related to the approval or use of voting systems as provided in:

(A) state law; or

(B) the contract described in section 3 of this chapter.

SECTION 91. IC 3-11-17-1, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter applies to a voting system **or an electronic pollbook** vendor who sells, leases, installs, implements, or permits the use of a voting system **or an electronic pollbook** in an election conducted in Indiana.

SECTION 92. IC 3-11-17-2, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. In addition to any other penalty imposed, a

C o p y

vendor who knowingly, recklessly, or negligently sells, leases, installs, implements, or permits the use of a voting system **or an electronic pollbook** in an election conducted in Indiana in violation of this title is subject to a civil penalty under this chapter.".

Page 30, delete lines 1 through 17.

Page 30, line 32, delete "." and insert "**for an election that is not being held in each precinct of the county.**".

Page 30, line 38, delete "." and insert "**for an election that is not being held in each precinct of the county.**".

Page 32, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 95. IC 3-11-18.1-12, AS ADDED BY P.L.1-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. **(a)** Notwithstanding any other law, the electronic poll list used at each vote center

~~(1)~~ must:

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

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

~~(3) may~~ **(2)** be ~~in a format~~ approved by the secretary of state **in accordance with this section.**

**(b) A person who wishes to market, sell, lease, or provide an electronic pollbook for use in an election in Indiana must first file an application for certification with the election division on a form prescribed by the secretary of state.**

**(c) The secretary of state shall refer the application to the person or entity conducting the voting system technical oversight program (VSTOP) established by IC 3-11-16-2.**

**(d) The VSTOP shall examine the electronic pollbook with its accompanying documentation and file a report with the secretary of state indicating:**

**(1) whether the electronic pollbook would operate in compliance with this title;**

**(2) any recommendations regarding the acquisition or use of the electronic pollbook; and**

**(3) whether VSTOP recommends that the secretary of state approve the electronic pollbook under this section, including any recommended restrictions that should be placed on the secretary of state's approval.**

**(e) After the report required by subsection (d) is filed, the secretary of state may approve the application for certification, permitting the electronic pollbook to be used in an election in Indiana.**

C o p y

**(f) A certification under this section expires on December 31 of the year following the date of its issuance, unless earlier revoked by the secretary of state upon a written finding of good cause for the revocation.**

SECTION 96. IC 3-11-18.1-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 14.5. Each day after absentee voting concludes in the circuit court clerk's office, a satellite office, or a vote center, the county election board shall direct that the vote history be uploaded from each electronic pollbook into the computerized list.**

SECTION 97. IC 3-11.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Each circuit court clerk shall do the following:

(1) Keep a separate absentee ballot record for each precinct in the county.

(2) **This subdivision applies to a county in which the county voter registration office prepares a certified list of all voters registered to vote in each precinct in the county under IC 3-7-29-1.** Certify to each inspector or the inspector's representative, at the time that the ballots and supplies are delivered under IC 3-11-3, the names of the voters:

(A) to whom absentee ballots were sent or who marked ballots in person; and

(B) whose ballots have been received by the county election board under IC 3-11-10.

**(3) This subdivision applies to a county that has adopted an order to use an electronic poll list under IC 3-7-29-6 or is a voter center county under IC 3-11-18.1. Provide the following information to the county voter registration office so that the information can be included on the electronic poll list under IC 3-7-29-6(c) at the time the county voter registration office downloads information to an electronic poll list under IC 3-7-29-6(c):**

**(A) The names of the voters to whom absentee ballots were sent or who marked ballots in person.**

**(B) The names of the voters whose ballots have been received by the county election board under IC 3-11-10.**

SECTION 98. IC 3-11.5-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. **(a) This section does not apply to a county that:**

**(1) has adopted an order to use an electronic poll list under**

C o p y

**IC 3-7-29-6; or**

**(2) is a vote center county under IC 3-11-18.1;**

**if the electronic poll list used at a polling place or vote center is immediately updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter.**

~~(a)~~ **(b)** Each county election board shall certify the names of voters:

(1) to whom absentee ballots were sent or who marked ballots in person; and

(2) whose ballots have been received by the board under this chapter;

after the certification under section 1 of this chapter and not later than noon on election day.

~~(b)~~ **(c)** The county election board shall have:

(1) the certificates described in subsection ~~(a);~~ **(b);** and

(2) the circuit court clerk's certificates for voters who have registered and voted under IC 3-7-36-14;

delivered to the precinct election boards at their respective polls on election day by couriers appointed under section 22 of this chapter.

~~(c)~~ **(d)** The certificates shall be delivered not later than 3 p.m. on election day.

SECTION 99. IC 3-11.5-4-9, AS AMENDED BY P.L.225-2011, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. **(a) This section does not apply to a county that:**

**(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or**

**(2) is a vote center county under IC 3-11-18.1;**

**if the electronic poll list used at a polling place or vote center is immediately updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter.**

~~(a)~~ **(b)** Upon delivery of the certificates under section 8 of this chapter to a precinct election board, the inspector shall do the following in the presence of the poll clerks:

(1) Mark the poll list.

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

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

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

C o p y

(1) the certificate prepared under section 1 of this chapter;
(2) the certificate prepared under section 8 of this chapter; and
(3) any challenge affidavit executed by a qualified person under section 16 of this chapter;

in an envelope in the presence of both poll clerks.

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

~~(d)~~ **(e)** The couriers shall immediately return the envelope described in subsection ~~(b)~~ **(c)** to the county election board. Upon delivering the envelope to the county election board, each courier shall sign a statement printed on the envelope indicating that the courier has not opened or tampered with the envelope since the envelope was delivered to the courier.

SECTION 100. IC 3-11.5-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. **(a) Except as provided in subsection (b),** at any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

(1) open the outer or carrier envelope containing an absentee ballot envelope and application;
(2) announce the absentee voter's name; and
(3) compare the signature upon the application with the signature upon the affidavit on the ballot envelope or transmitted affidavit.

**(b) This subsection applies to a county that:**

**(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or**
**(2) is a vote center county under IC 3-11-18.1.**

**Immediately after the electronic poll lists used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.**

SECTION 101. IC 3-11.5-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) **Except as provided in subsection (c),** the vote of an absentee voter may be challenged at the polls for the reason that the absentee voter is not a

C o p y

legal voter of the precinct where the ballot is being cast.

(b) **This subsection applies** before the inspector prepares to mark the poll list to indicate that an absentee ballot cast by the voter has been received by the county election board according to a certificate delivered to the polls under section 1 or section 8 of this chapter. The inspector shall notify the challengers and the pollbook holders that the inspector is about to mark the poll list under this section. The inspector shall provide the challengers and pollbook holders with the name and address of each voter listed in the certificate so that the voter may be challenged under this article.

**(c) This section applies to a county that:**

**(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or**

**(2) is a vote center county under IC 3-11-18.1.**

**The vote of an absentee ballot may be challenged for the reason that the absentee voter is not a legal voter of the precinct for which the absentee ballot was issued. Before the absentee ballot counters process an absentee ballot, the absentee ballot counters shall notify the county election board. A county election board member, or a representative designated by the county election board member, may challenge the counting of an absentee ballot.**

~~(c)~~ **(d)** The challenge under this section must be determined using the procedures for counting a provisional ballot under IC 3-11.7.

SECTION 102. IC 3-11.5-4-16, AS AMENDED BY P.L.164-2006, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person.

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification.

(d) **This subsection does not apply to a county that:**

**(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or**

**(2) is a vote center county under IC 3-11-18.1.**

If a proper affidavit by a qualified person in the form required by IC 3-11-8-22.1 is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, the couriers shall return the

C o p y

affidavit to the county election board in the same envelope as the certificate returned under section 9 of this chapter.

(e) The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under ~~section 11 of this chapter.~~ **IC 3-11.7.**

SECTION 103. IC 3-11.5-4-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 22. (a) Except as provided in subsection (b), each county election board shall appoint:

(1) absentee voter boards;

(2) teams of absentee ballot counters; and

(3) teams of couriers;

consisting of two (2) voters of the county, one (1) from each of the two (2) political parties that have appointed members on the county election board.

(b) Notwithstanding subsection (a), a county election board:

**(1)** may appoint, by a unanimous vote of the board's members, only one (1) absentee ballot courier if the person appointed is a voter of the county; **and**

**(2) shall not appoint teams of couriers, if the county:**

**(A) has adopted an order to use an electronic poll list under IC 3-7-29-6; or**

**(B) is a vote center county under IC 3-11-18.1.**

(c) An otherwise qualified person is eligible to serve on an absentee voter board or as an absentee ballot counter or a courier unless the person:

(1) is unable to read, write, and speak the English language;

(2) has any property bet or wagered on the result of the election;

(3) is a candidate to be voted for at the election except as an unopposed candidate for precinct committeeman or state convention delegate; or

(4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption.

(d) A person who is a candidate to be voted for at the election or who is related to a candidate in a manner that would result in disqualification under subsection (c) may, notwithstanding subsection (c), serve as a member of an absentee voter board if:

(1) the candidate is seeking nomination or election to an office in

C o p y

an election district that does not consist of the entire county; and

(2) the county election board restricts the duties of the person as an absentee voter board member to performing functions that could have no influence on the casting or counting of absentee ballots within the election district.

SECTION 104. IC 3-11.5-4-24, AS AMENDED BY P.L.221-2005, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 24. **(a) This section does not apply to a county that:**

**(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or**

**(2) is a vote center county under IC 3-11-18.1.**

~~(a)~~ **(b)** In addition to the preparations described in IC 3-11-11-2, IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

(1) mark the poll list; and

(2) attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list;

in the presence of the poll clerks to indicate the voters of the precinct whose absentee ballots have been received by the county election board according to the certificate supplied under section 1 of this chapter.

~~(b)~~ **(c)** The poll clerks shall sign the statement printed on the certificate supplied under section 1 of this chapter indicating that the inspector:

(1) marked the poll list; and

(2) attached the certificates described in subsection ~~(a)(2);~~ **(b)(2);** under this section in the presence of both poll clerks.

~~(c)~~ **(d)** The inspector shall retain custody of the certificate supplied under section 1 of this chapter until the certificate is returned under section 9 of this chapter.

SECTION 105. IC 3-11.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a) Except as provided in subsection (b),** immediately after:

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board have made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the

C o p y

precinct.

**(b) This subsection applies to a county that:**

**(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or**

**(2) is a vote center county under IC 3-11-18.1.**

**Immediately after the electronic poll lists used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.**

SECTION 106. IC 3-11.5-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a) Except as provided in subsection (b),** immediately after:

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board has made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct with the assistance of any persons required for the operation of the automatic tabulating machine.

**(b) This subsection applies to a county that:**

**(1) has adopted an order to use an electronic poll list under IC 3-7-29-6; or**

**(2) is a vote center county under IC 3-11-18.1.**

**Immediately after the electronic poll lists used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.**

SECTION 107. IC 3-14-1-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 17. (a) As used in this section, "government employee" refers to any of the following:**

C o p y

**(1) An employee of the state.**

**(2) An employee of a political subdivision.**

**(3) A special state appointee (as defined in IC 4-2-6-1).**

**(b) As used in this section, "government employer" refers to the state or a political subdivision.**

**(c) As used in this section, "property" refers only to the following:**

**(1) Equipment, goods, and materials, including mail and messaging systems.**

**(2) Money.**

**(d) A government employee may not knowingly or intentionally do any of the following:**

**(1) Use the property of the employee's government employer to do any of the following:**

**(A) Solicit a contribution.**

**(B) Advocate the election or defeat of a candidate.**

**(C) Advocate the approval or defeat of a public question.**

**(2) Distribute campaign materials advocating:**

**(A) the election or defeat of a candidate; or**

**(B) the approval or defeat of a public question;**

**on the government employer's real property during regular working hours.**

**This subsection does not prohibit activities permitted under IC 6-1.1-20.**

**(e) A government employee who knowingly or intentionally performs several actions described in subsection (d) in a connected series that are closely related in time, place, and circumstance may be charged with only one (1) violation of this section for that connected series of actions.**

**(f) A government employee who violates this section commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section.**".

Page 32, line 41, after "mail." insert "**The absentee ballot application of a program participant is confidential.**".

Page 35, delete lines 24 through 37, begin a new paragraph and insert:

"SECTION 115. IC 16-35-1.6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. A designated employee may use any of the following methods to transmit voter registration applications or declinations under section 5 ~~or 6~~ of this chapter:

(1) Hand delivery to the circuit court clerk or board of



C o p y

registration.

(2) ~~Certified~~ **Delivery by the United States Postal Service, using first class** mail. ~~return receipt requested.~~".

Page 36, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 116. IC 35-51-3-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The following statutes define crimes in ~~IC 3:~~ **IC 3-14-1:**

IC 3-14-1-1 (Concerning elections).
IC 3-14-1-2 (Concerning elections).
IC 3-14-1-3 (Concerning elections).
IC 3-14-1-6 (Concerning elections).
IC 3-14-1-7 (Concerning elections).
IC 3-14-1-10 (Concerning elections).
IC 3-14-1-10.5 (Concerning elections).
IC 3-14-1-11 (Concerning elections).
IC 3-14-1-13 (Concerning elections).
IC 3-14-1-14 (Concerning elections).
IC 3-14-1-14.5 (Concerning elections).
**IC 3-14-1-17 (Concerning election campaign violations).**
~~IC 3-14-2-1 (Concerning voting).~~
~~IC 3-14-2-2 (Concerning voting).~~
~~IC 3-14-2-2.5 (Concerning voting).~~
~~IC 3-14-2-3 (Concerning voting).~~
~~IC 3-14-2-4 (Concerning voting).~~
~~IC 3-14-2-5 (Concerning voting).~~
~~IC 3-14-2-6 (Concerning voting).~~
~~IC 3-14-2-7 (Concerning voting).~~
~~IC 3-14-2-8 (Concerning voting).~~
~~IC 3-14-2-9 (Concerning voting).~~
~~IC 3-14-2-10 (Concerning voting).~~
~~IC 3-14-2-11 (Concerning voting).~~
~~IC 3-14-2-12 (Concerning voting).~~
~~IC 3-14-2-13 (Concerning voting).~~
~~IC 3-14-2-14 (Concerning voting).~~
~~IC 3-14-2-15 (Concerning voting).~~
~~IC 3-14-2-16 (Concerning voting).~~
~~IC 3-14-2-17 (Concerning voting).~~
~~IC 3-14-2-18 (Concerning voting).~~
~~IC 3-14-2-19 (Concerning voting).~~
~~IC 3-14-2-20 (Concerning voting).~~
~~IC 3-14-2-21 (Concerning voting).~~

C o p y

~~IC 3-14-2-22 (Concerning voting).~~
~~IC 3-14-2-23 (Concerning voting).~~
~~IC 3-14-2-24 (Concerning voting).~~
~~IC 3-14-2-25 (Concerning voting).~~
~~IC 3-14-2-26 (Concerning voting).~~
~~IC 3-14-2-27 (Concerning voting).~~
~~IC 3-14-2-28 (Concerning voting).~~
~~IC 3-14-2-29 (Concerning voting).~~
~~IC 3-14-2-30 (Concerning voting).~~
~~IC 3-14-3-1.1 (Concerning voting).~~
~~IC 3-14-3-2 (Concerning voting).~~
~~IC 3-14-3-3 (Concerning voting).~~
~~IC 3-14-3-4 (Concerning voting).~~
~~IC 3-14-3-5 (Concerning voting).~~
~~IC 3-14-3-6 (Concerning voting).~~
~~IC 3-14-3-7 (Concerning voting).~~
~~IC 3-14-3-8 (Concerning voting).~~
~~IC 3-14-3-9 (Concerning voting).~~
~~IC 3-14-3-10 (Concerning voting).~~
~~IC 3-14-3-11 (Concerning voting).~~
~~IC 3-14-3-12 (Concerning voting).~~
~~IC 3-14-3-13 (Concerning voting).~~
~~IC 3-14-3-14 (Concerning voting).~~
~~IC 3-14-3-15 (Concerning voting).~~
~~IC 3-14-3-16 (Concerning voting).~~
~~IC 3-14-3-17 (Concerning voting).~~
~~IC 3-14-3-18 (Concerning voting).~~
~~IC 3-14-3-19 (Concerning voting).~~
~~IC 3-14-3-20 (Concerning voting).~~
~~IC 3-14-3-20.5 (Concerning voting).~~
~~IC 3-14-3-21 (Concerning voting).~~
~~IC 3-14-3-21.5 (Concerning voting).~~
~~IC 3-14-4-1 (Concerning elections).~~
~~IC 3-14-4-2 (Concerning elections).~~
~~IC 3-14-4-3 (Concerning elections).~~
~~IC 3-14-4-3.5 (Concerning elections).~~
~~IC 3-14-4-4 (Concerning elections).~~
~~IC 3-14-4-6 (Concerning elections).~~
~~IC 3-14-4-7 (Concerning elections).~~
~~IC 3-14-4-8 (Concerning elections).~~
~~IC 3-14-4-9 (Concerning elections).~~
~~IC 3-14-4-10 (Concerning elections).~~

C o p y

~~IC 3-14-6-1.1 (Concerning elections).~~
~~IC 3-14-6-2 (Concerning elections).~~

SECTION 117. IC 35-51-3-2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2. The following statutes define crimes in IC 3-14-2:**

**IC 3-14-2-1 (Concerning voting).**
**IC 3-14-2-2 (Concerning voting).**
**IC 3-14-2-2.5 (Concerning voting).**
**IC 3-14-2-3 (Concerning voting).**
**IC 3-14-2-4 (Concerning voting).**
**IC 3-14-2-5 (Concerning voting).**
**IC 3-14-2-6 (Concerning voting).**
**IC 3-14-2-7 (Concerning voting).**
**IC 3-14-2-8 (Concerning voting).**
**IC 3-14-2-9 (Concerning voting).**
**IC 3-14-2-10 (Concerning voting).**
**IC 3-14-2-11 (Concerning voting).**
**IC 3-14-2-12 (Concerning voting).**
**IC 3-14-2-13 (Concerning voting).**
**IC 3-14-2-14 (Concerning voting).**
**IC 3-14-2-15 (Concerning voting).**
**IC 3-14-2-16 (Concerning voting).**
**IC 3-14-2-17 (Concerning voting).**
**IC 3-14-2-18 (Concerning voting).**
**IC 3-14-2-19 (Concerning voting).**
**IC 3-14-2-20 (Concerning voting).**
**IC 3-14-2-21 (Concerning voting).**
**IC 3-14-2-22 (Concerning voting).**
**IC 3-14-2-23 (Concerning voting).**
**IC 3-14-2-24 (Concerning voting).**
**IC 3-14-2-25 (Concerning voting).**
**IC 3-14-2-26 (Concerning voting).**
**IC 3-14-2-27 (Concerning voting).**
**IC 3-14-2-28 (Concerning voting).**
**IC 3-14-2-29 (Concerning voting).**
**IC 3-14-2-30 (Concerning voting).**

SECTION 118. IC 35-51-3-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 3. The following statutes define crimes in IC 3-14-3:**

**IC 3-14-3-1.1 (Concerning voting).**

C o p y

**IC 3-14-3-2 (Concerning voting).**
**IC 3-14-3-3 (Concerning voting).**
**IC 3-14-3-4 (Concerning voting).**
**IC 3-14-3-5 (Concerning voting).**
**IC 3-14-3-6 (Concerning voting).**
**IC 3-14-3-7 (Concerning voting).**
**IC 3-14-3-8 (Concerning voting).**
**IC 3-14-3-9 (Concerning voting).**
**IC 3-14-3-10 (Concerning voting).**
**IC 3-14-3-11 (Concerning voting).**
**IC 3-14-3-12 (Concerning voting).**
**IC 3-14-3-13 (Concerning voting).**
**IC 3-14-3-14 (Concerning voting).**
**IC 3-14-3-15 (Concerning voting).**
**IC 3-14-3-16 (Concerning voting).**
**IC 3-14-3-17 (Concerning voting).**
**IC 3-14-3-18 (Concerning voting).**
**IC 3-14-3-19 (Concerning voting).**
**IC 3-14-3-20 (Concerning voting).**
**IC 3-14-3-20.5 (Concerning voting).**
**IC 3-14-3-21 (Concerning voting).**
**IC 3-14-3-21.5 (Concerning voting).**

SECTION 119. IC 35-51-3-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 4. The following statutes define crimes in IC 3-14-4:**

**IC 3-14-4-1 (Concerning elections).**
**IC 3-14-4-2 (Concerning elections).**
**IC 3-14-4-3 (Concerning elections).**
**IC 3-14-4-3.5 (Concerning elections).**
**IC 3-14-4-4 (Concerning elections).**
**IC 3-14-4-6 (Concerning elections).**
**IC 3-14-4-7 (Concerning elections).**
**IC 3-14-4-8 (Concerning elections).**
**IC 3-14-4-9 (Concerning elections).**
**IC 3-14-4-10 (Concerning elections).**

SECTION 120. IC 35-51-3-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6. The following statutes define crimes in IC 3-14-6:**

C o p y

**IC 3-14-6-1.1 (Concerning elections).**
**IC 3-14-6-2 (Concerning elections).**".
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 519 as printed February 19, 2013.)

SMITH M, Chair

Committee Vote: yeas 9, nays 3.

---

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 519 be amended to read as follows:

Page 2, delete lines 26 through 37, begin a new paragraph and insert:

"SECTION 4. IC 3-5-2-47.5 AS ADDED BY HEA 1311-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 47.5. "Signing the poll list" means:

(1) a voter writing the voter's name on the certified list of registered voters for the precinct prepared in accordance with IC 3-7-29-1; or

(2) a voter writing the voter's name on an electronic poll list using an electronic signature pad, **tablet, or other signature capturing device** at a polling place, **office of the circuit court clerk (under IC 3-11-10-26),** or satellite office (as established under IC 3-11-10-26.3) where the use of an electronic poll list is authorized in accordance with IC 3-7-29-6.".

Page 12, delete lines 38 through 42, begin a new paragraph and insert:

"SECTION 46. IC 3-7-29-1, AS AMENDED BY HEA 1311-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) **Except as provided in subsection (f),** this section does not apply to a county that:

(1) has adopted an order under section 6 of this chapter; or

(2) is a vote center county under IC 3-11-18.1.

(b) Not later than ten (10) days before the election at which the registration record is to be used, the county voter registration office shall prepare certified copies of the list of registered voters for each precinct in the county.

C o p y

(c) The lists must contain the following information concerning each registered voter:

(1) The full name of the voter.

(2) The address of the voter.

(3) The assigned voter identification number.

(4) Whether the voter is required to provide additional identification before voting either in person or by absentee ballot.

(5) The date of birth of the voter, **including an indication whether the voter is less than eighteen (18) years of age for a poll list used in a primary election.**

(6) The scanned signature of the voter.

(7) Whether the voter is required to provide an affirmation of the voter's residence.

(8) A bar code that allows the county voter registration office to efficiently record whether the voter has signed the poll list.

(9) For a poll list used in a primary election, a letter abbreviation of the name of the major political party whose ballot the voter has requested.

(10) A space for a poll clerk to indicate when a voter has cast an absentee ballot.

(11) A space for a poll clerk to indicate when a voter has cast a provisional ballot.

(12) For a voter required to submit additional documentation required under IC 3-7-33-4.5, a space for a poll clerk to insert letters serving as an abbreviation for the type of documentation provided by the voter.

(d) The names shall be arranged in the same order as they are in the registration record of the precinct.

(e) The poll list must also contain a statement at the top of each page indicating that an individual who knowingly makes a false statement:

**(1)** by signing a poll list; or ~~indicating~~

**(2)** on a poll list ~~that a voter's~~ **concerning the individual's name or residence** address; ~~has changed~~

commits a Class D felony as provided by IC 3-14-2-11.

(f) This subsection applies to a county that has adopted an order under section 6 of this chapter or is a vote center county under IC 3-11-18.1. The precinct election board shall post in a location within the precinct or vote center a notice that:

(1) is clearly visible to an individual (or to an individual providing assistance under IC 3-11-9) who is providing information to a precinct election officer using an electronic poll list; and



C o p y

(2) indicates that an individual commits a Class D felony under IC 3-14-2-11, if the individual knowingly makes a false statement to a precinct election officer **concerning:**

(A) ~~concerning~~ the individual's name; or

(B) ~~indicating that~~ the individual's **residence** address. ~~has changed.~~

SECTION 47. IC 3-7-29-3, AS AMENDED BY HEA 1311-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a) This section does not apply to a county that:**

**(1) has adopted an order under section 6 of this chapter; or**

**(2) is a vote center county under IC 3-11-18.1.**

**(b)** When the inspector of a precinct procures the ballots and other election supplies for an election, the inspector shall also procure from the county voter registration office the certified copies of the registration record of the precinct with the information required under section 1 of this chapter ~~(or an electronic poll list in a county in which an order is adopted under section 6 of this chapter or that is a vote center county under IC 3-11-18.1)~~ and other necessary registration supplies.

SECTION 48. IC 3-7-29-6 AS ADDED BY HEA 1311-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) If a county election board adopts an order to provide an electronic poll list to the inspector for use at a polling place, **an office of the circuit court clerk (under IC 3-11-10-26),** or at a satellite office established under IC 3-11-10-26.3, electronic poll lists may be used at an election (rather than certified poll lists prepared under this chapter) **in all precincts in which the election is to be conducted.**

(b) An order adopted under subsection (a) must require the use of an electronic signature (as defined in IC 26-2-8-102) to sign an electronic poll list at an election (rather than requiring voters to sign certified poll lists prepared under this chapter).

(c) The county voter registration office shall download the information required to be available on an electronic poll list before the electronic poll list is delivered and installed as required by IC 3-11-3-11(b).".

Delete pages 13 through 14.

Page 15, delete lines 1 through 16.

Page 16, line 1, delete "sworn or affirmed" and insert "**certified to by the individual**".

Page 17, between lines 12 and 13, begin a new line block indented

C o p y

and insert:

"**(11) A state agency or county voter registration office receiving an application through the online voter registration system under IC 3-7-26.7.**".

Page 18, line 34, delete "As used in this chapter," and insert "**(a) For purposes of this chapter,**".

Page 19, between lines 22 and 23, begin a new paragraph and insert:

"**(b) For purposes of this chapter, a registration form is "incomplete" if a person who received a completed application from the applicant does not provide any of the following:**

**(1) The name and residence address of the individual who received the application.**

**(2) The date on which the individual received the application from the applicant.**

**(3) The signature of the individual certifying this information.**".

Page 24, delete lines 20 through 34.

Page 25, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 67. IC 3-7-45-6.1, AS AMENDED BY HEA 1391-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6.1. (a) **At least once each month,** the election division shall obtain information regarding Indiana residents identified as deceased by the federal Social Security Administration as required by 42 U.S.C. 15483 and in conformity with IC 3-7-26.3.

(b) **Not later than thirty (30) days after receiving a report obtained under subsection (a),** the election division shall provide each county voter registration office with a report identifying the deceased individuals who are shown as residing in the county.

(c) Except as provided in section 7 of this chapter, the county voter registration office shall cancel the registration of each deceased person listed in the report provided under subsection (b).

(d) If the election division does not perform a duty in accordance with this section, the secretary of state shall perform the duty.

SECTION 68. IC 3-7-45-8, AS AMENDED BY HEA 1391-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) **At least once each month,** the NVRA official shall notify each county voter registration office of the names of deceased persons obtained under this chapter.

(b) If the NVRA official does not perform a duty in accordance with this section, the secretary of state shall perform the duty.

SECTION 69. IC 3-10-1-7.1, AS AMENDED BY HEA 1311-2013,

C o p y

SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7.1. (a) This subsection does not apply to a county in which electronic poll lists are used under IC 3-7-29-6 or IC 3-11-18.1. Each county election board shall furnish the inspector of each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

(b) This subsection does not apply to a county in which electronic poll lists ~~with the capability to display signatures of voters~~ are used under IC 3-7-29-6 or IC 3-11-18.1. The county voter registration office may also provide the inspector of each precinct in the county a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of this chapter.

(c) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct or the electronic poll list, it is sufficient evidence of the person's right to vote unless the person is challenged.

SECTION 70. IC 3-11-3-16, AS AMENDED BY HEA 1311-2013, SECTION 16, AND SEA 518-2013, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. **(a) Except as provided in subsection (b),** each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 (or an electronic poll list in a county described by IC 3-7-29-6 or IC 3-11-18.1) and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8.

**(b) In a county described by IC 3-7-29-6 or IC 3-11-18.1, the electronic poll lists shall be delivered and installed for use by the county election board under section 11(b) of this chapter.**

**(c)** The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29 (or in the use of the electronic poll lists).

SECTION 71. IC 3-11-3-29.5, AS AMENDED BY HEA 1157-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 29.5. (a) This section applies to a ~~primary,~~ general or special election in which the name of a candidate appears on the ballot. This section does not apply to an election for presidential electors in which the name of a candidate for President of the United States or Vice President of the United States appears on the ballot.

C o p y

(b) The election board shall print new ballots to remove the name of a candidate who has died or is no longer a candidate under IC 3-13-2-1 if:

(1) the candidate's party does not fill the vacancy under IC 3-13-1 or IC 3-13-2 not later than noon, five (5) days before the election; and

(2) when a candidate has died, the election board:

(A) receives a certificate of death issued under IC 16-37-3 not later than noon the seventh day before the election; or

(B) votes unanimously by the entire membership that there is good cause to believe that the candidate has died.

(c) The election board shall provide the number of ballots necessary to reflect a vacancy to the following:

(1) The absentee voter board.

(2) The inspector of each precinct in which the candidate is on the ballot.

(3) The circuit court clerk.

(d) The election board may order the printing of new ballots that omit the name of a candidate described in subsection (b). ~~Except for ballots used in a primary election,~~ A ballot printed under this subsection must contain the statement "NO CANDIDATE" or "CANDIDATE DECEASED" or words to that effect at the appropriate position on the ballot.

(e) If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled after noon five (5) days before the election, the election board is not required to reprint ballots to remove the name of an individual who is no longer a candidate but may do so upon the vote of the election board.".

Delete pages 26 through 29.

Page 30, delete lines 1 through 14.

Page 31, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 74. IC 3-11-8-6.3 AS ADDED BY SEA 518-2013, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6.3. **(a)** The polls may not be located in a structure on or in which is ~~located~~ **affixed** any display visible to a voter of political preference or party allegiance. ~~including~~ **Except as provided in subsection (b), this section does not prohibit the location of the polls in a structure that includes** any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.

**(b) The polls may not be located in a structure in which the polls**



C o p y

**or chute contain any display visible to the voter of political preference or party allegiance, including any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official.**

SECTION 75. IC 3-11-8-10.3, AS AMENDED BY HEA 1311-2013, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base.

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

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

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

(3) An electronic poll list may not permit access to voter information other than:

(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:

(i) The county's receipt of an absentee ballot from the voter.

(ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.

(iii) The county's issuance of a certificate of error.

(4) The information contained on an electronic poll list must be encrypted and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. **The electronic poll book must have the capability of:**

**(A) storing a local version of the data base that serves as a backup; and**

**(B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.**

(5) The electronic poll list must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:

(A) already cast a ballot at the election;



C o p y

(B) returned an absentee ballot; or

(C) submitted any additional documentation required under IC 3-7-33-4.5.

(6) After the voter has been provided with a ballot, the electronic poll list must permit a poll clerk to enter information indicating that the voter has voted at the election.

(7) The electronic poll list must transmit the information in subdivision (6) to the county election board so that the board may transmit the information immediately to every other polling place or satellite absentee office in the county in which an electronic poll list is being used.

(8) The electronic poll list must permit reports to be:

(A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and

(B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.

(9) After election day, the electronic poll list must permit voter history to be quickly and accurately uploaded into the computerized list.

(10) The electronic poll list must be able to display an electronic image of the signature of a voter taken from the voter's registration application, if available.

(11) The electronic poll list must be used with a signature pad, **tablet, or other signature capturing device** that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). **An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.**

(12) The electronic poll list must include a bar code reader **or tablet** that:

(A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader **or tablet;** and

(B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.

(13) The electronic poll list must be compatible with:

(A) any hardware attached to the poll book, such as signature pads, bar code scanners, and network cards;

C o p y

(B) the statewide voter registration system; and

(C) any software system used to prepare voter information to be included on the electronic poll list.

(14) The electronic poll list must have the ability to be used in conformity with this title for:

(A) any type of election conducted in Indiana; or

(B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

(15) The procedures for setting up, using, and shutting down an electronic poll list must:

(A) be reasonably easy for a precinct election officer to learn, understand, and perform; and

(B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.

(16) The electronic poll list must enable a precinct election officer to verify that the electronic poll list:

(A) has been set up correctly;

(B) is working correctly so as to verify the eligibility of the voter;

(C) is correctly recording that a voter has voted; and

(D) has been shut down correctly.

(17) The electronic poll list must include the following documentation:

(A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll list.

(B) Training materials that:

(i) may be in written or video form; and

(ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.

(C) Failsafe data recovery procedures for information included in the electronic poll list.

(D) Usability tests:

(i) that are conducted by the manufacturer of the electronic poll list using individuals who are representative of the general public;

(ii) that include the setting up, using, and shutting down of the electronic poll list; and

(iii) that report their results using the ANSI/INCITS -354 Common Industry Format (CIF) for Usability Test Reports approved by the American National Standards Institute

C o p y

(ANSI) on December 12, 2001.

(E) A clear model of the electronic poll list system architecture and the following documentation:

(i) End user documentation.

(ii) System-level documentation.

(iii) Developer documentation.

(F) Detailed information concerning:

(i) electronic poll list consumables; and

(ii) the vendor's supply chain for those consumables.

(G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll list.

(H) Repair and maintenance policies for the electronic poll list.

(I) As of the date of the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2), the following:

(i) A list of customers who are using or have previously used the vendor's electronic poll list.

(ii) A description of any known anomalies involving the functioning of the electronic poll list, including how those anomalies were resolved.

(18) The electronic poll list and any hardware attached to the poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.

(19) The electronic poll list must demonstrate that it correctly processes all activity regarding each voter registration record included on the list, including the use, alteration, storage, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll list.

(20) The electronic poll list must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2).

**(21) The electronic poll list must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter voted, and the electronic signature of the voter, for retention on the dedicated private**

C o p y

**server maintained by the county election board for the period required by Indiana and federal law.**

**(22) The electronic poll list must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2).**

**(23) The electronic poll list must:**

**(A) permit a voter to sign the poll list even when there is a temporary interruption in connectivity to the Internet; and**

**(B) provide for the uploading of each signature and its assignment to the voter's registration record.**".

Delete pages 32 through 34.

Page 37, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 77. IC 3-11-10-26, AS AMENDED BY SEA 518-2013, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26. (a) This subsection applies to all counties, except for a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

(1) One (1) location of the office of the circuit court clerk designated by the circuit court clerk.

(2) A satellite office established under section 26.3 of this chapter.

(b) This subsection applies to a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

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

(2) A satellite office established under section 26.3 of this chapter.

(c) Except for a location designated under subsection (a)(1), a location of the office of the circuit court clerk must be established as a satellite office under section 26.3 of this chapter in order to be used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

(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 o p y

(e) The voter may vote before the board not more than twenty-eight (28) days nor later than noon on the day before election day. If the close of a voter registration period is transferred **under IC 3-5-4-1.5** from twenty-nine (29) days to a later date ~~under this title,~~ **due to the Columbus Day holiday,** the voter may vote before the board on the first day following the day on which the voter registration period closes.

(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-eight (28) days before the election and not later than noon on election day. If the close of a voter registration period is transferred **under IC 3-5-4-1.5** from twenty-nine (29) days to a later date ~~under this title,~~ **due to the Columbus Day holiday,** the voter may vote before the board on the first day following the day on which the voter registration period closes. 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.

(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.

(h) Notwithstanding subsection (g), 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.

(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.

C o p y

(j) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(k) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

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

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

SECTION 78. IC 3-11-17-1, AS AMENDED BY HEA 1311-2013, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter applies to a voting system or an electronic poll book vendor who **markets,** sells, leases, installs, implements, or permits the use of a voting system or an electronic poll book in an election conducted in Indiana.".

Delete pages 38 through 41.

Page 42, delete lines 1 through 3.

Page 44, delete lines 24 through 42.

Page 45, delete lines 1 through 17.

Page 45, delete lines 25 through 42.

Delete page 46.

Page 47, delete lines 1 through 28.

Page 48, delete lines 10 through 42.

Delete pages 49 through 51.

Page 52, delete lines 1 through 9.

Page 52, between lines 16 and 17, begin a new line block indented and insert:

"**(4) An employee of a charter school (as defined in IC 20-24-1-4).**".

Page 53, delete lines 4 through 23.

Page 56, delete lines 11 through 20.

Renumber all SECTIONS consecutively.

(Reference is to ESB 519 as printed April 8, 2013.)

RICHARDSON



C o p y

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 519 be amended to read as follows:

Page 52, delete lines 24 through 37, begin a new paragraph and insert:

"**(d) A government employee may not knowingly or intentionally use the property of the employee's government employer to do any of the following:**

**(1) Solicit a contribution.**

**(2) Advocate the election or defeat of a candidate.**

**(3) Advocate the approval or defeat of a public question.**

**(e) A government employee may not knowingly or intentionally distribute campaign materials advocating:**

**(1) the election or defeat of a candidate; or**

**(2) the approval or defeat of a public question;**

**on the government employer's real property during regular working hours.**

**(f) This section does not prohibit activities permitted under IC 6-1.1-20.**".

Page 52, line 38, delete "(e)" and insert "**(g)**".

Page 52, line 39, after "(d)" insert "**or (e)**".

Page 53, line 1, delete "(f)" and insert "**(h)**".

(Reference is to ESB 519 as printed April 8, 2013.)

MCMILLIN

Copy