

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1311 be amended to read as follows:

1 Page 16, between lines 4 and 5, begin a new paragraph and insert:
2 "SECTION 22. IC 3-11-10-23 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 23. ~~If proof is given to~~
4 a precinct election board that **(a) This section applies if an absentee**
5 voter:
6 **(1) marked and forwarded an absentee ballot; ~~but died before~~**
7 **election day; and**
8 **(2) subsequently dies.**
9 then the inspector shall return the ballot of the deceased voter with the
10 other defective ballots to the officer issuing the ballots. However, the
11 casting of an
12 **(b) The deceased voter's absentee ballot by a deceased voter does**
13 not invalidate an election: **shall be counted if the absentee ballot**
14 **would otherwise be entitled to be counted if the voter had not died.**
15 SECTION 23. IC 3-11-10-26.7 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2013]: **Sec. 26.7. (a) This section applies to**
18 **absentee ballots cast under section 26 or 26.3 of this chapter using**
19 **a ballot card voting system.**
20 **(b) A voter shall, immediately after marking the ballot card,**
21 **scan the ballot card into the ballot card voting system.**
22 **(c) Notwithstanding section 12 of this chapter, a county election**
23 **board is not required to deliver absentee ballots described in**
24 **subsection (a) to the precincts for counting. However, if the county**
25 **is not using an electronic poll list, the county election board shall**
26 **deliver to each precinct a list of the names of voters who have cast**
27 **absentee ballots described in subsection (a). The county election**
28 **board shall deliver this list at the same time the county election**
29 **board delivers other absentee ballots to the precinct. If the county**

1 is using an electronic poll list, the poll list used at a polling place or
2 vote center must be immediately updated to indicate that the
3 county received an absentee ballot from a voter.

4 (d) The county election board:

5 (1) shall count the absentee ballots described in subsection (a)
6 using the procedures in IC 3-11.5 for counting absentee
7 ballots at a central location, including the procedures for
8 challenging absentee ballots; and

9 (2) shall adjust the vote totals for each precinct based on the
10 count of absentee ballots under subdivision (1).

11 (e) This section does not require a county election board to
12 count absentee ballots not described in subsection (a) at a central
13 location under this section or IC 3-11.5."

14 Page 21, between lines 15 and 16, begin a new paragraph and insert:
15 "SECTION 33. IC 3-11.5-4-17 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) If proof is given
17 to the absentee ballot counters that **This section applies if** an absentee
18 voter:

19 (1) marked and forwarded an absentee ballot; but died before
20 election day; and

21 (2) subsequently dies.

22 the ballot of the deceased voter shall be rejected under section 13 of
23 this chapter and retained with the other rejected ballots under section
24 14 of this chapter.

25 (b) The casting of an **deceased voter's** absentee ballot by a
26 deceased voter does not invalidate an election. **shall be counted if the**
27 **absentee ballot would otherwise be entitled to be counted if the**
28 **voter had not died."**

29 Renumber all SECTIONS consecutively.

(Reference is to EHB 1311 as printed March 26, 2013.)

Senator STOOPS