



Reprinted
February 8, 2013
Author Correction

SENATE BILL No. 388

DIGEST OF SB 388 (Updated February 7, 2013 2:40 pm - DI 102)

Citations Affected: IC 3-11.

Synopsis: Election matters. Provides that a voter casting an absentee ballot in person at a location in a county courthouse who is in line to vote or has not completed the act of voting when the hour for closing the courthouse or the deadline for early voting occurs shall be permitted to vote unless otherwise prevented according to law.

Effective: July 1, 2013.

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

January 10, 2013, read first time and referred to Committee on Elections.
February 4, 2013, amended, reported favorably — Do Pass.
February 7, 2013, read second time, amended, ordered engrossed.

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SB 388—LS 6722/DI 102+



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.

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SENATE BILL No. 388

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

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

- 1 SECTION 1. IC 3-11-10-26, AS AMENDED BY P.L.225-2011,
2 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 26. (a) This subsection applies to all counties,
4 except for a county to which IC 3-6-5.2 applies. As an alternative to
5 voting by mail, a voter is entitled to cast an absentee ballot before an
6 absentee voter board at any of the following:
7 (1) One (1) location of the office of the circuit court clerk
8 designated by the circuit court clerk.
9 (2) A satellite office established under section 26.3 of this
10 chapter.
11 (b) This subsection applies to a county to which IC 3-6-5.2 applies.
12 As an alternative to voting by mail, a voter is entitled to cast an
13 absentee ballot before an absentee voter board at any of the following:
14 (1) The office of the board of elections and registration.
15 (2) A satellite office established under section 26.3 of this
16 chapter.
17 (c) Except for a location designated under subsection (a)(1), a

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1 location of the office of the circuit court clerk must be established as
 2 a satellite office under section 26.3 of this chapter in order to be used
 3 as a location at which a voter is entitled to cast an absentee ballot
 4 before an absentee voter board under this section.

5 (d) The voter must:

6 (1) sign an application on the form prescribed by the commission
 7 under IC 3-11-4-5.1; and

8 (2) provide proof of identification;

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

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

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

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

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

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

34 (1) permitted to verify in a private and independent manner the
 35 votes selected by the voter before the ballot is cast and counted;

36 (2) provided with the opportunity to change the ballot or correct
 37 any error in a private and independent manner before the ballot is
 38 cast and counted, including the opportunity to receive a
 39 replacement ballot if the voter is otherwise unable to change or
 40 correct the ballot; and

41 (3) notified before the ballot is cast regarding the effect of casting
 42 multiple votes for the office and provided an opportunity to

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1 correct the ballot before the ballot is cast and counted.
 2 (j) As provided by 42 U.S.C. 15481, when an absentee ballot is
 3 provided under this section, the board must also provide the voter with:
 4 (1) information concerning the effect of casting multiple votes for
 5 an office; and
 6 (2) instructions on how to correct the ballot before the ballot is
 7 cast and counted, including the issuance of replacement ballots.
 8 (k) If:
 9 (1) the voter is unable or declines to present the proof of
 10 identification; or
 11 (2) a member of the board determines that the proof of
 12 identification provided by the voter does not qualify as proof of
 13 identification under IC 3-5-2-40.5;
 14 the voter shall be permitted to cast an absentee ballot and the voter's
 15 absentee ballot shall be treated as a provisional ballot.
 16 (l) A voter casting an absentee ballot under this section is entitled
 17 to cast the voter's ballot in accordance with IC 3-11-9.
 18 **(m) A voter casting an absentee ballot under this section at a**
 19 **location in a county courthouse who:**
 20 **(1) is in line to vote; or**
 21 **(2) has not completed the act of voting;**
 22 **when the hour for closing the courthouse or the deadline for voting**
 23 **established by this section occurs shall be permitted to vote unless**
 24 **otherwise prevented according to law.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 388, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 20.

Page 4, delete lines 19 through 25.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 388 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

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

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

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

MILLER PETE

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