



Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Thirty-fifth Meeting Day

Thursday Morning

March 15, 2001

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Speaker John R. Gregg.

The Pledge of Allegiance to the Flag was led by Representative Dean R. Mock.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman	Klinker
Atterholt	Kromkowski
Avery	Kruse
Ayres	Kruzan •
Bardon	Kuzman
Bauer	Lawson
Becker	Leuck •
Behning	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Bosma	Mahern
Bottorff	Mangus
C. Brown	Mannweiler •
T. Brown	McClain
Buck	Mellinger
Budak	Mock
Buell	Moses
Burton	Munson
Cheney	Murphy
Cherry	Oxley
Cochran	Pelath •
Cook	Pond
Crawford	Porter
Crooks	Richardson
Crosby	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dillon	Scholer
Dobis	M. Smith
Dumezich	V. Smith •
Duncan	Steele
Dvorak	Stevenson
Espich	Stilwell
Foley	Sturtz
Frenz	Summers
Friend	Thompson
Frizzell	Tincher
Fry	Torr
GiaQuinta	Turner
Goeglein	Ulmer •
Goodin	Weinzapfel
Grubb	Welch •
Harris	Whetstone
Hasler •	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, March 19, 2001, at 1:00 p.m.

MELLINGER

Motion prevailed.

The House stood for a moment of silence in memory of former Representative Richard Wathen, who died this week.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 56

Representative Kuzman introduced House Concurrent Resolution 56:

A CONCURRENT RESOLUTION urging the Legislative Council to establish an interim study committee to investigate issues related to the observance of Daylight Saving Time and the boundaries of the Eastern and Central Time Zones.

Whereas, The observance of Daylight Saving Time and the Time Zone boundaries may impact the Indiana economy, including the manufacturing, high-tech, retail, wholesale, service, broadcasting, transportation, and agricultural sectors of the economy;

Whereas, The observance of Daylight Saving Time and the Time Zone boundaries may affect recreation, safety, civic, educational, religious, and social opportunities for Indiana citizens;

Whereas, the observance of Daylight Saving Time and the Time Zone boundaries may also involve issues related to energy consumption: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Legislative Council is urged to establish an interim study committee to investigate issues related to the observance of Daylight Saving Time and the boundaries of the Eastern and Central Time Zones.

The resolution was read a first time.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 11:15 a.m. with the Speaker in the Chair.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 56

The first reading of House Concurrent Resolution 56 was pending. Representative Kuzman withdrew the resolution from consideration until Monday, March 19.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 268, has had the same under

Roll Call 411: 92 present; 8 excused. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 3-5-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. "Ballot card" means a card on which votes are recorded by the process of punching or marking—refers to either a punch card ballot or an optical scan ballot.

SECTION 2. IC 3-5-2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.5. "Ballot card voting system" refers to either a punch card voting system or an optical scan voting system.

SECTION 3. IC 3-5-2-33.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 33.8. "Optical scan ballot" means a card or another paper on which votes are:

- (1) recorded by marking the card or paper in ink or pencil; and
- (2) tabulated by an optical system that reads the marks on the card or paper.

SECTION 4. IC 3-5-2-33.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 33.9. "Optical scan voting system" means a voting system using optical scan ballots.

SECTION 5. IC 3-5-2-41.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 41.5. "Punch card ballot" means a card on which votes are recorded by punching holes in the card.

SECTION 6. IC 3-5-2-41.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 41.6. "Punch card ballot system" means a voting system using punch card ballots.

SECTION 7. IC 3-10-1-28.5, AS AMENDED BY P.L.176-1999, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.5. (a) If a ballot card voting system is used in a precinct, after a voter has marked a ballot card the voter shall place it inside the envelope provided for this purpose and return it to the judge.

(b) The judge shall remove the stub from the ballot card. This subsection does not apply to an optical scan ballot card voting system.

(c) The judge shall then offer to return the envelope with the ballot card inside to the voter. The voter shall:

- (1) accept the envelope and deposit it with the ballot card inside into the ballot box; or
- (2) decline the envelope and require the judge to deposit it in the ballot box.

(d) The voter then shall leave the polls.

SECTION 8. IC 3-11-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 6.5. Voting System Improvement

Sec. 1. (a) As used in this section, "department" refers to the Indiana department of administration established by IC 4-13-1-2.

(b) The department shall award quantity purchase agreements to vendors for the purchase of new voting systems or upgrades or expansion of existing voting systems by counties.

(c) Both of the following must apply before the department may issue a quantity purchase agreement to a voting system vendor:

(1) The commission has found that all of the following would be enhanced by the vendor's new or upgraded voting system:

- (A) Reliability of a county's voting system.
- (B) Efficiency of a county's voting system.
- (C) Ease of use by voters.
- (D) Public confidence in a county's voting system.

(2) The commission has otherwise certified the vendor's new voting system or the upgrade or expansion of the existing voting system for use under this title.

Sec. 2. (a) The voting system improvement fund is established for the purpose of reimbursing counties for the purchase of new voting systems or for the upgrade or expansion of existing voting systems.

(b) The fund consists of the following:

(1) Money appropriated to the fund by the general assembly, including any money appropriated from the build Indiana fund.

(2) All money allocated to the state by the federal government for improvement of voting systems.

(3) Proceeds of bonds issued by the Indiana bond bank for improvement of voting systems as authorized by law.

The auditor of state shall establish an account within the fund for money appropriated by the general assembly and bond proceeds and a separate account within the fund for any money received by the state from the federal government.

(c) The election division shall administer the fund.

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

(e) 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. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund is appropriated continuously for the purposes stated in subsection (a).

Sec. 3. To receive reimbursement for the purchase of a new voting system or an upgrade or expansion of an existing voting system, a county must make an application to the budget agency not later than January 1, 2003, in the form required by the budget agency.

Sec. 4. The budget agency, after review by the budget committee, shall approve a county's application for reimbursement under this chapter if the county's application demonstrates to the budget agency all of the following:

(1) That the county has purchased or has awarded a contract to purchase a new voting system or an upgrade or expansion of an existing voting system.

(2) That the voting system or the upgrade or expansion of the voting system was, or will be, purchased from a vendor that has a quantity purchase agreement awarded under section 1 of this chapter.

Sec. 5. (a) If a county's application is approved under section 4 of this chapter, the election division shall, subject to this section, reimburse the county from the voting system improvement fund an amount equal to fifty percent (50%) of the amount required for the purchase of a new voting system or the upgrade or expansion of an existing voting system.

(b) Payment of money from the voting system improvement fund is subject to the availability of money in the fund.

(c) It is the intent of the general assembly that a county eligible for reimbursement under section 4 of this chapter be reimbursed from federal money received by the state to the maximum extent permitted by federal law.

(d) This section expires January 1, 2005.

Sec. 6. If federal money remains in the voting system improvement fund after all counties eligible for reimbursement under section 5 of this chapter have been reimbursed from federal funds to the maximum extent permitted by federal law, the remaining federal money reverts to the voting system education fund established by section 7 of this chapter, to the extent permitted by federal law.

Sec. 7. (a) The voting system education fund is established for the purpose of providing money for development and implementation of programs by counties for educating voters about voting procedures.

(b) The fund consists of money appropriated to the fund by the general assembly, including any money appropriated from the build Indiana fund.

(c) The election division shall administer the fund.

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

(e) 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. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund is appropriated continuously for the

purposes stated in subsection (a).

Sec. 8. (a) To receive payment for the development and implementation of a program for educating voters about voting procedures, a county must make an application to the budget agency in the form required by the budget agency.

(b) The budget agency, after review by the budget committee, shall approve a county's application for payment under this chapter if the county's application demonstrates to the budget agency all of the following:

- (1) That the county has developed a program for educating voters about the use of the county's voting system.**
- (2) That the commission has approved the program and the county's implementation plan for the program.**
- (3) That the program will enhance all of the following:**
 - (A) Familiarity of voters with the county's voting system.**
 - (B) Accessibility of the county's voting system to voters.**
 - (C) Ease of use of the county's voting system by voters.**
 - (D) Public confidence in the county's voting system.**

(c) If a county's application is approved under this section, the division shall, subject to subsections (d) and (e), pay the county from the voting system education fund an amount equal to fifty percent (50%) of the amount of reasonable development and implementation costs of the county's program for educating voters about voting procedures, as determined by the budget agency.

(d) Payment of money from the voting system education fund under this section is subject to the availability of money in the fund.

SECTION 9. IC 3-11-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The commission must approve a ballot card voting system before it may be used in an election.

(b) After June 30, 2001, the commission may not approve a punch card ballot system for use in an election.

(c) After December 31, 2004, a punch card ballot system may not be used in an election.

SECTION 10. IC 3-11-13-6, AS AMENDED BY P.L.176-1999, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) Before an election at which a ballot card voting system is used, a county election board shall:

- (1) have the marking devices prepared for the election;
- (2) have the marking devices put in order, set and adjusted, and made ready for voting when delivered to the precincts; and
- (3) provide the precinct election officers with marking devices, a demonstration marking device (except in precincts using optical scan ~~ballot cards~~; ballots), ballot cards, ballot boxes, ballot labels, and other records and supplies as required.

(b) While acting under subsection (a), the county election board may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) Each county election board shall have each ballot card voting system, along with all necessary furniture and appliances that go with the system at the polls, delivered to the appropriate precinct not later than 6 p.m. of the day before election day. The county executive shall provide transportation for the systems if requested to do so by the county election board.

SECTION 11. IC 3-11-13-18, AS AMENDED BY P.L.176-1999, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) This subsection does not apply to an optical scan ~~ballot card~~ voting system. Each ballot card provided under section 17 of this chapter must have two (2) attached perforated stubs on which is printed the same serial number. The top stub shall be bound or stapled in the package of ballot cards retained by the precinct election officers. The following information must be printed on the second stub:

- (1) The name of the political subdivision holding the election.
- (2) The designation of the election.
- (3) The date of the election.
- (4) The instructions to the voters.
- (5) In a primary election, the name of the political party.

(b) The county election board in a county using a ballot card voting system shall provide ballot cards to the precinct election board that permit voters to cast write-in votes for each officer to be voted for at that election.

(c) The ballot cards provided under subsection (b) must be:

- (1) designed to be folded; or
- (2) accompanied by a secrecy envelope;

to ensure the secrecy of each of the votes cast by a voter.

(d) A write-in vote shall be cast by printing the name of the candidate and the title of the office in the space provided for write-in votes on a ballot card or secrecy envelope.

SECTION 12. IC 3-11-13-20, AS AMENDED BY P.L.26-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. (a) This section does not apply to an optical scan ~~ballot card~~ voting system.

(b) Each county election board shall maintain a record of the serial numbers of all of the ballot cards provided to a precinct and shall note in this record the precinct to which each ballot card relates.

SECTION 13. IC 3-11-13-28.5, AS AMENDED BY P.L.176-1999, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.5. (a) Unless challenged, a voter may proceed to vote.

(b) This subsection does not apply to an optical scan ~~ballot card~~ voting system. After a voter has signed the poll list, the poll clerk holding the ballot card shall remove the top stub, as described in section 18 of this chapter, and deliver to the voter one (1) of each ballot card that the voter is entitled to vote at the election. The top stub (and any second stub declined by the voter under section 33 of this chapter) shall be retained by the precinct election board and returned to the election board following the close of the polls.

(c) As each successive voter calls for a ballot, the poll clerks shall deliver to the voter the first initialed ballot of each type. The inspector shall then deliver to the poll clerks another ballot of each type, which the clerks shall initial as before.

SECTION 14. IC 3-11-13-33, AS AMENDED BY P.L.176-1999, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 33. (a) After a voter has marked a ballot card, the voter shall place it inside the envelope provided for this purpose or fold the envelope described in section 18(c)(1) of this chapter and return the ballot card to the judge.

(b) This subsection does not apply to an optical scan ballot ~~card~~ or to a ballot card with a fold-over envelope. The judge shall remove the second stub, as described in section 18 of this chapter, from the envelope and offer the second stub to the voter.

(c) The judge shall offer to return the envelope with the ballot card inside to the voter. The voter shall:

- (1) accept the envelope and deposit it in the ballot box; or
- (2) decline the envelope and require the judge to deposit it in the ballot box.

(d) If a voter offers to vote a ballot card that is not inside the envelope provided for this purpose or with the envelope not folded if the ballot is described in section 18(c)(1) of this chapter, the precinct election board shall direct the voter to return to the booth and place the ballot card in the envelope provided for this purpose or fold the envelope.

(e) After a voter's ballot cards have been deposited in the ballot box, the poll clerks shall make a voting mark after the voter's name on the poll list.

(f) After voting, a voter shall leave the polls. However, a voter to whom ballot cards and a marking device have been delivered may not leave the polls without voting the ballot cards or returning them to the poll clerk from whom the voter received them.

SECTION 15. IC 3-11-13-35, AS AMENDED BY P.L.176-1999, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 35. (a) If a voter spoils or defaces a ballot card or marks it erroneously, the voter shall return the card so as not to disclose any choices that the voter has made.

(b) This subsection does not apply to an optical scan ballot. ~~card~~. A voter returning a ballot must comply with subsection (a) by folding the stub on the ballot card.

(c) After complying with subsection (b), the voter then may receive another ballot card. Upon receipt of a defective ballot card, the precinct election board shall:

- (1) immediately cancel the defective card by writing on the back of the card and stub the word "VOID" in ink or in indelible

pencil; and
(2) without detaching any stub attached to the card, place the card in the container for voided ballots in a manner that does not expose the choices of the voter.

SECTION 16. An emergency is declared for this act.

(Reference is to SB 268 as printed January 30, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

KROMKOWSKI, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER’S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 268 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representatives Becker and Budak be added as cosponsors of Engrossed Senate Bill 215.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Budak be added as cosponsor of Engrossed Senate Bill 293.

DVORAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as cosponsor of Engrossed Senate Bill 308.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Budak be added as cosponsor of Engrossed Senate Bill 344.

HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Torr be added as cosponsor of Engrossed Senate Bill 453.

BODIKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Torr be added as cosponsor of Engrossed Senate Bill 485.

STILWELL

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Steele the House adjourned at 11:20 a.m., this fifteenth day of March, 2001, until Monday, March 19, 2001, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE SMITH

Principal Clerk of the House of Representatives