

PROPOSED AMENDMENT

HB 1265 # 1

DIGEST

Various elections matters. Deletes a provision from the bill that would specify that a nondiscriminatory uniform policy concerning certain voter registration information must apply to all records maintained in the computerized list, including election administration records and absentee activity reports. Requires the NVRA official to send certain voter names to the bureau of motor vehicles instead of the election division. Specifies that a provision concerning the delivery, retention, confidentiality, and disposal of election materials does not prohibit county election officials from performing a duty under statutes concerning provisional voting. Deletes a provision from the bill that would make a stylistic change to the deadline for the receipt of certain absentee ballot applications. Modifies a provision concerning the delivery and retention of affidavits. Makes conforming amendments.

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- 1 Delete page 2.
 - 2 Page 3, delete lines 1 through 5.
 - 3 Page 3, line 16, delete "election division" and insert "**bureau of**
 - 4 **motor vehicles**".
 - 5 Page 3, line 39, after "or" insert "**the copies of the**".
 - 6 Page 6, between lines 2 and 3, begin a new paragraph and insert:
 - 7 "**(l) This section does not prohibit county election officials from**
 - 8 **performing a duty under IC 3-11.7.**".
 - 9 Page 6, line 33, reset in roman "11:59 p.m. twelve (12)".
 - 10 Page 6, line 33, delete "Eleven (11)".
 - 11 Page 16, delete lines 17 through 42, begin a new paragraph and
 - 12 insert:
 - 13 "SECTION 14. IC 3-14-5-2, AS AMENDED BY P.L.227-2023,
 - 14 SECTION 132, IS AMENDED TO READ AS FOLLOWS
 - 15 [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) Each precinct election board
 - 16 shall, at the close of the polls, place any affidavit prescribed by
 - 17 IC 3-10-1-9 to challenge the party affiliation of a person wishing to cast
 - 18 a ballot in a primary election in a strong paper bag or envelope and
 - 19 securely seal it. Each member shall endorse that member's name on the
 - 20 back of the bag or envelope.
 - 21 (b) Each precinct election board shall, at the close of the polls, place
 - 22 any affidavit:

1 (1) other than an affidavit described in subsection (a) that is
 2 challenging the eligibility of a person who has offered to vote at
 3 a primary election; **and**

4 **(2) including the form printed on the face of the provisional**
 5 **ballot envelope described in IC 3-11.7-5-3;**

6 in a strong paper bag or envelope and securely seal it. Each member
 7 shall endorse that member's name on the back of the bag or envelope.

8 (c) The inspector and judge of the opposite political party shall
 9 deliver the sealed bags or envelopes to the county election board. The
 10 county election board shall do the following:

11 (1) Remove the affidavits **described in subsections (a) and (b)**
 12 **from the bag or envelope and make three (3) copies of each**
 13 **affidavit.**

14 ~~(2) Mail a copy of each affidavit to the secretary of state.~~

15 ~~(3)~~ **(2) Replace the affidavits within the bag or envelope and keep**
 16 **the affidavits secure in accordance with IC 3-10-1-31.1. The**
 17 **affidavits may be removed from the bag or envelope by the**
 18 **county election board during a meeting or hearing when the**
 19 **affidavit is to be reviewed under this title.**

20 ~~(4)~~ **(3) Reseal the bag or envelope containing the affidavits with**
 21 **the endorsement of the name of each county election board**
 22 **member on the back of the bag or envelope immediately after**
 23 **the county election board determines which provisional**
 24 **ballots can be counted and not counted under IC 3-11.7.**

25 ~~(5)~~ **(4) Carefully preserve the resealed bag or envelope and**
 26 **deliver it, with the county election board's seal unbroken, to the**
 27 **foreman of the grand jury when next in session, in accordance**
 28 **with IC 3-10-1-31.1.**

29 **(d) The county election board shall do the following after the**
 30 **conclusion of the period for filing petition for a recount or contest**
 31 **described IC 3-10-1-31.1(b) and IC 3-10-1-31.1(c) during which**
 32 **election materials are required to be sealed by the circuit court**
 33 **clerk:**

34 **(1) Retain one (1) copy of each affidavit to make available for**
 35 **public inspection and copying under IC 5-14-3.**

36 **(2) Mail one (1) copy of each affidavit to the secretary of state.**

37 **(3) Deliver one (1) copy of each affidavit, sealed in a bag or**
 38 **envelope by the county election board, to the prosecuting**
 39 **attorney of the county.**

40 ~~(4)~~ **(e) The grand jury shall inquire into the truth or falsity of the**

1 affidavits, and the court having jurisdiction over the grand jury shall
 2 specially charge the jury as to its duties under this section. **The grand**
 3 **jury or prosecuting attorney of the county where the grand jury is**
 4 **sitting may request the original affidavit from the circuit court**
 5 **clerk if the grand jury determines that it is necessary to review the**
 6 **original affidavit during the inquiry.**

7 ~~(e)~~ **(f)** The grand jury shall file a report of the result of its inquiry
 8 with:

9 (1) the court; and

10 (2) the NVRA official if a violation of NVRA appears to have
 11 occurred.

12 ~~(f)~~ **(g)** **If the original affidavit is delivered to the grand jury or**
 13 **the prosecuting attorney under subsection (e), the prosecuting**
 14 **attorney shall:**

15 (1) preserve the ~~affidavits affidavit and envelopes envelope~~ in
 16 accordance with IC 3-10-1-31.1; ~~and shall~~

17 **(2) ensure that no person can access a provisional ballot**
 18 **contained in the envelope that the affidavit described in**
 19 **subsection (b) is printed on; and**

20 **(3) return the ~~affidavits affidavit and envelopes envelope~~ to the**
 21 **circuit court clerk after the prosecuting attorney has completed**
 22 **any proceeding resulting from the investigation of the ~~affidavits~~**
 23 **~~affidavit and envelopes: envelope.~~"**

24 Page 17, delete lines 1 through 13.

25 Renumber all SECTIONS consecutively.

(Reference is to HB 1265 as introduced.)