

SENATE BILL No. 143

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-6-6; IC 3-11-10-36; IC 3-11.5-4-22; IC 3-11.7-3-2.

Synopsis: Election workers. Eliminates a restriction prohibiting a nephew or niece of a candidate from serving as: (1) a precinct election officer; (2) a member of an absentee voter board; (3) an absentee ballot counter; or (4) an absentee ballot courier.

Effective: July 1, 2015.

Tomes

January 6, 2015, read first time and referred to Committee on Elections.



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 143

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 3-6-6-7 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) An otherwise qualified person
3 is eligible to serve as a precinct election officer unless any of the
4 following apply:
5 (1) The person is unable to read, write, and speak the English
6 language.
7 (2) The person has any property bet or wagered on the result of
8 the election.
9 (3) The person is a candidate to be voted for at the election in the
10 precinct, except as an unopposed candidate for a precinct
11 committeeman or state convention delegate.
12 (4) The person is the spouse, parent, father-in-law, mother-in-law,
13 child, son-in-law, daughter-in-law, grandparent, grandchild,
14 brother, sister, brother-in-law, sister-in-law, uncle, **or** aunt
15 ~~nephew, or niece~~ of a candidate or declared write-in candidate to
16 be voted for at the election in that precinct. This subdivision



1 disqualifies a person whose relationship to the candidate is the
 2 result of birth, marriage, or adoption. This subdivision does not
 3 disqualify a person from serving as a precinct election officer if
 4 the candidate to whom the person is related is an unopposed
 5 candidate. For purposes of this subdivision, an "unopposed
 6 candidate" includes an individual whose nomination to an office
 7 at a primary election is unopposed by any other candidate within
 8 the same political party.

9 (5) The person did not attend training required by section 40 of
 10 this chapter.

11 (b) In addition to the requirements of subsection (a), a person is not
 12 eligible to serve as an inspector if the person is the chairman or
 13 treasurer of the committee of a candidate whose name appears on the
 14 ballot.

15 SECTION 2. IC 3-6-6-23 IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2015]: Sec. 23. The oath prescribed for a
 17 precinct election officer must be signed before a person authorized to
 18 administer oaths and contain the following information:

19 I do solemnly swear (or affirm) the following:

- 20 (1) I will support the Constitution of the United States and the
 21 Constitution of the State of Indiana.
 22 (2) I will faithfully and impartially discharge the duties of
 23 inspector (or judge, poll clerk, assistant poll clerk, or sheriff) of
 24 this precinct under the law.
 25 (3) I will not knowingly permit any person to vote who is not
 26 qualified and will not knowingly refuse the vote of any qualified
 27 voter or cause any delay to any person offering to vote other than
 28 is necessary to procure satisfactory information of the
 29 qualification of that person as a voter.
 30 (4) I am now a bona fide resident of the county in which the
 31 precinct in which I am to act as a member of the election board is
 32 situated and, if required by law, am a qualified voter of that
 33 county.
 34 (5) I will not disclose or communicate to any person how any
 35 voter has voted at this election or how any ballot has been folded
 36 or marked.
 37 (6) I am able to read, write, and speak the English language.
 38 (7) I have no property bet or wagered on the result of this election.
 39 (8) I am not a candidate to be voted for at this election in this
 40 precinct, except as an unopposed candidate for a political party
 41 office.
 42 (9) If I am serving as an inspector, I am not the chairman or



- 1 treasurer of the committee of a candidate whose name appears on
 2 the ballot.
- 3 (10) I am not related to any person to be voted for at this election
 4 in this precinct as the spouse, parent, father-in-law,
 5 mother-in-law, child, son-in-law, daughter-in-law, grandparent,
 6 grandchild, brother, sister, brother-in-law, sister-in-law, uncle, **or**
 7 aunt ~~nephew~~, **or niece** of that person, unless that person is an
 8 unopposed candidate.
- 9 (11) I was trained as required by IC 3-6-6-40.
- 10 SECTION 3. IC 3-11-10-36 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 36. (a) Each county
 12 election board shall appoint absentee voter boards.
- 13 (b) The absentee voter boards must consist of two (2) voters of the
 14 county, one (1) from each of the two (2) political parties that have
 15 appointed members on the county election board. If a special election
 16 is held for a local public question, the county election board may, by
 17 unanimous vote of the entire membership of the board, adopt a
 18 resolution to provide that the party membership requirement does not
 19 apply to absentee voter boards appointed to conduct the special
 20 election. A resolution adopted under this subsection may not be
 21 repealed and expires the day after the special election.
- 22 (c) An otherwise qualified person is eligible to serve on an absentee
 23 voter board unless the person:
- 24 (1) is unable to read, write, and speak the English language;
 25 (2) has any property bet or wagered on the result of the election;
 26 (3) is a candidate to be voted for at the election, except as an
 27 unopposed candidate for precinct committeeman or state
 28 convention delegate; or
 29 (4) is the spouse, parent, father-in-law, mother-in-law, child,
 30 son-in-law, daughter-in-law, grandparent, grandchild, brother,
 31 sister, brother-in-law, sister-in-law, uncle, **or** aunt ~~nephew~~, **or**
 32 ~~niece~~ of a candidate or declared write-in candidate to be voted for
 33 at the election, except as an unopposed candidate. This
 34 subdivision disqualifies a person whose relationship to the
 35 candidate is the result of birth, marriage, or adoption.
- 36 (d) A person who is a candidate to be voted for at the election or
 37 who is related to a candidate in a manner that would result in
 38 disqualification under subsection (c) may, notwithstanding subsection
 39 (c), serve as a member of an absentee voter board if:
- 40 (1) the candidate is seeking nomination or election to an office in
 41 an election district that does not consist of the entire county; and
 42 (2) the county election board restricts the duties of the person as



- 1 an absentee voter board member to performing functions that
 2 could have no influence on the casting or counting of absentee
 3 ballots within the election district.
- 4 SECTION 4. IC 3-11.5-4-22, AS AMENDED BY P.L.76-2014,
 5 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2015]: Sec. 22. (a) Except as provided in subsection (b), each
 7 county election board shall appoint:
- 8 (1) absentee voter boards;
 9 (2) teams of absentee ballot counters; and
 10 (3) teams of couriers;
 11 consisting of two (2) voters of the county, one (1) from each of the two
 12 (2) political parties that have appointed members on the county
 13 election board.
- 14 (b) Notwithstanding subsection (a), a county election board:
 15 (1) may appoint, by a unanimous vote of the board's members,
 16 only one (1) absentee ballot courier if the person appointed is a
 17 voter of the county; and
 18 (2) shall not appoint teams of couriers, if the county:
 19 (A) has adopted an order to use an electronic poll book under
 20 IC 3-7-29-6; or
 21 (B) is a vote center county under IC 3-11-18.1.
- 22 (c) An otherwise qualified person is eligible to serve on an absentee
 23 voter board or as an absentee ballot counter or a courier unless the
 24 person:
 25 (1) is unable to read, write, and speak the English language;
 26 (2) has any property bet or wagered on the result of the election;
 27 (3) is a candidate to be voted for at the election except as an
 28 unopposed candidate for precinct committeeman or state
 29 convention delegate; or
 30 (4) is the spouse, parent, father-in-law, mother-in-law, child,
 31 son-in-law, daughter-in-law, grandparent, grandchild, brother,
 32 sister, brother-in-law, sister-in-law, uncle, ~~or aunt nephew, or~~
 33 ~~niece~~ of a candidate or declared write-in candidate to be voted for
 34 at the election except as an unopposed candidate. This
 35 subdivision disqualifies a person whose relationship to the
 36 candidate is the result of birth, marriage, or adoption.
- 37 (d) A person who is a candidate to be voted for at the election or
 38 who is related to a candidate in a manner that would result in
 39 disqualification under subsection (c) may, notwithstanding subsection
 40 (c), serve as a member of an absentee voter board if:
 41 (1) the candidate is seeking nomination or election to an office in
 42 an election district that does not consist of the entire county; and



1 (2) the county election board restricts the duties of the person as
2 an absentee voter board member to performing functions that
3 could have no influence on the casting or counting of absentee
4 ballots within the election district.
5 SECTION 5. IC 3-11.7-3-2 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. An otherwise
7 qualified person is eligible to serve as a counter unless the person:
8 (1) is unable to read, write, and speak the English language;
9 (2) has any property bet or wagered on the result of the election;
10 (3) is a candidate to be voted for at the election in any part of the
11 county, except as an unopposed candidate for precinct
12 committeeman or state convention delegate; or
13 (4) is the spouse, parent, father-in-law, mother-in-law, child,
14 son-in-law, daughter-in-law, grandparent, grandchild, brother,
15 sister, brother-in-law, sister-in-law, uncle, ~~or aunt nephew, or~~
16 ~~niece~~ of a candidate or declared write-in candidate to be voted for
17 at the election in any part of the county, except as an unopposed
18 candidate. This subdivision disqualifies a person whose
19 relationship to the candidate is the result of birth, marriage, or
20 adoption.

