



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1365 be amended to read as follows:

- 1           Page 66, between lines 38 and 39, begin a new paragraph and insert:
- 2           "SECTION 86. IC 3-12-1-1, AS AMENDED BY P.L.64-2014,
- 3           SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4           JULY 1, 2021]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, ~~and 9.5 and 13~~
- 5           of this chapter, the primary factor to be considered in determining a
- 6           voter's choice on a ballot is the intent of the voter. If the voter's intent
- 7           can be determined on the ballot or on part of the ballot, the vote shall
- 8           be counted for the affected candidate or candidates or on the public
- 9           question. However, if it is impossible to determine a voter's choice of
- 10          candidates on a part of a ballot or vote on a public question, then the
- 11          voter's vote concerning those candidates or public questions may not
- 12          be counted."
- 13          Page 68, between lines 3 and 4, begin a new paragraph and insert:
- 14          "SECTION 88. IC 3-12-1-12 IS AMENDED TO READ AS
- 15          FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) This section
- 16          applies to votes cast by any method.
- 17          (b) ~~Except as provided in section 13 of this chapter,~~ A ballot that
- 18          has been marked and cast by a voter in compliance with this title but
- 19          may otherwise not be counted solely as the result of the act or failure
- 20          to act of an election officer may nevertheless be counted in a
- 21          proceeding under IC 3-12-6, IC 3-12-8, or IC 3-12-11 unless evidence

1 of fraud, tampering, or misconduct affecting the integrity of the ballot  
2 is presented by a party to the proceeding.  
3 (c) The act or failure to act by an election officer is not by itself  
4 evidence of fraud, tampering, or misconduct affecting the integrity of  
5 the ballot.  
6 SECTION 89. IC 3-12-1-13 IS REPEALED [EFFECTIVE JULY 1,  
7 2021]. ~~Sec. 13: (a) This section applies only to absentee ballots.~~  
8 ~~(b) The whole ballot may not be counted unless the ballot is~~  
9 ~~endorsed with the initials of:~~  
10 ~~(1) the two (2) members of the absentee voter board under~~  
11 ~~IC 3-11-4-19; IC 3-11-10-25; IC 3-11-10-26; IC 3-11-10-26.3; or~~  
12 ~~IC 3-11-18.1-11; or~~  
13 ~~(2) the two (2) appointed members of the county election board~~  
14 ~~(or their designated representatives) under IC 3-11-4-19.".~~  
15 Renumber all SECTIONS consecutively.  
(Reference is to HB 1365 as printed February 2, 2021.)

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Representative Errington