SENATE BILL No. 194

DIGEST OF SB 194 (Updated January 28, 2019 12:26 pm - DI 133)

Citations Affected: IC 3-5; IC 3-10.

Synopsis: Voter challenges in primaries. Eliminates voter challenges at a primary election based on party affiliation.

Effective: July 1, 2019.

Bohacek

January 3, 2019, read first time and referred to Committee on Elections.
January 28, 2019, reported favorably — Do Pass.

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 194

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 3-5-4.5-3, AS ADDED BY P.L.164-2006,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 3. ~~Except as permitted in a primary election under~~
4 ~~IC 3-10-1,~~ A person may not challenge the right of an individual to vote
5 at an election in the precinct solely on the basis of the individual's:
6   (1) actual or perceived affiliation with a political party; or
7   (2) support or opposition to a candidate or the adoption of a
8   public question.
9   SECTION 2. IC 3-10-1-9 IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2019]: Sec. 9. A voter in a precinct may
11 challenge a voter or person who offers to vote at a primary election.
12 The challenged person may not vote unless the challenged person:
13   (1) is registered; **and**
14   (2) makes:
15   (A) an oral or a written affirmation under IC 3-10-12; or
16   (B) an affidavit:
17   (i) that the challenged person is a voter of the precinct; or

1   (ii) required under IC 3-10-11 if the voter declares that the
2   voter is entitled to vote under IC 3-10-11. ~~and~~
3   ~~(3) either:~~
4   ~~(A) at the last general election voted for a majority of the~~
5   ~~regular nominees of the political party for whose candidates~~
6   ~~the challenged person proposes to vote in the primary election~~
7   ~~and intends to vote for the regular nominees of the political~~
8   ~~party at the next general election; or~~
9   ~~(B) if the challenged person did not vote at the last general~~
10   ~~election, intends to vote at the next general election for a~~
11   ~~majority of the regular nominees of the political party holding~~
12   ~~the primary election.~~
13   SECTION 3. IC 3-10-1-10 IS REPEALED [EFFECTIVE JULY 1,
14 2019]. ~~Sec. 10. Only a voter who is a member of the political party for~~
15 ~~whose candidates a person is offering to vote at a primary election may~~
16 ~~challenge the person on the ground of party affiliation.~~
17   SECTION 4. IC 3-10-1-10.5, AS AMENDED BY P.L.128-2015,
18 SECTION 150, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2019]: Sec. 10.5. ~~(a) This section does not~~
20 ~~apply to a voter who is challenged under section 10 of this chapter on~~
21 ~~the basis of party affiliation.~~
22   ~~(b)~~ In accordance with 52 U.S.C. 21082, a voter challenged under
23 this chapter is entitled to cast a provisional ballot under IC 3-11.7 after
24 executing the affidavit under section 9 of this chapter.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 194, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 194 as introduced.)

WALKER, Chairperson

Committee Vote: Yeas 7, Nays 0