

# Indiana Election Commission Minutes October 21, 2005

**Members Present:** Thomas E. Wheeler, II, Chairman of the Indiana Election Commission (the Commission); Alex C. Intermill, Proxy for S. Anthony Long, Vice Chairman of the Commission; Thomas E. John, member of the Commission

**Members Absent:** S. Anthony Long; Butch Morgan

**Staff Attending:** J. Bradley King, Co-Director, Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); Kristi Robertson, Co-Director of the Election Division; Dale Simmons, Co-General Counsel of the Election Division; Cody Kendall, Co-General Counsel of the Election Division.

**Also Attending:** Mr. Dan Drexler, Indiana Libertarian Party; Mr. Brad Klopfenstein, Indiana Libertarian Party

## 1. Call to Order

The Chair called the October 21, 2005 meeting of the Commission to order at 1:45 p.m. in the Election Division Conference Room at 302 West Washington Street Room E-204, Indianapolis, Indiana. The Chair noted that proper notice of the meeting had been given, as required by state law, and that Mr. Intermill was present as the designated proxy for Mr. Long. A copy of the meeting notice, agenda, and designation of proxy are incorporated by reference in these minutes. *[Copies of all documents incorporated by reference are available for public inspection and copying at the Election Division Office.]*

## 2. Order 2005-14: Approval of Absentee Voter Bill of Rights

The Chair then recognized Mr. King to present the Absentee Voter Bill of Rights, as set forth in Order 2005-14, which is incorporated by reference. Mr. King noted that Indiana Code 3-5-8-2.5, as enacted by the General Assembly in 2005, required that the Commission prescribe a statement summarizing the rights and responsibilities of a voter when casting and returning an absentee ballot, and summarizing the state and federal laws concerning assistance to absentee voters, completing the absentee ballot in secret, prohibiting the intimidation of absentee voters, and the return of the absentee ballot to the county election board. He added that this document must also contain information concerning how an absentee voter may report violations of the absentee ballot and election laws.

Mr. King indicated that IC 3-11-10-25(g) requires that each county election board include a copy of this statement with any absentee ballot mailed to a voter. He noted that Order 2005-14 provided for the Commission to approve the text of this document, but that this document could be prepared in alternative formats by a county election board, and additional information (such as county contact information) could be added, so long as the text approved by the Commission was

unchanged. Commission members then reviewed the text of Order 2005-14 and the Absentee Voter Bill of Rights.

Mr. John moved to approve Order 2005-14, as submitted, seconded by Mr. Intermill. There being no further discussion, the Chair called the question, and declared that with three members voting “aye” (Mr. Intermill, Mr. John, Mr. Wheeler,) and no Commission member voting “no,” the motion was adopted.

### **3. Order 2005-101 (Approving New and Revised Forms)**

The Chair recognized Ms. Robertson to present Order 2005-101, which approved certain election forms, and is incorporated by reference.

Ms. Robertson noted that the revised forms included in this Order were: ABS-9; CEB-9; PRE-1; PRE-13; and PRO-9. She indicated that ABS-9, the cover sheet used by certain military and overseas voters to transmitted voted ballots by fax, had been revised to include the standardized oath adopted by the U.S. Department of Defense for use by these voters; that the CEB-9, the county election report, had been revised to include information concerning the number of provisional ballots cast and counted in the county; that the PRE-1, the precinct oath book, had been revised to reflect a change in the poll worker’s oath enacted by the General Assembly; that the PRE-13, the grand jury affidavits envelope, had been revised to conform with legislation enacted in 2005 to provide that certain affidavits were not to be forwarded to the grand jury if the “first time” voter who executed the affidavit had already satisfied the “additional documentation” requirement under federal and state law; and that the PRO-9 instructions to a provisional voter, had been revised to reflect changes in the provisional ballot law adopted by the General Assembly that required the county election board to decide whether or not to count a provisional ballot no later than noon 13 days (rather than noon 6 days) after election day

Ms. Robertson said that the new forms included in this Order were PRO-10 and PRO-11. She noted that the PRO-10 form was the affidavit by a challenged voter concerning the proof of identification (“photo ID”) requirement, and that the PRO-11 was the same affidavit modified for use in a municipal election. She indicated that these forms were prepared pursuant to the 2005 legislation requiring that certain voters present proof of identification when voting in person, and that if a voter was unable or declined to do so, and cast a provisional ballot as a result. She stated that the PRO-10 and PRO-11 forms would be used by a voter who subsequently appeared in person before the county election board and either presented the proof of identification, or claimed an exemption (such as indigency or religious objection) for not doing so. She noted that the State Form number for these forms were to be determined by Forms Management.

Ms. Robertson added that Lake County board of elections and registration was conducting a special election in the Town of Winfield, and the town election boards in Cambridge City and Montezuma were conducting a town election on November 8, 2005, and had requested that they be permitted to modify these previously used forms for the 2005 election only within these towns. She noted that these forms included the ABS-18, the notice sent to a “first time” voter to supply additional documentation; the PRE-11 and PRE-18, the forms used for a precinct election board to record the election results from that precinct; and the PRO-3, the provisional ballot package label, which would be updated to refer to “2005” instead of “2004.”

The Chair asked if there were any questions for Ms. Robertson regarding Order 2005-101. There being none, Mr. John moved, seconded by Mr. Intermill, that the Order be approved as submitted.

There being no further discussion on the motion, the Chair called the question, and declared that with three members voting “aye” (Mr. Intermill, Mr. John, Mr. Wheeler), and no Commission member voting “no,” the motion was adopted.

Mr. King asked if Commission members would consent to the use of their signature stamps for the appropriate blanks on these two orders. Consent was granted.

#### **4. Adjournment**

There being no further items on the Commission’s agenda, the Chair entertained a motion to adjourn. Mr. Intermill moved, seconded by Mr. John, that the Commission do now adjourn. The Chair called the question, and declared that with three members voting “aye” (Mr. Intermill, Mr. John, Mr. Wheeler), and no Commission member voting “no,” the motion was adopted. The Commission then adjourned at 1:53 p.m.

Respectfully submitted,

J. Bradley King  
Co-Director

Kristi Robertson  
Co-Director

**APPROVED:**

**Thomas E. Wheeler, II**  
**Chairman**