



February 15, 2022

ENGROSSED HOUSE BILL No. 1116

DIGEST OF HB 1116 (Updated February 14, 2022 12:02 pm - DI 104)

Citations Affected: IC 3-5; IC 3-11; IC 3-11.7; IC 3-12.

Synopsis: Electronic voting machines. Changes the date by which a county must provide a voter verifiable paper audit trail for electronic voting systems from December 31, 2029, to July 1, 2024. Provides that, after July 1, 2022, a county must meet certain requirements when using any direct record electronic voting system that does not include a voter verifiable paper audit trail for an election. Provides that the security agreement that counties are required to enter into with the secretary of state must be funded by money received from the federal government or from money appropriated by the general assembly. Specifies (Continued next page)

Effective: Upon passage; July 1, 2022.

Wesco, O'Brien, Manning

(SENATE SPONSOR — FORD JON)

January 4, 2022, read first time and referred to Committee on Elections and Apportionment.

January 11, 2022, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

January 25, 2022, amended, reported — Do Pass.

January 27, 2022, read second time, amended, ordered engrossed.

January 28, 2022, engrossed.

January 31, 2022, read third time, passed. Yeas 66, nays 28.

SENATE ACTION

February 7, 2022, read first time and referred to Committee on Elections.

February 14, 2022, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

EH 1116—LS 7032/DI 149



Digest Continued

requirements of a statement that must be printed on the envelope of an absentee ballot application. Provides that before an individual can access an absentee ballot application that is submitted in an electronic format using a module of the computerized list, the individual must provide either the individual's Indiana driver's license number or the last four digits of the individual's Social Security number. Requires that voting before an absentee voter board at the circuit court clerk's office or at a satellite office be referred to as "early voting" on all forms prescribed by the election division and in all communications with voters. Requires an electronic poll book to have the capacity to transmit certain information that a voter cast a provisional ballot. Requires certain information to be included in the computerized list concerning a voter's casting of a provisional ballot. Repeals language that requires the circuit court clerk to provide notice containing certain information to each voter who casts a provisional ballot. Changes the term "risk-limiting audit" to "post-election audit". Removes the word "pilot" from the chapter concerning post-election audits. Provides that the secretary of state shall determine the number of elections that are subject to a post-election audit.

EH 1116—LS 7032/DI 149



February 15, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1116

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 3-5-4-12, AS AMENDED BY P.L.193-2021,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 12. **(a) This section applies only if the costs to**
4 **a county to enter into an agreement required by this section can be**
5 **paid from money:**
6 **(1) received from the federal government and permitted to be**
7 **spent for this purpose; or**
8 **(2) appropriated by the general assembly for this purpose.**
9 ~~(a)~~ **(b)** Each county shall enter into an agreement with the secretary
10 of state to use a threat intelligence and enterprise security company
11 designated by the secretary of state to provide hardware, software, and
12 services to:
13 (1) investigate cybersecurity attacks;
14 (2) protect against malicious software; and
15 (3) analyze information technology security risks.
16 ~~(b)~~ **(c)** The agreement to provide services to a county under this
17 section:

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1 (1) has no effect on any threat intelligence and enterprise security
 2 service provided to the county by any other agreement with a
 3 provider or by any county employee or contractor; and

4 (2) must be designed to complement any existing service
 5 agreement or service used by the county;

6 when the county enters into the agreement.

7 **(d)** This section expires January 1, ~~2023~~: **2028**.

8 SECTION 2. IC 3-11-4-2, AS AMENDED BY P.L.278-2019,
 9 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2022]: Sec. 2. (a) A voter who wants to vote by absentee
 11 ballot must apply to the county election board for an official absentee
 12 ballot. Except as provided in subsection (b), the voter must sign the
 13 absentee ballot application.

14 (b) If a voter with disabilities is unable to sign the absentee ballot
 15 application and the voter has not designated an individual to serve as
 16 attorney in fact for the voter, the voter may designate an individual
 17 eligible to assist the voter under IC 3-11-9-2(a) to sign the application
 18 on behalf of the voter and add the individual's name to the application.
 19 If an individual applies for an absentee ballot as the properly
 20 authorized attorney in fact for a voter, the attorney in fact must attach
 21 a copy of the power of attorney to the application and comply with
 22 subsection (d).

23 (c) A person may provide an individual with an application for an
 24 absentee ballot with the following information already printed or
 25 otherwise set forth on the application when provided to the individual:

- 26 (1) The name of the individual.
 27 (2) The voter registration address of the individual.
 28 (3) The mailing address of the individual.
 29 (4) The date of birth of the individual.

30 (d) A person may not provide an individual with an application for
 31 an absentee ballot with the following information already printed or
 32 otherwise set forth on the application when provided to the individual:

- 33 (1) The address to which the absentee ballot would be mailed, if
 34 different from the voter registration address of the individual.
 35 (2) In a primary election, the major political party ballot requested
 36 by the individual.
 37 (3) In a primary or general election, the types of absentee ballots
 38 requested by the individual.
 39 (4) The reason why the individual is entitled to vote an absentee
 40 ballot:

- 41 (A) by mail; or
 42 (B) before an absentee voter board (other than an absentee



1 voter board located in the office of the circuit court clerk or a
 2 satellite office);
 3 in accordance with IC 3-11-4-18, IC 3-11-10-24, or
 4 IC 3-11-10-25.

5 (5) The voter identification number of the individual.

6 (e) If the county election board determines that an absentee ballot
 7 application does not comply with subsection (d), the board shall deny
 8 the application under section 17.5 of this chapter.

9 **(f) The following statement must be printed in at least 16 point**
 10 **font size, underlined, and clearly legible print on the envelope of an**
 11 **absentee ballot application that a person sends to an individual:**

12 **"(Name of person sending the absentee ballot application) has**
 13 **sent you the enclosed application. This is unsolicited and is not**
 14 **sent by a state or local elections official."**

15 **(g) This subsection applies only to an absentee ballot application**
 16 **submitted in an electronic format using a module of the**
 17 **computerized list under IC 3-7-26.3. In order for an individual to**
 18 **access the absentee ballot application, the individual shall provide**
 19 **either of the following:**

20 **(1) The individual's ten (10) digit Indiana driver's license**
 21 **number.**

22 **(2) The last four (4) digits of the individual's Social Security**
 23 **number.**

24 ~~(h)~~ **(h)** A person who assists an individual in completing any
 25 information described in subsection (d) on an absentee ballot
 26 application shall state under the penalties for perjury the following
 27 information on the application:

28 (1) The full name, residence and mailing address, and daytime
 29 and evening telephone numbers (if any) of the person providing
 30 the assistance.

31 (2) The date this assistance was provided.

32 (3) That the person providing the assistance has complied with
 33 Indiana laws governing the submission of absentee ballot
 34 applications.

35 (4) That the person has no knowledge or reason to believe that the
 36 individual submitting the application:

37 (A) is ineligible to vote or to cast an absentee ballot; or

38 (B) did not properly complete and sign the application.

39 When providing assistance to an individual, the person must, in the
 40 individual's presence and with the individual's consent, provide the
 41 information listed in subsection (d) if the individual is unable to do so.

42 ~~(g)~~ **(i)** This subsection does not apply to an employee of the United



1 States Postal Service or a bonded courier company acting in the
 2 individual's capacity as an employee of the United States Postal Service
 3 or a bonded courier company. A person who receives a completed
 4 absentee ballot application from the individual who has applied for the
 5 absentee ballot shall indicate on the application the date the person
 6 received the application, and file the application with the appropriate
 7 county election board or election division not later than:

8 (1) noon ten (10) days after the person receives the application;

9 or

10 (2) the deadline set by Indiana law for filing the application with
 11 the board;

12 whichever occurs first. The election division, a county election board,
 13 or a board of elections and registration shall forward an absentee ballot
 14 application to the county election board or board of elections and
 15 registration of the county where the individual resides.

16 ~~(h)~~ (j) This subsection does not apply to an employee of the United
 17 States Postal Service or a bonded courier company acting in the
 18 individual's capacity as an employee of the United States Postal Service
 19 or a bonded courier company, or to the election division, a county
 20 election board, or a board of elections and registration. A person filing
 21 an absentee ballot application, other than the person's own absentee
 22 ballot application, must include an affidavit with the application. The
 23 affidavit must be signed by the individual who received the completed
 24 application from the applicant. The affidavit must be in a form
 25 prescribed by the election division. The form must include the
 26 following:

27 (1) A statement of the full name, residence and mailing address,
 28 and daytime and evening telephone numbers (if any) of the person
 29 submitting the application.

30 (2) A statement that the person filing the affidavit has complied
 31 with Indiana laws governing the submission of absentee ballot
 32 applications.

33 (3) The date (or dates) that the absentee ballot applications
 34 attached to the affidavit were received.

35 (4) A statement that the person has no knowledge or reason to
 36 believe that the individual whose application is to be filed:

37 (A) is ineligible to vote or to cast an absentee ballot; or

38 (B) did not properly complete and sign the application.

39 (5) A statement that the person is executing the affidavit under the
 40 penalties of perjury.

41 (6) A statement setting forth the penalties for perjury.

42 ~~(i)~~ (k) The county election board shall record the date and time of



- 1 the filing of the affidavit.
- 2 SECTION 3. IC 3-11-4-3, AS AMENDED BY P.L.109-2021,
 3 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (c) and
 5 section 6 of this chapter, an application for an absentee ballot must be
 6 received by the circuit court clerk (or, in a county subject to IC 3-6-5.2
 7 or IC 3-6-5.6, the director of the board of elections and registration) not
 8 earlier than the date the registration period resumes under IC 3-7-13-10
 9 nor later than the following:
- 10 (1) Noon on election day if the voter registers to vote under
 11 IC 3-7-36-14.
- 12 (2) Noon on the day before election day if the voter:
- 13 (A) completes the application in the office of the circuit court
 14 clerk under IC 3-11-10-26; or
- 15 (B) is an absent uniformed services voter or overseas voter
 16 who requests that the ballot be transmitted by electronic mail
 17 or fax under section 6(h) of this chapter.
- 18 (3) Noon on the day before election day if:
- 19 (A) the application is a mailed, transmitted by electronic mail,
 20 or fax, or hand delivered application from a confined voter or
 21 voter caring for a confined person; and
- 22 (B) the applicant requests that the absentee ballots be
 23 delivered to the applicant by an absentee voter board under
 24 IC 3-11-10-25.
- 25 (4) 11:59 p.m. twelve (12) days before election day if the
 26 application is:
- 27 (A) a mailed application;
- 28 (B) transmitted by electronic mail;
- 29 (C) transmitted by fax; or
- 30 (D) hand delivered;
- 31 from other voters who request to vote by mail under
 32 IC 3-11-10-24.
- 33 (b) An application for an absentee ballot received by the election
 34 division by the time and date specified by subsection (a)(2)(B), (a)(3),
 35 or (a)(4) is considered to have been timely received for purposes of
 36 processing by the county. The election division shall immediately
 37 transmit the application to the circuit court clerk, or the director of the
 38 board of elections and registration, of the county where the applicant
 39 resides. The election division is not required to complete or file the
 40 affidavit required under section ~~2(h)~~ 2(j) of this chapter whenever the
 41 election division transmits an application under this subsection.
- 42 (c) An application for an absentee ballot for the election may not be



1 received by the circuit court clerk (or, in a county subject to IC 3-6-5.2
 2 or IC 3-6-5.6, the director of the board of elections and registration)
 3 earlier than December 1 of the year before the election.

4 SECTION 4. IC 3-11-4-5.1, AS AMENDED BY P.L.193-2021,
 5 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2022]: Sec. 5.1. (a) The election division shall prescribe the
 7 form of an application for an absentee ballot.

8 (b) This subsection does not apply to the form for an absentee ballot
 9 application to be submitted by an absent uniformed services voter or
 10 overseas voter that contains a standardized oath for those voters. The
 11 form of the application for an absentee ballot must do all of the
 12 following:

13 (1) Require the applicant to swear to or affirm under the penalties
 14 of perjury that all of the information set forth on the application
 15 is true to the best of the applicant's knowledge and belief.

16 (2) Require a person who assisted with the completion of the
 17 application to swear to or affirm under the penalties of perjury the
 18 statements set forth in section ~~2(f)~~ **2(h)** of this chapter.

19 (3) Serve as a verified statement for a voter to indicate a change
 20 of name under IC 3-7-41. The form must require the applicant to
 21 indicate the applicant's previous name.

22 (4) Set forth the penalties for perjury.

23 (c) The form prescribed by the election division shall require that a
 24 voter who:

25 (1) requests an absentee ballot; and

26 (2) is eligible to vote in the precinct under IC 3-10-11 or
 27 IC 3-10-12;

28 must include the affidavit required by IC 3-10-11 or a written
 29 affirmation described in IC 3-10-12.

30 (d) The election division shall approve absentee ballot application
 31 forms that comply with this subsection and section ~~2(g)~~ **2(i)** of this
 32 chapter and permit the applicant to indicate a change of name under
 33 subsection (b). The form prescribed by the election division must
 34 request that a voter who requests an absentee ballot:

35 (1) provide the last four (4) digits of the voter's Social Security
 36 number; or

37 (2) state that the voter does not have a Social Security number.

38 The form must indicate that the voter's compliance with this request is
 39 optional.

40 (e) An application form submitted by a voter must comply with
 41 subsection (d).

42 (f) The form prescribed by the election division must include a



1 statement that permits an applicant to indicate whether:

- 2 (1) the applicant has been certified and is currently a participant
 3 in the address confidentiality program under IC 5-26.5-2; and
 4 (2) the applicant's legal address is the address set forth in the
 5 applicant's voter registration.

6 If the applicant confirms these statements, the applicant may indicate
 7 the address of the office of the attorney general as the address to which
 8 the absentee ballot is to be mailed.

9 (g) This subsection applies to an application to receive an absentee
 10 ballot:

- 11 (1) by mail under IC 3-11-10-24; or
 12 (2) in the form of an application to vote before an absentee voter
 13 board under IC 3-11-10-25 at the voter's place of confinement or
 14 the residence of the voter.

15 If the voter wishes to submit an application under this section in an
 16 electronic format using a module of the statewide voter registration
 17 system, the voter must include a telephone number at which the voter
 18 can be reached to submit the application.

19 (h) The application form for an absentee ballot must enable the
 20 applicant to provide the applicant's electronic mail address. However,
 21 an applicant's failure to provide an electronic mail address is not a
 22 reason for denial of the absentee ballot application.

23 SECTION 5. IC 3-11-8-10.3, AS AMENDED BY P.L.193-2021,
 24 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2022]: Sec. 10.3. (a) A reference to an electronic poll list in
 26 a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is
 27 considered to be a reference to an electronic poll book (as defined by
 28 IC 3-5-2-20.5), unless otherwise expressly provided in the vote center
 29 plan.

30 (b) An electronic poll book must satisfy all of the following:

- 31 (1) An electronic poll book must be programmed so that the
 32 coordinated action of two (2) election officers who are not
 33 members of the same political party is necessary to access the
 34 electronic poll book.
 35 (2) An electronic poll book may not be connected to a voting
 36 system. However, the electronic poll book may be used in
 37 conjunction with a voting system if both of the following apply:
 38 (A) The electronic poll book contains a device that must be
 39 physically removed from the electronic poll book by a person
 40 and the device is inserted into the voting system, with no
 41 hardware or software connection existing between the
 42 electronic poll book and the voting system.



- 1 (B) All data on the device is erased when the device is
 2 removed from the voting system and before the device is
 3 reinserted into an electronic poll book.
- 4 (3) An electronic poll book may not permit access to voter
 5 information other than:
- 6 (A) information provided on the certified list of voters
 7 prepared under IC 3-7-29-1; or
 8 (B) information concerning any of the following received or
 9 issued after the electronic poll list has been downloaded by the
 10 county election board under IC 3-7-29-6:
- 11 (i) The county's receipt of an absentee ballot from the voter.
 12 (ii) The county's receipt of additional documentation
 13 provided by the voter to the county voter registration office.
 14 (iii) The county's issuance of a certificate of error.
- 15 An electronic poll book may not display whether a voter's
 16 registration record is in active or inactive status.
- 17 (4) The information contained on an electronic poll book must be
 18 secure and placed on a dedicated, private server to secure
 19 connectivity between a precinct polling place or satellite absentee
 20 office and the county election board. The electronic poll book
 21 must have the capability of:
- 22 (A) storing (in external or internal memory) the current local
 23 version of the electronic poll list; and
 24 (B) producing a list of audit records that reflect all of the
 25 idiosyncrasies of the system, including in-process audit
 26 records that set forth all transactions.
- 27 (5) The electronic poll book must permit a poll clerk to enter
 28 information regarding an individual who has appeared to vote to
 29 verify whether the individual is eligible to vote, and if so, whether
 30 the voter has:
- 31 (A) already received a ballot at the election;
 32 (B) returned an absentee ballot; or
 33 (C) submitted any additional documentation required under
 34 IC 3-7-33-4.5.
- 35 (6) After the voter has been provided with a ballot, the electronic
 36 poll book must permit a poll clerk to enter information indicating
 37 that the voter has received a ballot.
- 38 (7) The electronic poll book must transmit the information in
 39 subdivision (6) to the county server so that:
- 40 (A) the server may transmit the information immediately to
 41 every other polling place or satellite absentee office in the
 42 county; or



- 1 (B) the server makes the information immediately available to
 2 every other polling place or satellite office in the county.
 3 (8) The electronic poll book must permit reports to be:
 4 (A) generated by a county election board for a watcher
 5 appointed under IC 3-6-8 at any time during election day; and
 6 (B) electronically transmitted by the county election board to
 7 a political party or independent candidate who has appointed
 8 a watcher under IC 3-6-8.
 9 (9) On each day after absentee ballots are cast before an absentee
 10 voter board in the circuit court clerk's office, a satellite office, or
 11 a vote center, and after election day, the electronic poll book must
 12 permit voter history to be quickly and accurately uploaded into
 13 the computerized list (as defined in IC 3-7-26.3-2).
 14 (10) The electronic poll book must be able to display an electronic
 15 image of the signature of a voter taken from:
 16 (A) the voter's registration application; or
 17 (B) a more recent signature of a voter from an absentee
 18 application, poll list, electronic poll book, or registration
 19 document.
 20 (11) The electronic poll book must be used with a signature pad,
 21 tablet, or other signature capturing device that permits the voter
 22 to make an electronic signature for comparison with the signature
 23 displayed under subdivision (10). An image of the electronic
 24 signature made by the voter on the signature pad, tablet, or other
 25 signature capturing device must be retained and identified as the
 26 signature of the voter for the period required for retention under
 27 IC 3-10-1-31.1.
 28 (12) The electronic poll book must include a bar code capturing
 29 device that:
 30 (A) permits a voter who presents an Indiana driver's license or
 31 a state identification card issued under IC 9-24-16 to scan the
 32 license or card through the bar code reader or tablet; and
 33 (B) has the capability to display the voter's registration record
 34 upon processing the information contained within the bar code
 35 on the license or card.
 36 (13) A printer separate from the electronic poll book used in a
 37 vote center county may be programmed to print on the back of a
 38 ballot card, immediately before the ballot card is delivered to the
 39 voter, the printed initials of the poll clerks captured through the
 40 electronic signature pad or tablet at the time the poll clerks log
 41 into the electronic poll book system.
 42 (14) The electronic poll book must be compatible with:



- 1 (A) any hardware attached to the electronic poll book, such as
 2 signature capturing devices, bar code capturing devices, and
 3 network cards;
 4 (B) the statewide voter registration system; and
 5 (C) any software system used to prepare voter information to
 6 be included on the electronic poll book.
- 7 (15) The electronic poll book must have the ability to be used in
 8 conformity with this title for:
 9 (A) any type of election conducted in Indiana; or
 10 (B) any combination of elections held concurrently with a
 11 general election, municipal election, primary election, or
 12 special election.
- 13 (16) The procedures for setting up, using, and shutting down an
 14 electronic poll book must be reasonably easy for a precinct
 15 election officer to learn, understand, and perform. A vendor shall
 16 provide sufficient training to election officials and poll workers
 17 to completely familiarize them with the operations essential for
 18 carrying out election activities. A vendor shall provide an
 19 assessment of learning goals achieved by the training in
 20 consultation with VSTOP (as described in IC 3-11-18.1-12).
- 21 (17) The electronic poll book must enable a precinct election
 22 officer to verify that the electronic poll book:
 23 (A) has been set up correctly;
 24 (B) is working correctly so as to verify the eligibility of the
 25 voter;
 26 (C) is correctly recording that a voter received a ballot; and
 27 (D) has been shut down correctly.
- 28 (18) The electronic poll book must include the following
 29 documentation:
 30 (A) Plainly worded, complete, and detailed instructions
 31 sufficient for a precinct election officer to set up, use, and shut
 32 down the electronic poll book.
 33 (B) Training materials that:
 34 (i) may be in written or video form; and
 35 (ii) must be in a format suitable for use at a polling place,
 36 such as simple "how to" guides.
 37 (C) Failsafe data recovery procedures for information included
 38 in the electronic poll book.
 39 (D) Usability tests:
 40 (i) that are conducted by the manufacturer of the electronic
 41 poll book or an independent testing facility using individuals
 42 who are representative of the general public;



- 1 (ii) that include the setting up, using, and shutting down of
 2 the electronic poll book; and
 3 (iii) that report their results using industry standard reporting
 4 formats.
- 5 (E) A clear model of the electronic poll book system
 6 architecture and the following documentation:
 7 (i) End user documentation.
 8 (ii) System-level and administrator level documentation.
 9 (iii) Developer documentation.
- 10 (F) Detailed information concerning:
 11 (i) electronic poll book consumables; and
 12 (ii) the vendor's supply chain for those consumables.
- 13 (G) Vendor internal quality assurance procedures and any
 14 internal or external test data and reports available to the
 15 vendor concerning the electronic poll book.
- 16 (H) Repair and maintenance policies for the electronic poll
 17 book.
- 18 (I) As of the date of the vendor's application for approval of
 19 the electronic poll book by the secretary of state as required by
 20 IC 3-11-18.1-12, the following:
 21 (i) A list of customers who are using or have previously used
 22 the vendor's electronic poll book.
 23 (ii) A description of any known anomalies involving the
 24 functioning of the electronic poll book, including how those
 25 anomalies were resolved.
- 26 (J) Information concerning batteries used in the electronic poll
 27 book, including the following:
 28 (i) A list of all batteries to be used in the electronic poll
 29 book and any peripherals.
 30 (ii) The expected life span of each battery.
 31 (iii) A log documenting when each battery was installed or
 32 subsequently replaced.
 33 (iv) A schedule for the replacement of each battery not later
 34 than thirty (30) days before the end of the expected life span
 35 of each battery.
 36 (v) Plans to test batteries before each election.
 37 (vi) Plans for the emergency replacement of batteries that
 38 fail on election day or during the thirty (30) days before
 39 election day.
- 40 (19) The electronic poll book and any hardware attached to the
 41 electronic poll book must be designed to prevent injury or damage
 42 to any individual or the hardware, including fire and electrical



- 1 hazards.
- 2 (20) The electronic poll book must demonstrate that it correctly
- 3 processes all activity regarding each voter registration record,
- 4 including the use, alteration, storage, receipt, and transmittal of
- 5 information that is part of the record. Compliance with this
- 6 subdivision requires the mapping of the data life cycle of the voter
- 7 registration record as processed by the electronic poll book.
- 8 (21) The electronic poll book must successfully perform in
- 9 accordance with all representations concerning functionality,
- 10 usability, security, accessibility, and sustainability made in the
- 11 vendor's application for approval of the electronic poll book by
- 12 the secretary of state as required by IC 3-11-18.1-12.
- 13 (22) The electronic poll book must have the capacity to transmit
- 14 all information generated by the voter or poll clerk as part of the
- 15 process of casting a ballot, including the time and date stamp
- 16 indicating when the voter signed the electronic poll book, and the
- 17 electronic signature of the voter, for retention on the dedicated
- 18 private server approved by the county election board for the
- 19 period required by Indiana and federal law.
- 20 (23) The electronic poll book must:
- 21 (A) permit a voter to check in and sign the electronic poll book
- 22 even when there is a temporary interruption in connectivity to
- 23 the Internet; and
- 24 (B) provide for the uploading of each signature so that the
- 25 signature may be assigned to the voter's registration record.
- 26 **(24) The electronic poll book must have the capacity, for each**
- 27 **voter who appears on the electronic poll list, to transmit**
- 28 **information that a voter cast a provisional ballot:**
- 29 **(A) from the electronic poll book to the dedicated private**
- 30 **server; and**
- 31 **(B) from the dedicated private server to the voter's record**
- 32 **in the statewide voter registration system.**
- 33 **This functionality may not be disabled.**
- 34 (c) The county election board is responsible for the care and custody
- 35 of all electronic poll books while not in use.
- 36 (d) The county election board is responsible for ensuring that all
- 37 electronic poll books are dedicated devices to be used only for their
- 38 intended purpose and for no other activity. Software that is not needed
- 39 for the essential purpose of running the electronic poll book may not be
- 40 installed on an electronic poll book.
- 41 SECTION 6. IC 3-11-8-25.2, AS AMENDED BY P.L.193-2021,
- 42 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 25.2. (a) The poll clerk or assistant poll clerk shall
 2 examine the list provided under IC 3-7-29-1 to determine if the county
 3 election board has indicated that the voter is required to provide
 4 additional personal identification under 52 U.S.C. 21083 and
 5 IC 3-7-33-4.5 before voting in person. If the list indicates that the voter
 6 is required to present this identification before voting in person, the
 7 poll clerk shall advise the voter that the voter must present, in addition
 8 to the proof of identification required by section 25.1(a) of this chapter,
 9 a piece of identification described in subsection (b) to the poll clerk.

10 (b) As required by 52 U.S.C. 21083, and in addition to the proof of
 11 identification required by section 25.1(a) of this chapter, a voter
 12 described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5
 13 before appearing at the polls on election day must present one (1) of the
 14 following documents to the poll clerk:

- 15 (1) A current and valid photo identification.
- 16 (2) A current utility bill.
- 17 (3) A current bank statement.
- 18 (4) A current government check.
- 19 (5) A current paycheck.
- 20 (6) A current government document.

21 The document presented by the voter must show the name and
 22 residence address of the voter.

23 (c) If a voter presents a document under subsection (b), the poll
 24 clerk shall add a notation to the list indicating the type of document
 25 presented by the voter. The election division shall prescribe a
 26 standardized coding system to classify documents presented under this
 27 subsection for entry into the county voter registration system.

28 (d) If a voter required to present documentation under subsection (b)
 29 is unable to present the documentation to the poll clerk while present
 30 in the polls, the poll clerk shall notify the precinct election board. The
 31 board shall provide a provisional ballot to the voter under IC 3-11.7-2.

32 (e) The precinct election board shall advise the voter, both orally
 33 and in writing, that the voter may file a copy of the documentation with
 34 the county voter registration office to permit the provisional ballot to
 35 be counted under IC 3-11.7. The election division shall prescribe the
 36 form of the explanation required by this subsection.

37 ~~(f) The circuit court clerk shall provide the notice required by~~
 38 ~~IC 3-11.7-6-4 to a voter who casts a provisional ballot under this~~
 39 ~~section.~~

40 SECTION 7. IC 3-11-10-26, AS AMENDED BY P.L.193-2021,
 41 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2022]: Sec. 26. (a) This subsection applies to all counties,

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1 except for a county to which IC 3-6-5.2 or IC 3-6-5.6 applies. As an
 2 alternative to voting by mail, a voter is entitled to cast an absentee
 3 ballot before an absentee voter board at any of the following:

- 4 (1) One (1) location of the office of the circuit court clerk
 5 designated by the circuit court clerk.
 6 (2) A satellite office established under section 26.3 of this
 7 chapter.

8 (b) This subsection applies to a county to which IC 3-6-5.2 or
 9 IC 3-6-5.6 applies. As an alternative to voting by mail, a voter is
 10 entitled to cast an absentee ballot before an absentee voter board at any
 11 of the following:

- 12 (1) The office of the board of elections and registration.
 13 (2) A satellite office established under section 26.3 of this
 14 chapter.

15 (c) Except for a location designated under subsection (a)(1), a
 16 location of the office of the circuit court clerk must be established as
 17 a satellite office under section 26.3 of this chapter in order to be used
 18 as a location at which a voter is entitled to cast an absentee ballot
 19 before an absentee voter board under this section.

20 (d) The voter must do the following before being permitted to vote:

21 (1) This subdivision does not apply to a county that uses
 22 electronic poll books for voting under this section. Sign an
 23 application on the form prescribed by the election division under
 24 IC 3-11-4-5.1. The application must be received by the circuit
 25 court clerk not later than the time prescribed by IC 3-11-4-3.

26 (2) This subdivision applies only to a county that uses electronic
 27 poll books for voting under this section and in which the ballot is
 28 cast on an electronic voting system. The voter must do the
 29 following:

- 30 (A) If the county election board has prescribed an affidavit
 31 under subsection (e) that includes a unique identifier to
 32 comply with section 26.2(c)(3) of this chapter, make and
 33 subscribe to the affidavit.
 34 (B) Sign the electronic poll book.
 35 (C) Provide proof of identification.

36 (3) This subdivision applies only to a county that uses electronic
 37 poll books for voting under this section and in which the ballot is
 38 cast on an optical scan voting system. The voter must do the
 39 following:

- 40 (A) Sign the electronic poll book.
 41 (B) Provide proof of identification.
 42 (C) Sign the affidavit prescribed by section 29 of this chapter.



- 1 (e) The county election board may:
- 2 (1) prescribe an affidavit that includes a unique identifier; or
- 3 (2) establish a procedure to produce a document, label, or
- 4 electronic record that is associated with each voter and includes
- 5 a unique identifier;
- 6 to comply with section 26.2(c)(3) of this chapter. After the county
- 7 election board approves an affidavit or procedure described in this
- 8 subsection and before the affidavit or procedure is used in an election,
- 9 the county election board shall file a copy of the affidavit or a brief
- 10 description of the procedure with the election division to assist the state
- 11 recount commission in conducting proceedings under IC 3-12-11.
- 12 (f) The voter may vote before the board not more than twenty-eight
- 13 (28) days nor later than noon on the day before election day. If the
- 14 close of a voter registration period is transferred under IC 3-5-4-1.5
- 15 from twenty-nine (29) days to a later date due to the Columbus Day
- 16 holiday, the voter may vote before the board on the first day following
- 17 the day on which the voter registration period closes.
- 18 (g) An absent uniformed services voter who is eligible to vote by
- 19 absentee ballot in the circuit court clerk's office under IC 3-7-36-14
- 20 may vote before the board not earlier than twenty-eight (28) days
- 21 before the election and not later than noon on election day. If the close
- 22 of a voter registration period is transferred under IC 3-5-4-1.5 from
- 23 twenty-nine (29) days to a later date due to the Columbus Day holiday,
- 24 the voter may vote before the board on the first day following the day
- 25 on which the voter registration period closes. If a voter described by
- 26 this subsection wishes to cast an absentee ballot during the period
- 27 beginning at noon on the day before election day and ending at noon on
- 28 election day, the county election board or absentee voter board may
- 29 receive and process the ballot at a location designated by resolution of
- 30 the county election board.
- 31 (h) The absentee voter board in the office of the circuit court clerk
- 32 must permit voters to cast absentee ballots under this section for at
- 33 least seven (7) hours on each of the two (2) Saturdays preceding
- 34 election day. However, the county election board may adopt a
- 35 resolution authorizing the circuit court clerk to:
- 36 (1) use the office of the circuit court clerk designated in
- 37 subsection (a)(1); or
- 38 (2) establish a satellite office under section 26.3 of this chapter;
- 39 to permit voters to cast absentee ballots under this section for at least
- 40 four (4) hours on the third Saturday preceding election day.
- 41 (i) Notwithstanding subsection (h), in a county with a population of
- 42 less than twenty thousand (20,000), the absentee voter board in the



1 office of the circuit court clerk, with the approval of the county election
 2 board, may reduce the number of hours available to cast absentee
 3 ballots under this section to a minimum of four (4) hours on each of the
 4 two (2) Saturdays preceding election day.

5 (j) As provided by 52 U.S.C. 21081, a voter casting an absentee
 6 ballot under this section must be:

- 7 (1) permitted to verify in a private and independent manner the
 8 votes selected by the voter before the ballot is cast and counted;
 9 (2) provided with the opportunity to change the ballot or correct
 10 any error in a private and independent manner before the ballot is
 11 cast and counted, including the opportunity to receive a
 12 replacement ballot if the voter is otherwise unable to change or
 13 correct the ballot; and
 14 (3) notified before the ballot is cast regarding the effect of casting
 15 multiple votes for the office and provided an opportunity to
 16 correct the ballot before the ballot is cast and counted.

17 (k) As provided by 52 U.S.C. 21081, when an absentee ballot is
 18 provided under this section, the board must also provide the voter with:

- 19 (1) information concerning the effect of casting multiple votes for
 20 an office; and
 21 (2) instructions on how to correct the ballot before the ballot is
 22 cast and counted, including the issuance of replacement ballots.

23 (l) If:

- 24 (1) the voter is unable or declines to present the proof of
 25 identification; or
 26 (2) a member of the board determines that the proof of
 27 identification provided by the voter does not qualify as proof of
 28 identification under IC 3-5-2-40.5;

29 the voter shall be permitted to cast a provisional ballot.

30 (m) This subsection applies to a voter who casts an absentee ballot
 31 that is treated as a provisional ballot under subsection (l). The board
 32 shall provide the voter, both orally and in writing, an explanation of
 33 what actions, if any, the voter must take in order to have the voter's
 34 ballot counted. The election division shall prescribe the form of the
 35 explanation required by this subsection. ~~The circuit court clerk shall~~
 36 ~~also provide the notice required by IC 3-11.7-6-4 to the voter.~~

37 (n) A voter casting an absentee ballot under this section is entitled
 38 to cast the voter's ballot in accordance with IC 3-11-9.

39 (o) In a primary election, a voter casting an absentee ballot under
 40 this chapter may not change the voter's choice of the voter's political
 41 party after the voter has been mailed or otherwise provided with a
 42 primary ballot containing the candidates of that party.



1 SECTION 8. IC 3-11-10-26.1 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2022]: **Sec. 26.1. Voting before an absentee**
 4 **voter board under section 26 of this chapter shall be referred to as**
 5 **"early voting" on all forms prescribed by the election division and**
 6 **in all communications with voters.**

7 SECTION 9. IC 3-11-14-2, AS AMENDED BY P.L.109-2021,
 8 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 2. (a) Except as provided in ~~subsection~~
 10 **subsections (c) and (f)**, a county election board may use an approved
 11 electronic voting system:

- 12 (1) in any election;
- 13 (2) in all or in some of the precincts within a political subdivision
- 14 holding an election; and
- 15 (3) instead of or in combination with any other voting method.

16 (b) A county election board may use an electronic voting system
 17 which includes a voter verifiable paper audit trail if the voting system:

- 18 (1) otherwise complies with this chapter and IC 3-11-15; and
- 19 (2) is certified by the Indiana election commission.

20 (c) A county election board may not use an approved electronic
 21 voting system purchased, leased, or otherwise acquired by the county
 22 after December 31, 2019, unless the system:

- 23 (1) is certified by the Indiana election commission; and
- 24 (2) includes a ~~voter-verifiable~~ **voter verifiable** paper audit trail.

25 This subsection does not prohibit a county election board from having
 26 maintenance performed on an electronic voting system purchased,
 27 leased, or otherwise acquired by the county before January 1, 2020.

28 (d) The voter verifiable paper audit trail must contain all of the
 29 following:

- 30 (1) The name or code of the election as provided by the voting
- 31 system.
- 32 (2) The date of the election.
- 33 (3) The date the voter verifiable paper audit trail was printed.
- 34 (4) A security code and record number specific to each paper
- 35 receipt assigned by the voting system.
- 36 (5) The name or designation of the voter's precinct.
- 37 (6) The name or designation of each office on the voter's ballot.
- 38 (7) The name of the candidate and the designation of the
- 39 candidate's political party selected by the voter.
- 40 (8) If the voter selects a straight party ticket, the name of the
- 41 political party ticket the voter selected.
- 42 (9) The following information:



- 1 (A) A description of the text of any public question or judicial
 2 retention question on the voter's ballot that:
 3 (i) contains not more than thirty (30) characters; and
 4 (ii) the county election board determines reasonably conveys
 5 the content of the public question or judicial retention
 6 question.
 7 (B) The response the voter selected for each question.
 8 (e) The voter verifiable paper audit trail may contain additional
 9 information and instructions determined to be useful to the voter by the
 10 county election board subject to the design capabilities of the voter
 11 verifiable paper audit trail.
 12 **(f) This subsection applies to a county in which any direct
 13 record electronic voting system that does not include a voter
 14 verifiable paper audit trail is used for an election. A county election
 15 board shall not use a direct record electronic voting system in an
 16 election after July 1, 2022, unless the county election board:**
 17 **(1) uses a number of direct record electronic voting systems
 18 including a voter verifiable paper audit trail in the election
 19 that is equal to or greater than ten percent (10%) of the total
 20 number of direct record electronic voting systems owned,
 21 leased, or otherwise available to the county as of January 1,
 22 2022, and as of January 1 in each year thereafter;**
 23 **(2) determines, not later than July 1, 2022, and January 1 of
 24 each year thereafter, the minimum number of direct record
 25 electronic voting systems including a voter verifiable paper
 26 audit trail necessary to comply with the requirement of this
 27 subsection; and**
 28 **(3) files a certification of this determination to the secretary
 29 of state not later than August 11, 2022, and February 11 of
 30 each year thereafter.**
 31 SECTION 10. IC 3-11-15-13.3, AS AMENDED BY P.L.193-2021,
 32 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2022]: Sec. 13.3. (a) To be approved by the commission for
 34 use in Indiana, a voting system must meet one (1) of the following:
 35 (1) The Voting System Standards adopted by the Federal Election
 36 Commission on April 30, 2002.
 37 (2) The Voluntary Voting System Guidelines adopted by the
 38 United States Election Assistance Commission on December 13,
 39 2005.
 40 (3) The Voluntary Voting System Guidelines adopted by the
 41 United States Election Assistance Commission, as amended on
 42 March 31, 2015.



1 (b) Except as provided in subsection (c), a county may continue to
 2 use an optical scan ballot card voting system or an electronic voting
 3 system whose approval or certification expired on or before October 1,
 4 2021, if the voting system:

5 (1) was:

6 (A) approved by the commission for use in elections in Indiana
 7 before October 1, 2021; and

8 (B) purchased or leased by the county before October 1, 2021;
 9 and

10 (2) otherwise complies with the applicable provisions of HAVA
 11 and this article.

12 However, a voting system vendor may not market, sell, lease, or install
 13 a voting system described in this subsection.

14 (c) A county may not continue to use an electronic voting system
 15 after ~~December 31, 2029~~, **July 1, 2024**, unless the:

16 (1) system includes a voter verifiable paper audit trail, **provided**
 17 **that the cost to a county to procure the voter verifiable paper**
 18 **audit trail equipment is paid from money:**

19 (A) **received from the federal government and permitted to**
 20 **be spent for this purpose; or**

21 (B) **appropriated by the general assembly for this purpose;**
 22 and

23 (2) certification of that system by the commission has not expired.

24 (d) As provided by 52 U.S.C. 21081, to be used in an election in
 25 Indiana, a voting system must be accessible for individuals with
 26 disabilities, including nonvisual accessibility for the blind and visually
 27 impaired, in a manner that provides the same opportunity for access
 28 and participation (including privacy and independence) as for other
 29 voters.

30 (e) As provided by 52 U.S.C. 21081, an election board conducting
 31 an election satisfies the requirements of subsection (d) if the election
 32 board provides at least one (1) electronic voting system or other voting
 33 system equipped for individuals with disabilities at each polling place.

34 (f) If a voter who is otherwise qualified to cast a ballot in a precinct
 35 chooses to cast the voter's ballot on the voting system provided under
 36 subsection (e), the voter must be allowed to cast the voter's ballot on
 37 that voting system, whether or not the voter is an individual with
 38 disabilities.

39 SECTION 11. IC 3-11.7-2-2, AS AMENDED BY P.L.193-2021,
 40 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2022]: Sec. 2. (a) A provisional voter shall do the following:

42 (1) Execute the affidavit described in IC 3-10-1-9 or



- 1 IC 3-11-8-23.
- 2 (2) Sign the poll list.
- 3 (3) Mark the ballot in the presence of no other person, unless the
- 4 voter requests help in marking a ballot under IC 3-11-9.
- 5 (4) Fold each ballot separately.
- 6 (5) Fold each ballot so as to conceal the marking.
- 7 (6) Enclose each ballot, with the seal and signature of the circuit
- 8 court clerk on the outside, together with any unused ballot, in the
- 9 envelope provided by the county election board under
- 10 IC 3-11.7-1-8.
- 11 (7) Securely seal the envelope.
- 12 (b) A provisional voter may mark a ballot with a pen or a lead
- 13 pencil.
- 14 (c) This subsection applies to a provisional voter described in
- 15 section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 52
- 16 U.S.C. 21082, a precinct election officer shall give the provisional
- 17 voter a copy of the written instructions prescribed by the county
- 18 election board under IC 3-11.7-6-3 after the voter returns the envelope
- 19 containing the provisional voter's ballots.
- 20 (d) This subsection applies to a provisional voter described in
- 21 section 1(a) or 1(b) of this chapter. In addition to the written
- 22 instructions required by subsection (c), a precinct election officer shall
- 23 provide the provisional voter, both orally and in writing, an explanation
- 24 of what actions, if any, the provisional voter must take in order to have
- 25 the provisional voter's ballot counted. The election division shall
- 26 prescribe the form of the explanation required by this subsection. ~~The~~
- 27 ~~circuit court clerk shall also provide the notice required by~~
- 28 ~~IC 3-11.7-6-4 to the provisional voter.~~
- 29 SECTION 12. IC 3-11.7-6-3, AS AMENDED BY P.L.278-2019,
- 30 SECTION 135, IS AMENDED TO READ AS FOLLOWS
- 31 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) As required by 52 U.S.C.
- 32 21082, a county election board shall establish a free access system such
- 33 as a toll-free telephone number or an Internet web site that enables a
- 34 provisional voter to determine:
- 35 (1) whether the individual's provisional ballot was counted; and
- 36 (2) if the provisional ballot was not counted, the reason the
- 37 provisional ballot was not counted.
- 38 **A county election board may use a module of the computerized list**
- 39 **under IC 3-7-26.3 to comply with this subsection.**
- 40 (b) The county election board shall enter the following into the
- 41 computerized list:
- 42 (1) The name of the individual.



1 (2) The address of the individual.

2 **(3) The day and time the county election board will meet to**
 3 **determine the validity of a provisional ballot under**
 4 **IC 3-11.7-5.**

5 ~~(3)~~ **(4)** Whether the individual's provisional ballot was counted.

6 ~~(4)~~ **(5)** If the individual's provisional ballot was not counted, the
 7 reason the provisional ballot was not counted.

8 **An individual who casts a provisional ballot may access the**
 9 **information described in this subsection pertaining to the**
 10 **provisional ballot of the individual through a module of the**
 11 **computerized list under IC 3-7-26.3.**

12 **(c) Not later than the earlier of:**

13 **(1) twenty-four (24) hours before the date the county election**
 14 **board meets under IC 3-11.7-5 to determine the validity of a**
 15 **provisional ballot cast by an individual; or**

16 **(2) three (3) days after the election;**

17 **the provisional ballot information described in subsection (b)(1)**
 18 **through (b)(3) must be entered to the computerized list. The**
 19 **provisional ballot information described in subsection (b)(4) and**
 20 **(b)(5) must be entered into the computerized list not later than the**
 21 **date the county election board certifies the election results of the**
 22 **county under IC 3-12-4-9.**

23 ~~(e)~~ **(d)** As required by 52 U.S.C. 21082, the county election board
 24 shall establish and maintain reasonable procedures to protect the
 25 security, confidentiality, and integrity of personal information
 26 collected, stored, or otherwise used on the free access system
 27 established by the board under subsection (a).

28 ~~(d)~~ **(e)** As required by 52 U.S.C. 21082, the county election board
 29 shall restrict access to the free access system established under
 30 subsection (a) to the individual voter who cast the provisional ballot.
 31 This subsection does not restrict access to election materials available
 32 under IC 3-10-1-31.1.

33 ~~(e)~~ **(f)** The county election board shall prescribe written instructions
 34 to inform a provisional voter how the provisional voter can determine
 35 whether the provisional voter's ballot has been counted.

36 SECTION 13. IC 3-11.7-6-4 IS REPEALED [EFFECTIVE JULY
 37 1, 2022]. Sec. 4. (a) Not later than three (3) calendar days after election
 38 day, the circuit court clerk shall provide a notice containing the
 39 following information to each voter who casts a provisional ballot:

40 **(1) The reason or reasons that the voter's ballot is being treated as**
 41 **a provisional ballot.**

42 **(2) A description of what actions, if any, the provisional voter**



1 must take in order to have the provisional voter's ballot counted
2 under this article:

3 (3) The deadlines by which the provisional voter is required to
4 take any actions described in subdivision (2) in order to have the
5 provisional voter's ballot counted under this article:

6 (4) The following information that will enable the provisional
7 voter to inquire about the provisional voter's ballot:

8 (A) The name of the office that the provisional voter may
9 contact:

10 (B) The address of the office described in clause (A):

11 (C) The telephone number at the office described in clause (A)
12 that the voter may use to contact the office about the voter's
13 provisional ballot:

14 (D) Any other information the circuit court clerk considers
15 useful to provide assistance to the provisional voter in
16 inquiring about the provisional ballot:

17 (b) The notice required by subsection (a) must be:

18 (1) sent by first class United States mail; or

19 (2) given by another method the circuit court clerk determines
20 will provide actual notice to the voter:

21 (c) The notice required by subsection (a) must be in a form
22 prescribed by the election division:

23 SECTION 14. IC 3-12-13-3, AS ADDED BY P.L.34-2019,
24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2022]: Sec. 3. As used in this chapter, "~~risk-limiting~~
26 "**post-election** audit" means an audit protocol that makes use of
27 statistical methods and is designed to limit to acceptable levels the risk
28 of certifying a preliminary election outcome that constitutes an
29 incorrect outcome.

30 SECTION 15. IC 3-12-13-4, AS ADDED BY P.L.34-2019,
31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2022]: Sec. 4. (a) The secretary of state may designate
33 counties as ~~risk-limiting post-election~~ audit ~~pilot~~ counties.

34 (b) For a county to be designated as a ~~risk-limiting post-election~~
35 audit ~~pilot~~ county, the county election board must adopt a resolution
36 requesting the secretary of state to designate the county as a
37 ~~risk-limiting post-election~~ audit ~~pilot~~ county.

38 (c) In designating a county as a ~~risk-limiting post-election~~ audit
39 ~~pilot~~ county, the secretary of state shall seek to designate a variety of
40 counties as ~~pilot post-election audit~~ counties based on the number of
41 active voters within the county.

42 (d) A county designated as a ~~risk-limiting post-election~~ audit ~~pilot~~



1 county shall conduct ~~risk-limiting~~ **post-election** audits as provided in
2 this chapter.

3 SECTION 16. IC 3-12-13-5, AS AMENDED BY P.L.135-2020,
4 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2022]: Sec. 5. (a) The secretary of state shall determine the
6 **number of elections** that are subject to a ~~risk-limiting~~ **post-election**
7 audit.

8 (b) All contested elections for an elected office and all public
9 questions are eligible for designation under subsection (a) for a
10 ~~risk-limiting~~ **post-election** audit.

11 SECTION 17. IC 3-12-13-6, AS AMENDED BY P.L.193-2021,
12 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2022]: Sec. 6. (a) The secretary of state may waive the
14 requirement of section 5 of this chapter, after a written request by a
15 county election board.

16 (b) The secretary of state may waive the requirement of section 5 of
17 this chapter only if the county election board shows that the technology
18 in use by the county will not enable the county election board to satisfy
19 the requirements for a ~~risk-limiting~~ **post-election** audit for an election.

20 SECTION 18. IC 3-12-13-7, AS AMENDED BY P.L.135-2020,
21 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2022]: Sec. 7. (a) The secretary of state shall issue orders to
23 implement and administer the requirements of this chapter.

24 (b) In issuing an order under subsection (a), the secretary of state
25 shall:

- 26 (1) consult with recognized statistical experts, equipment vendors,
27 the election division, and county election officials; and
- 28 (2) consider best practices for conducting ~~risk-limiting~~
29 **post-election** audits.

30 SECTION 19. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1116, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 3-11-14-2, AS AMENDED BY P.L.109-2021, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in ~~subsection~~ **subsections (c) and (f)**, a county election board may use an approved electronic voting system:

- (1) in any election;
- (2) in all or in some of the precincts within a political subdivision holding an election; and
- (3) instead of or in combination with any other voting method.

(b) A county election board may use an electronic voting system which includes a voter verifiable paper audit trail if the voting system:

- (1) otherwise complies with this chapter and IC 3-11-15; and
- (2) is certified by the Indiana election commission.

(c) A county election board may not use an approved electronic voting system purchased, leased, or otherwise acquired by the county after December 31, 2019, unless the system:

- (1) is certified by the Indiana election commission; and
- (2) includes a ~~voter-verifiable~~ **voter verifiable** paper audit trail.

This subsection does not prohibit a county election board from having maintenance performed on an electronic voting system purchased, leased, or otherwise acquired by the county before January 1, 2020.

(d) The voter verifiable paper audit trail must contain all of the following:

- (1) The name or code of the election as provided by the voting system.
- (2) The date of the election.
- (3) The date the voter verifiable paper audit trail was printed.
- (4) A security code and record number specific to each paper receipt assigned by the voting system.
- (5) The name or designation of the voter's precinct.
- (6) The name or designation of each office on the voter's ballot.
- (7) The name of the candidate and the designation of the candidate's political party selected by the voter.
- (8) If the voter selects a straight party ticket, the name of the political party ticket the voter selected.



(9) The following information:

(A) A description of the text of any public question or judicial retention question on the voter's ballot that:

- (i) contains not more than thirty (30) characters; and
- (ii) the county election board determines reasonably conveys the content of the public question or judicial retention question.

(B) The response the voter selected for each question.

(e) The voter verifiable paper audit trail may contain additional information and instructions determined to be useful to the voter by the county election board subject to the design capabilities of the voter verifiable paper audit trail.

(f) This subsection applies to a county in which any direct record electronic voting system that does not include a voter verifiable paper audit trail is used for an election. A county election board shall not use a direct record electronic voting system in an election after July 1, 2022, unless the county election board:

- (1) uses a number of direct record electronic voting systems including a voter verifiable paper audit trail in the election that is equal to or greater than ten percent (10%) of the total number of direct record electronic voting systems owned, leased, or otherwise available to the county as of January 1, 2022, and as of January 1 in each year thereafter;**
- (2) determines, not later than July 1, 2022, and January 1 of each year thereafter, the minimum number of direct record electronic voting systems including a voter verifiable paper audit trail necessary to comply with the requirement of this subsection; and**
- (3) files a certification of this determination to the secretary of state not later than August 11, 2022, and February 11 of each year thereafter."**

Page 2, delete lines 1 through 32.

Page 3, after line 34, begin a new paragraph and insert:
"SECTION 3. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1116 as introduced.)

WESCO

Committee Vote: yeas 11, nays 0.

EH 1116—LS 7032/DI 149



COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1116, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-4-12, AS AMENDED BY P.L.193-2021, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 12. **(a) This section applies only if the costs to a county to enter into an agreement required by this section can be paid from money:**

(1) received from the federal government and permitted to be spent for this purpose; or

(2) appropriated by the general assembly for this purpose.

(a) (b) Each county shall enter into an agreement with the secretary of state to use a threat intelligence and enterprise security company designated by the secretary of state to provide hardware, software, and services to:

- (1) investigate cybersecurity attacks;
- (2) protect against malicious software; and
- (3) analyze information technology security risks.

(b) (c) The agreement to provide services to a county under this section:

- (1) has no effect on any threat intelligence and enterprise security service provided to the county by any other agreement with a provider or by any county employee or contractor; and
- (2) must be designed to complement any existing service agreement or service used by the county;

when the county enters into the agreement.

(d) This section expires January 1, ~~2023~~ **2028**.

SECTION 2. IC 3-11-4-2, AS AMENDED BY P.L.278-2019, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the voter may designate an individual eligible to assist the voter under IC 3-11-9-2(a) to sign the application



on behalf of the voter and add the individual's name to the application. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application and comply with subsection (d).

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- (4) The reason why the individual is entitled to vote an absentee ballot:

(A) by mail; or

(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);

in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.

(5) The voter identification number of the individual.

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) This subsection applies only to an absentee ballot application submitted in an electronic format using a module of the computerized list under IC 3-7-26.3. In order for an individual to access the absentee ballot application, the individual shall provide either of the following:

- (1) The individual's ten (10) digit Indiana driver's license number.**
- (2) The last four (4) digits of the individual's Social Security number.**



~~(f)~~ (g) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

- (1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.
- (2) The date this assistance was provided.
- (3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.
- (4) That the person has no knowledge or reason to believe that the individual submitting the application:
 - (A) is ineligible to vote or to cast an absentee ballot; or
 - (B) did not properly complete and sign the application.

When providing assistance to an individual, the person must, in the individual's presence and with the individual's consent, provide the information listed in subsection (d) if the individual is unable to do so.

~~(g)~~ (h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall indicate on the application the date the person received the application, and file the application with the appropriate county election board or election division not later than:

- (1) noon ten (10) days after the person receives the application; or
- (2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first. The election division, a county election board, or a board of elections and registration shall forward an absentee ballot application to the county election board or board of elections and registration of the county where the individual resides.

~~(h)~~ (i) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must include an affidavit with the application. The affidavit must be signed by the individual who received the completed



application from the applicant. The affidavit must be in a form prescribed by the election division. The form must include the following:

- (1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.
 - (2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.
 - (3) The date (or dates) that the absentee ballot applications attached to the affidavit were received.
 - (4) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:
 - (A) is ineligible to vote or to cast an absentee ballot; or
 - (B) did not properly complete and sign the application.
 - (5) A statement that the person is executing the affidavit under the penalties of perjury.
 - (6) A statement setting forth the penalties for perjury.
- ⊕ (j) The county election board shall record the date and time of the filing of the affidavit.

SECTION 3. IC 3-11-4-3, AS AMENDED BY P.L.109-2021, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (c) and section 6 of this chapter, an application for an absentee ballot must be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2 or IC 3-6-5.6, the director of the board of elections and registration) not earlier than the date the registration period resumes under IC 3-7-13-10 nor later than the following:

- (1) Noon on election day if the voter registers to vote under IC 3-7-36-14.
- (2) Noon on the day before election day if the voter:
 - (A) completes the application in the office of the circuit court clerk under IC 3-11-10-26; or
 - (B) is an absent uniformed services voter or overseas voter who requests that the ballot be transmitted by electronic mail or fax under section 6(h) of this chapter.
- (3) Noon on the day before election day if:
 - (A) the application is a mailed, transmitted by electronic mail, or fax, or hand delivered application from a confined voter or voter caring for a confined person; and
 - (B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board under



IC 3-11-10-25.

(4) 11:59 p.m. twelve (12) days before election day if the application is:

- (A) a mailed application;
- (B) transmitted by electronic mail;
- (C) transmitted by fax; or
- (D) hand delivered;

from other voters who request to vote by mail under IC 3-11-10-24.

(b) An application for an absentee ballot received by the election division by the time and date specified by subsection (a)(2)(B), (a)(3), or (a)(4) is considered to have been timely received for purposes of processing by the county. The election division shall immediately transmit the application to the circuit court clerk, or the director of the board of elections and registration, of the county where the applicant resides. The election division is not required to complete or file the affidavit required under section ~~2(h)~~ **2(i)** of this chapter whenever the election division transmits an application under this subsection.

(c) An application for an absentee ballot for the election may not be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2 or IC 3-6-5.6, the director of the board of elections and registration) earlier than December 1 of the year before the election.

SECTION 4. IC 3-11-4-5.1, AS AMENDED BY P.L.193-2021, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5.1. (a) The election division shall prescribe the form of an application for an absentee ballot.

(b) This subsection does not apply to the form for an absentee ballot application to be submitted by an absent uniformed services voter or overseas voter that contains a standardized oath for those voters. The form of the application for an absentee ballot must do all of the following:

- (1) Require the applicant to swear to or affirm under the penalties of perjury that all of the information set forth on the application is true to the best of the applicant's knowledge and belief.
- (2) Require a person who assisted with the completion of the application to swear to or affirm under the penalties of perjury the statements set forth in section ~~2(f)~~ **2(g)** of this chapter.
- (3) Serve as a verified statement for a voter to indicate a change of name under IC 3-7-41. The form must require the applicant to indicate the applicant's previous name.
- (4) Set forth the penalties for perjury.

(c) The form prescribed by the election division shall require that a



voter who:

- (1) requests an absentee ballot; and
- (2) is eligible to vote in the precinct under IC 3-10-11 or IC 3-10-12;

must include the affidavit required by IC 3-10-11 or a written affirmation described in IC 3-10-12.

(d) The election division shall approve absentee ballot application forms that comply with this subsection and section ~~2(g)~~ **2(h)** of this chapter and permit the applicant to indicate a change of name under subsection (b). The form prescribed by the election division must request that a voter who requests an absentee ballot:

- (1) provide the last four (4) digits of the voter's Social Security number; or
- (2) state that the voter does not have a Social Security number.

The form must indicate that the voter's compliance with this request is optional.

(e) An application form submitted by a voter must comply with subsection (d).

(f) The form prescribed by the election division must include a statement that permits an applicant to indicate whether:

- (1) the applicant has been certified and is currently a participant in the address confidentiality program under IC 5-26.5-2; and
- (2) the applicant's legal address is the address set forth in the applicant's voter registration.

If the applicant confirms these statements, the applicant may indicate the address of the office of the attorney general as the address to which the absentee ballot is to be mailed.

(g) This subsection applies to an application to receive an absentee ballot:

- (1) by mail under IC 3-11-10-24; or
- (2) in the form of an application to vote before an absentee voter board under IC 3-11-10-25 at the voter's place of confinement or the residence of the voter.

If the voter wishes to submit an application under this section in an electronic format using a module of the statewide voter registration system, the voter must include a telephone number at which the voter can be reached to submit the application.

(h) The application form for an absentee ballot must enable the applicant to provide the applicant's electronic mail address. However, an applicant's failure to provide an electronic mail address is not a reason for denial of the absentee ballot application.

SECTION 5. IC 3-11-8-25.2, AS AMENDED BY P.L.193-2021,



SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 25.2. (a) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 52 U.S.C. 21083 and IC 3-7-33-4.5 before voting in person. If the list indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(a) of this chapter, a piece of identification described in subsection (b) to the poll clerk.

(b) As required by 52 U.S.C. 21083, and in addition to the proof of identification required by section 25.1(a) of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) A current and valid photo identification.
- (2) A current utility bill.
- (3) A current bank statement.
- (4) A current government check.
- (5) A current paycheck.
- (6) A current government document.

The document presented by the voter must show the name and residence address of the voter.

(c) If a voter presents a document under subsection (b), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(d) If a voter required to present documentation under subsection (b) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(e) The precinct election board shall advise the voter, both orally and in writing, that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7. The election division shall prescribe the form of the explanation required by this subsection.

~~(f) The circuit court clerk shall provide the notice required by IC 3-11.7-6-4 to a voter who casts a provisional ballot under this section.~~

SECTION 6. IC 3-11-10-24, AS AMENDED BY P.L.109-2021, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2022]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail:

(1) The voter has a specific, reasonable expectation of being absent from the county **during the period of time a voter may vote by absentee ballot before the board (as described in section 26 of this chapter) and** on election day during the entire twelve (12) hours that the polls are open.

(2) The voter will be absent from the precinct of the voter's residence **during the period of time a voter may vote by absentee ballot before the board (as described in section 26 of this chapter) and** on election day, because of service as:

(A) a precinct election officer under IC 3-6-6;

(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

(C) a challenger or pollbook holder under IC 3-6-7; or

(D) a person employed by an election board to administer the election for which the absentee ballot is requested.

(3) The voter will be confined **during the period of time a voter may vote by absentee ballot before the board (as described in section 26 of this chapter) and** on election day **during the entire twelve (12) hours that the polls are open** to the voter's residence, to a health care facility, or to a hospital because of an illness or injury. ~~during the entire twelve (12) hours that the polls are open.~~

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury **during the period of time a voter may vote by absentee ballot before the board (as described in section 26 of this chapter) and** during the entire twelve (12) hours that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment **during the period of time a voter may vote by absentee ballot before the board (as described in section 26 of this chapter) and** during the entire twelve (12) hours that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday **during the period of time a voter may vote by absentee ballot before the board (as described in section 26 of this chapter) and** during the entire twelve (12) hours that the polls are open.



(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(11) The voter is a member of the Indiana National Guard deployed or on assignment inside Indiana or a public safety officer.

(12) The voter is a serious sex offender (as defined in IC 35-42-4-14(a)).

(13) The voter is prevented from voting due to the unavailability of transportation to the polls.

(b) An absent uniformed services voter or overseas voter is entitled to vote by mail using the combined absentee registration form and absentee ballot request approved under 52 U.S.C. 20301(b)(2).

(c) A county shall mail an absentee ballot to a voter under this section by nonforwardable United States Postal Service mail.

(d) Except as provided in subsection (l), a voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(e) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household, family listed in IC 3-6-6-7(a)(4), or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board at:

(i) the office of the circuit court clerk or the office of the board of elections and registration under section 26 of this chapter;

(ii) a satellite office of the circuit court clerk designated under section 26.3 of this chapter; or

(iii) a satellite office of a vote center under IC 3-11-18.1-11.

A voter who delivers the sealed envelope under this clause may request a replacement absentee ballot under IC 3-11.5-4-2



and cast a replacement absentee ballot at an office or vote center described in items (i) through (iii).

(f) A county election board shall reject an absentee ballot deposited in a drop box or other container or location that is not under the physical control and supervision of the county election board when the ballot is deposited.

(g) If a drop box or other container is located in a building under the control of a political subdivision in which a document may be deposited for other purposes related to the office of the circuit court clerk or an office of any other political subdivision, the political subdivision in control of the drop box or container shall post a notice on or in a prominent location adjacent to the drop box or container saying substantially as follows: "Do not deposit a voted absentee ballot into this box or container. The absentee ballot will not be counted."

(h) If an absentee ballot is deposited into a box or container in violation of subsection (f) or (g), the county election board shall mark the absentee ballot security envelope as rejected and, if possible, promptly notify the individual whose name appears on the security envelope containing the absentee ballot.

(i) If a member of the voter's household, family listed in IC 3-6-6-7(a)(4), or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the election division. The affidavit must contain the following information:

- (1) The name and residence address of the voter whose absentee ballot is being delivered.
- (2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.
- (3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household, family listed in IC 3-6-6-7(a)(4), or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.
- (4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.
- (5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.



(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(j) The county election board shall record the date and time that the affidavit under subsection (i) was filed with the board.

(k) After a voter has mailed or delivered an absentee ballot to the office of the county election board, the voter may not recast a ballot, except as provided in IC 3-11-4-17.7, IC 3-11.5-4-2, and IC 3-11.5-4-21.

(l) A voter with print disabilities may vote by using the system developed by the secretary of state under IC 3-11-4-6(k).

SECTION 7. IC 3-11-10-26, AS AMENDED BY P.L.193-2021, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 26. (a) This subsection applies to all counties, except for a county to which IC 3-6-5.2 or IC 3-6-5.6 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

(1) One (1) location of the office of the circuit court clerk designated by the circuit court clerk.

(2) A satellite office established under section 26.3 of this chapter.

(b) This subsection applies to a county to which IC 3-6-5.2 or IC 3-6-5.6 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

(1) The office of the board of elections and registration.

(2) A satellite office established under section 26.3 of this chapter.

(c) Except for a location designated under subsection (a)(1), a location of the office of the circuit court clerk must be established as a satellite office under section 26.3 of this chapter in order to be used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

(d) The voter must do the following before being permitted to vote:

(1) This subdivision does not apply to a county that uses electronic poll books for voting under this section. Sign an application on the form prescribed by the election division under IC 3-11-4-5.1. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(2) This subdivision applies only to a county that uses electronic poll books for voting under this section and in which the ballot is cast on an electronic voting system. The voter must do the



following:

(A) If the county election board has prescribed an affidavit under subsection (e) that includes a unique identifier to comply with section 26.2(c)(3) of this chapter, make and subscribe to the affidavit.

(B) Sign the electronic poll book.

(C) Provide proof of identification.

(3) This subdivision applies only to a county that uses electronic poll books for voting under this section and in which the ballot is cast on an optical scan voting system. The voter must do the following:

(A) Sign the electronic poll book.

(B) Provide proof of identification.

(C) Sign the affidavit prescribed by section 29 of this chapter.

(e) The county election board may:

(1) prescribe an affidavit that includes a unique identifier; or

(2) establish a procedure to produce a document, label, or electronic record that is associated with each voter and includes a unique identifier;

to comply with section 26.2(c)(3) of this chapter. After the county election board approves an affidavit or procedure described in this subsection and before the affidavit or procedure is used in an election, the county election board shall file a copy of the affidavit or a brief description of the procedure with the election division to assist the state recount commission in conducting proceedings under IC 3-12-11.

(f) The voter may vote before the board not more than twenty-eight (28) days nor later than noon on the day before election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes.

(g) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-eight (28) days before the election and not later than noon on election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may



receive and process the ballot at a location designated by resolution of the county election board.

(h) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day. However, the county election board may adopt a resolution authorizing the circuit court clerk to:

- (1) use the office of the circuit court clerk designated in subsection (a)(1); or
- (2) establish a satellite office under section 26.3 of this chapter; to permit voters to cast absentee ballots under this section for at least four (4) hours on the third Saturday preceding election day.

(i) Notwithstanding subsection (h), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(j) As provided by 52 U.S.C. 21081, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(k) As provided by 52 U.S.C. 21081, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(l) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;



the voter shall be permitted to cast a provisional ballot.

(m) This subsection applies to a voter who casts an absentee ballot that is treated as a provisional ballot under subsection (l). The board shall provide the voter, both orally and in writing, an explanation of what actions, if any, the voter must take in order to have the voter's ballot counted. The election division shall prescribe the form of the explanation required by this subsection. ~~The circuit court clerk shall also provide the notice required by IC 3-11.7-6-4 to the voter.~~

(n) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9.

(o) In a primary election, a voter casting an absentee ballot under this chapter may not change the voter's choice of the voter's political party after the voter has been mailed or otherwise provided with a primary ballot containing the candidates of that party.

SECTION 8. IC 3-11-10-26.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 26.1. Voting before an absentee voter board under section 26 of this chapter shall be referred to as "early voting" on all forms prescribed by the election division and in all communications with voters."

Page 3, delete lines 8 through 42.

Page 4, delete lines 1 through 9, begin a new paragraph and insert:

"SECTION 10. IC 3-11.7-2-2, AS AMENDED BY P.L.193-2021, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) A provisional voter shall do the following:

- (1) Execute the affidavit described in IC 3-10-1-9 or IC 3-11-8-23.
- (2) Sign the poll list.
- (3) Mark the ballot in the presence of no other person, unless the voter requests help in marking a ballot under IC 3-11-9.
- (4) Fold each ballot separately.
- (5) Fold each ballot so as to conceal the marking.
- (6) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided by the county election board under IC 3-11.7-1-8.
- (7) Securely seal the envelope.

(b) A provisional voter may mark a ballot with a pen or a lead pencil.

(c) This subsection applies to a provisional voter described in section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 52 U.S.C. 21082, a precinct election officer shall give the provisional



voter a copy of the written instructions prescribed by the county election board under IC 3-11.7-6-3 after the voter returns the envelope containing the provisional voter's ballots.

(d) This subsection applies to a provisional voter described in section 1(a) or 1(b) of this chapter. In addition to the written instructions required by subsection (c), a precinct election officer shall provide the provisional voter, both orally and in writing, an explanation of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted. The election division shall prescribe the form of the explanation required by this subsection. ~~The circuit court clerk shall also provide the notice required by IC 3-11.7-6-4 to the provisional voter.~~

SECTION 11. IC 3-11.7-6-4 IS REPEALED [EFFECTIVE JULY 1, 2022]. Sec. 4: (a) Not later than three (3) calendar days after election day, the circuit court clerk shall provide a notice containing the following information to each voter who casts a provisional ballot:

(1) The reason or reasons that the voter's ballot is being treated as a provisional ballot.

(2) A description of what actions, if any, the provisional voter must take in order to have the provisional voter's ballot counted under this article.

(3) The deadlines by which the provisional voter is required to take any actions described in subdivision (2) in order to have the provisional voter's ballot counted under this article.

(4) The following information that will enable the provisional voter to inquire about the provisional voter's ballot:

(A) The name of the office that the provisional voter may contact.

(B) The address of the office described in clause (A).

(C) The telephone number at the office described in clause (A) that the voter may use to contact the office about the voter's provisional ballot.

(D) Any other information the circuit court clerk considers useful to provide assistance to the provisional voter in inquiring about the provisional ballot.

(b) The notice required by subsection (a) must be:

(1) sent by first class United States mail; or

(2) given by another method the circuit court clerk determines will provide actual notice to the voter.

(c) The notice required by subsection (a) must be in a form prescribed by the election division.

SECTION 12. IC 3-12-13-3, AS ADDED BY P.L.34-2019,



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. As used in this chapter, "~~risk-limiting~~ **post-election** audit" means an audit protocol that makes use of statistical methods and is designed to limit to acceptable levels the risk of certifying a preliminary election outcome that constitutes an incorrect outcome.

SECTION 13. IC 3-12-13-4, AS ADDED BY P.L.34-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The secretary of state may designate counties as ~~risk-limiting~~ **post-election** audit ~~pilot~~ counties.

(b) For a county to be designated as a ~~risk-limiting~~ **post-election** audit ~~pilot~~ county, the county election board must adopt a resolution requesting the secretary of state to designate the county as a ~~risk-limiting~~ **post-election** audit ~~pilot~~ county.

(c) In designating a county as a ~~risk-limiting~~ **post-election** audit ~~pilot~~ county, the secretary of state shall seek to designate a variety of counties as ~~pilot~~ **post-election** audit counties based on the number of active voters within the county.

(d) A county designated as a ~~risk-limiting~~ **post-election** audit ~~pilot~~ county shall conduct ~~risk-limiting~~ **post-election** audits as provided in this chapter.

SECTION 14. IC 3-12-13-5, AS AMENDED BY P.L.135-2020, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. (a) The secretary of state shall determine the **number of** elections that are subject to a ~~risk-limiting~~ **post-election** audit.

(b) All contested elections for an elected office and all public questions are eligible for designation under subsection (a) for a ~~risk-limiting~~ **post-election** audit.

SECTION 15. IC 3-12-13-6, AS AMENDED BY P.L.193-2021, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) The secretary of state may waive the requirement of section 5 of this chapter, after a written request by a county election board.

(b) The secretary of state may waive the requirement of section 5 of this chapter only if the county election board shows that the technology in use by the county will not enable the county election board to satisfy the requirements for a ~~risk-limiting~~ **post-election** audit for an election.

SECTION 16. IC 3-12-13-7, AS AMENDED BY P.L.135-2020, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 7. (a) The secretary of state shall issue orders to implement and administer the requirements of this chapter.



(b) In issuing an order under subsection (a), the secretary of state shall:

- (1) consult with recognized statistical experts, equipment vendors, the election division, and county election officials; and
- (2) consider best practices for conducting ~~risk-limiting~~ **post-election** audits."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1116 as printed January 11, 2022.)

BROWN T

Committee Vote: yeas 12, nays 7.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1116 be amended to read as follows:

Page 16, between lines 19 and 20, begin a new paragraph and insert:
 "SECTION 10. IC 3-11-15-13.3, AS AMENDED BY P.L.193-2021, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13.3. (a) To be approved by the commission for use in Indiana, a voting system must meet one (1) of the following:

- (1) The Voting System Standards adopted by the Federal Election Commission on April 30, 2002.
- (2) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005.
- (3) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission, as amended on March 31, 2015.

(b) Except as provided in subsection (c), a county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, 2021, if the voting system:

- (1) was:
 - (A) approved by the commission for use in elections in Indiana before October 1, 2021; and
 - (B) purchased or leased by the county before October 1, 2021; and

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(2) otherwise complies with the applicable provisions of HAVA and this article.

However, a voting system vendor may not market, sell, lease, or install a voting system described in this subsection.

(c) A county may not continue to use an electronic voting system after ~~December 31, 2029~~, **July 1, 2024**, unless the:

- (1) system includes a voter verifiable paper audit trail; and
- (2) certification of that system by the commission has not expired.

(d) As provided by 52 U.S.C. 21081, to be used in an election in Indiana, a voting system must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

(e) As provided by 52 U.S.C. 21081, an election board conducting an election satisfies the requirements of subsection (d) if the election board provides at least one (1) electronic voting system or other voting system equipped for individuals with disabilities at each polling place.

(f) If a voter who is otherwise qualified to cast a ballot in a precinct chooses to cast the voter's ballot on the voting system provided under subsection (e), the voter must be allowed to cast the voter's ballot on that voting system, whether or not the voter is an individual with disabilities."

Renumber all SECTIONS consecutively.

(Reference is to HB 1116 as printed January 25, 2022.)

BROWN T

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1116, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 9, after "(f)" insert "**The following statement must be printed in at least 16 point font size, underlined, and clearly legible print on the envelope of an absentee ballot application that a person sends to an individual:**

"(Name of person sending the absentee ballot application) has sent you the enclosed application. This is unsolicited and is not



sent by a state or local elections official."

(g)".

Page 3, line 18, delete "(g)" and insert "**(h)**".

Page 3, line 36, delete "(h)" and insert "**(i)**".

Page 4, line 10, delete "(i)" and insert "**(j)**".

Page 4, line 36, delete "(j)" and insert "**(k)**".

Page 5, line 34, delete "2(i)" and insert "**2(j)**".

Page 6, line 12, delete "2(g)" and insert "**2(h)**".

Page 6, line 25, delete "2(h)" and insert "**2(i)**".

Page 7, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 5. IC 3-11-8-10.3, AS AMENDED BY P.L.193-2021, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 10.3. (a) A reference to an electronic poll list in a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is considered to be a reference to an electronic poll book (as defined by IC 3-5-2-20.5), unless otherwise expressly provided in the vote center plan.

(b) An electronic poll book must satisfy all of the following:

(1) An electronic poll book must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll book.

(2) An electronic poll book may not be connected to a voting system. However, the electronic poll book may be used in conjunction with a voting system if both of the following apply:

(A) The electronic poll book contains a device that must be physically removed from the electronic poll book by a person and the device is inserted into the voting system, with no hardware or software connection existing between the electronic poll book and the voting system.

(B) All data on the device is erased when the device is removed from the voting system and before the device is reinserted into an electronic poll book.

(3) An electronic poll book may not permit access to voter information other than:

(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:

(i) The county's receipt of an absentee ballot from the voter.

(ii) The county's receipt of additional documentation



provided by the voter to the county voter registration office.

(iii) The county's issuance of a certificate of error.

An electronic poll book may not display whether a voter's registration record is in active or inactive status.

(4) The information contained on an electronic poll book must be secure and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:

(A) storing (in external or internal memory) the current local version of the electronic poll list; and

(B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.

(5) The electronic poll book must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:

(A) already received a ballot at the election;

(B) returned an absentee ballot; or

(C) submitted any additional documentation required under IC 3-7-33-4.5.

(6) After the voter has been provided with a ballot, the electronic poll book must permit a poll clerk to enter information indicating that the voter has received a ballot.

(7) The electronic poll book must transmit the information in subdivision (6) to the county server so that:

(A) the server may transmit the information immediately to every other polling place or satellite absentee office in the county; or

(B) the server makes the information immediately available to every other polling place or satellite office in the county.

(8) The electronic poll book must permit reports to be:

(A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and

(B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.

(9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll book must permit voter history to be quickly and accurately uploaded into



the computerized list (as defined in IC 3-7-26.3-2).

(10) The electronic poll book must be able to display an electronic image of the signature of a voter taken from:

- (A) the voter's registration application; or
- (B) a more recent signature of a voter from an absentee application, poll list, electronic poll book, or registration document.

(11) The electronic poll book must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.

(12) The electronic poll book must include a bar code capturing device that:

- (A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and
- (B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.

(13) A printer separate from the electronic poll book used in a vote center county may be programmed to print on the back of a ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.

(14) The electronic poll book must be compatible with:

- (A) any hardware attached to the electronic poll book, such as signature capturing devices, bar code capturing devices, and network cards;
- (B) the statewide voter registration system; and
- (C) any software system used to prepare voter information to be included on the electronic poll book.

(15) The electronic poll book must have the ability to be used in conformity with this title for:

- (A) any type of election conducted in Indiana; or
- (B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.



(16) The procedures for setting up, using, and shutting down an electronic poll book must be reasonably easy for a precinct election officer to learn, understand, and perform. A vendor shall provide sufficient training to election officials and poll workers to completely familiarize them with the operations essential for carrying out election activities. A vendor shall provide an assessment of learning goals achieved by the training in consultation with VSTOP (as described in IC 3-11-18.1-12).

(17) The electronic poll book must enable a precinct election officer to verify that the electronic poll book:

- (A) has been set up correctly;
- (B) is working correctly so as to verify the eligibility of the voter;
- (C) is correctly recording that a voter received a ballot; and
- (D) has been shut down correctly.

(18) The electronic poll book must include the following documentation:

(A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll book.

(B) Training materials that:

- (i) may be in written or video form; and
- (ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.

(C) Failsafe data recovery procedures for information included in the electronic poll book.

(D) Usability tests:

- (i) that are conducted by the manufacturer of the electronic poll book or an independent testing facility using individuals who are representative of the general public;
- (ii) that include the setting up, using, and shutting down of the electronic poll book; and
- (iii) that report their results using industry standard reporting formats.

(E) A clear model of the electronic poll book system architecture and the following documentation:

- (i) End user documentation.
- (ii) System-level and administrator level documentation.
- (iii) Developer documentation.

(F) Detailed information concerning:

- (i) electronic poll book consumables; and
- (ii) the vendor's supply chain for those consumables.



- (G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll book.
- (H) Repair and maintenance policies for the electronic poll book.
- (I) As of the date of the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12, the following:
- (i) A list of customers who are using or have previously used the vendor's electronic poll book.
 - (ii) A description of any known anomalies involving the functioning of the electronic poll book, including how those anomalies were resolved.
- (J) Information concerning batteries used in the electronic poll book, including the following:
- (i) A list of all batteries to be used in the electronic poll book and any peripherals.
 - (ii) The expected life span of each battery.
 - (iii) A log documenting when each battery was installed or subsequently replaced.
 - (iv) A schedule for the replacement of each battery not later than thirty (30) days before the end of the expected life span of each battery.
 - (v) Plans to test batteries before each election.
 - (vi) Plans for the emergency replacement of batteries that fail on election day or during the thirty (30) days before election day.
- (19) The electronic poll book and any hardware attached to the electronic poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.
- (20) The electronic poll book must demonstrate that it correctly processes all activity regarding each voter registration record, including the use, alteration, storage, receipt, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll book.
- (21) The electronic poll book must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12.



(22) The electronic poll book must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter signed the electronic poll book, and the electronic signature of the voter, for retention on the dedicated private server approved by the county election board for the period required by Indiana and federal law.

(23) The electronic poll book must:

(A) permit a voter to check in and sign the electronic poll book even when there is a temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature so that the signature may be assigned to the voter's registration record.

(24) The electronic poll book must have the capacity, for each voter who appears on the electronic poll list, to transmit information that a voter cast a provisional ballot:

(A) from the electronic poll book to the dedicated private server; and

(B) from the dedicated private server to the voter's record in the statewide voter registration system.

This functionality may not be disabled.

(c) The county election board is responsible for the care and custody of all electronic poll books while not in use.

(d) The county election board is responsible for ensuring that all electronic poll books are dedicated devices to be used only for their intended purpose and for no other activity. Software that is not needed for the essential purpose of running the electronic poll book may not be installed on an electronic poll book."

Page 8, delete lines 16 through 42.

Delete pages 9 through 10.

Page 11, delete lines 1 through 28.

Page 17, line 5, delete "trail;" and insert "trail, **provided that the cost to a county to procure the voter verifiable paper audit trail equipment is paid from money:**

(A) received from the federal government and permitted to be spent for this purpose; or

(B) appropriated by the general assembly for this purpose;".

Page 18, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 13. IC 3-11.7-6-3, AS AMENDED BY P.L.278-2019, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) As required by 52 U.S.C.



21082, a county election board shall establish a free access system such as a toll-free telephone number or an Internet web site that enables a provisional voter to determine:

- (1) whether the individual's provisional ballot was counted; and
- (2) if the provisional ballot was not counted, the reason the provisional ballot was not counted.

A county election board may use a module of the computerized list under IC 3-7-26.3 to comply with this subsection.

(b) The county election board shall enter the following into the computerized list:

- (1) The name of the individual.
- (2) The address of the individual.
- (3) The day and time the county election board will meet to determine the validity of a provisional ballot under IC 3-11.7-5.**
- ~~(4)~~ (4) Whether the individual's provisional ballot was counted.
- ~~(5)~~ (5) If the individual's provisional ballot was not counted, the reason the provisional ballot was not counted.

An individual who casts a provisional ballot may access the information described in this subsection pertaining to the provisional ballot of the individual through a module of the computerized list under IC 3-7-26.3.

(c) Not later than the earlier of:

- (1) twenty-four (24) hours before the date the county election board meets under IC 3-11.7-5 to determine the validity of a provisional ballot cast by an individual; or
- (2) three (3) days after the election;

the provisional ballot information described in subsection (b)(1) through (b)(3) must be entered to the computerized list. The provisional ballot information described in subsection (b)(4) and (b)(5) must be entered into the computerized list not later than the date the county election board certifies the election results of the county under IC 3-12-4-9.

~~(d)~~ (d) As required by 52 U.S.C. 21082, the county election board shall establish and maintain reasonable procedures to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used on the free access system established by the board under subsection (a).

~~(e)~~ (e) As required by 52 U.S.C. 21082, the county election board shall restrict access to the free access system established under subsection (a) to the individual voter who cast the provisional ballot. This subsection does not restrict access to election materials available



under IC 3-10-1-31.1.

~~(e)~~ (f) The county election board shall prescribe written instructions to inform a provisional voter how the provisional voter can determine whether the provisional voter's ballot has been counted."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1116 as reprinted January 28, 2022.)

FORD JON, Chairperson

Committee Vote: Yeas 6, Nays 2.

