

HOUSE BILL No. 1269

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-10-4-2.2; IC 3-11; IC 3-12.

Synopsis: Ballot security. Provides that after June 30, 2018, a county may not purchase new electronic voting systems, except for the purpose of enabling voters with disabilities to vote. Provides that after December 31, 2022, an electronic voting system may not be used in Indiana, except for the purpose of enabling voters with disabilities to vote. Provides for the January 1, 2023, expiration of certain statutes relating to electronic voting systems. Directs the elections interim study committee to prepare legislation to make any amendments to the Indiana Code the committee considers necessary to assist in the implementation of the phase out of electronic voting systems. Requires each county election board to conduct an audit after each general election in five randomly selected precincts in the county in which the election was held to determine whether the number of votes marked on ballots in the precinct matches the number of votes declared for the precinct. Requires the county election board to report the results of the audit for each precinct to the election division not later than January 1 after the election.

Effective: July 1, 2018.

Dvorak

January 16, 2018, read first time and referred to Committee on Elections and Apportionment.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1269

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 3-10-4-2.2, AS ADDED BY P.L.58-2005,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 2.2. (a) This section applies when an electronic
4 voting system is used.

5 (b) The names of the nominees for President and Vice President of
6 the United States for each political party or group of petitioners
7 grouped as described in section 1(b)(3) of this chapter must be:

8 (1) listed together so that a voter is aware that the voter votes for
9 both offices with a single vote; and

10 (2) behind or beside a single touch sensitive point or button place.

11 (c) The nominees for President and Vice President of the United
12 States must be grouped under the names of the offices in the order
13 established by IC 3-11-14-3.5.

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

15 SECTION 2. IC 3-11-7.5-29 IS ADDED TO THE INDIANA CODE
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2018]: **Sec. 29. This chapter expires January 1, 2023.**



1 SECTION 3. IC 3-11-10-12.5, AS ADDED BY P.L.66-2010,
 2 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2018]: Sec. 12.5. (a) This section applies to absentee ballots
 4 cast:

- 5 (1) under section 26 or 26.3 of this chapter; and
 6 (2) on a direct record electronic voting system.

7 (b) Notwithstanding section 12 of this chapter, a county election
 8 board is not required to deliver absentee ballots described in subsection
 9 (a) to the precincts for counting. However, the county election board
 10 shall deliver to each precinct a list of the names of voters who have cast
 11 absentee ballots described in subsection (a). The county election board
 12 shall deliver this list at the same time the county election board delivers
 13 other absentee ballots to the precinct. Absentee ballots described in
 14 subsection (a) may be challenged using the same procedure that applies
 15 to other absentee ballots. The judges shall mark the poll list to indicate
 16 that each voter on the list sent by the county election board has voted
 17 by absentee ballot. If a voter has already voted at the precinct or if the
 18 absentee ballot is challenged, the judges shall note that fact on the list
 19 sent by the county election board and return the list to the county
 20 election board with the precinct's other election materials. The county
 21 election board shall delete the absentee votes of a voter described in
 22 subsection (a) whose name has been noted by the judges as having
 23 voted at the precinct. The county election board shall count the
 24 absentee ballots described in subsection (a) using the procedures in
 25 IC 3-11.5 for counting absentee ballots at a central location, including
 26 the procedures for challenging absentee ballots and eliminating the
 27 absentee ballots of individuals voting in person at the polls, to assure
 28 that the ballots cast on the direct record electronic voting system may
 29 be counted.

30 (c) A county election board acting under this section:

- 31 (1) may count all absentee ballots described in subsection (a) at
 32 a central location; and
 33 (2) shall adjust the vote totals for each precinct based on the count
 34 of absentee ballots under subdivision (1).

35 (d) This section does not require a county election board to count
 36 absentee ballots not described in subsection (a) at a central location
 37 under this section or IC 3-11.5.

38 **(e) This section expires January 1, 2023.**

39 SECTION 4. IC 3-11-14-35 IS ADDED TO THE INDIANA CODE
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2018]: **Sec. 35. This chapter expires January 1, 2023.**

42 SECTION 5. IC 3-11-14.5-11 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2018]: **Sec. 11. This chapter expires January**
 3 **1, 2023.**

4 SECTION 6. IC 3-11-15.5 IS ADDED TO THE INDIANA CODE
 5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2018]:

7 **Chapter 15.5. Phase Out of Electronic Voting Systems**

8 **Sec. 1. It is the intent of the general assembly to phase out the**
 9 **use of electronic voting systems (as defined in IC 3-5-2-21) in**
 10 **Indiana, except as otherwise provided in this chapter.**

11 **Sec. 2. After June 30, 2018, a county may not purchase new**
 12 **electronic voting systems, except for the purpose of enabling voters**
 13 **with disabilities to vote.**

14 **Sec. 3. After December 31, 2022, an electronic voting system**
 15 **may not be used in Indiana, except for the purpose of enabling**
 16 **voters with disabilities to vote.**

17 **Sec. 4. (a) As used in this section, "committee" refers to the**
 18 **elections interim study committee established by IC 2-5-1.3-4(6).**

19 **(b) During the 2022 interim, the committee shall prepare**
 20 **legislation to make any amendments to the Indiana Code the**
 21 **committee considers necessary to:**

22 **(1) assist in the implementation of this chapter; and**

23 **(2) eliminate any statutes made obsolete by the policy stated**
 24 **in section 1 of this chapter.**

25 **(c) This section expires January 1, 2023.**

26 SECTION 7. IC 3-12-3.5-9 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 2018]: **Sec. 9. This chapter expires January 1, 2023.**

29 SECTION 8. IC 3-12-4-8 IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2018]: **Sec. 8. (a) The county election board**
 31 **shall:**

32 **(1) carefully examine and compare the certificates, poll lists, and**
 33 **tally sheets; and**

34 **(2) aggregate and tabulate from the papers entrusted to it the vote**
 35 **for the county and each political subdivision, as appropriate.**

36 **(b) Not later than thirty (30) days after a general election, the**
 37 **county election board shall select five (5) precincts at random in**
 38 **the county in which the election was held.**

39 **(c) For each precinct selected under subsection (b), the county**
 40 **election board shall provide for an audit to determine whether the**
 41 **number of votes marked on ballots in the precincts matches the**
 42 **number of votes declared for those precincts under section 6 of this**



1 **chapter.**

2 **(d) The county election board shall report the results of the**
 3 **audit for each precinct to the election division not later than**
 4 **January 1 after the election.**

5 SECTION 9. IC 3-12-4-18, AS AMENDED BY P.L.194-2013,
 6 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2018]: Sec. 18. **(a)** If electronic voting systems are used in a
 8 precinct, the county election board may, upon the adoption of an order
 9 by unanimous vote of the entire membership of the board, inspect the
 10 registering counter or other recording device on any electronic voting
 11 system showing the number of votes cast for any candidate or public
 12 question. The board may conduct an inspection, after filing notice of
 13 the order authorizing the inspection with the secretary of state, either
 14 before the board proceeds to count and tabulate the vote or within one
 15 (1) day after the count and tabulation are finished.

16 **(b) This section expires January 1, 2023.**

17 SECTION 10. IC 3-12-4-19, AS AMENDED BY P.L.221-2005,
 18 SECTION 106, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2018]: Sec. 19. **(a)** To inspect an electronic
 20 voting system under section 18 of this chapter, the county election
 21 board may proceed to any place in the county where the system is
 22 located, kept, or stored. However, the board shall make the inspection
 23 in the presence of an accredited representative of each of the major
 24 political parties of the county.

25 **(b) This section expires January 1, 2023.**

26 SECTION 11. IC 3-12-4-20, AS AMENDED BY P.L.221-2005,
 27 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2018]: Sec. 20. **(a)** When making an inspection
 29 under section 18 of this chapter, a county election board shall compare
 30 the number of votes registered on the counter or other recording device
 31 on the electronic voting systems with the returns made by the precinct
 32 election board of the precinct in which the electronic voting system was
 33 used.

34 **(b) This section expires January 1, 2023.**

35 SECTION 12. IC 3-12-4-21, AS AMENDED BY P.L.221-2005,
 36 SECTION 108, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2018]: Sec. 21. **(a)** If there is a discrepancy
 38 between the number of votes registered on an electronic voting system
 39 and the returns made by the precinct election board, the county election
 40 board shall correct the returns made by the precinct election board so
 41 that the returns conform to the vote registered on the electronic voting
 42 system. The corrected returns shall be considered the true and correct



1 returns of the number of votes cast for each candidate or on each public
2 question in the precinct.
3 **(b) This section expires January 1, 2023.**
4 SECTION 13. IC 3-12-4-22, AS AMENDED BY P.L.221-2005,
5 SECTION 109, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2018]: Sec. 22. (a) If a nomination or election
7 is contested or a recount is conducted, the returns of each precinct
8 election board, as corrected by the county election board under section
9 21 of this chapter, constitute prima facie evidence of the vote cast for
10 each candidate and on each public question to the same extent as the
11 tabulation and return of the vote in a precinct where electronic voting
12 systems are not used.
13 **(b) This section expires January 1, 2023.**

