

SENATE BILL No. 179

DIGEST OF INTRODUCED BILL

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

Synopsis: Election cybersecurity. Requires applicants for certification of voting systems and electronic poll books to include information regarding the batteries used in the voting system or electronic poll book, a planned replacement schedule for the batteries, and plans for emergency replacement of batteries that fail on election day or during the 30 days before election day. Provides that the number of voting systems to be examined in a public test is based on the number of voting system units scheduled by the county election board to be used in the upcoming election. Provides that if a county uploads unofficial precinct election results to the statewide voter registration system before certification of the final results, the county must use a universal serial bus (USB) drive that contains anti-malware protection features. Provides that: (1) if a direct record electronic voting system contains a voter verifiable paper audit trail, the precinct election board is not required to print out the paper audit trail in preparing the certificates setting forth the number of votes cast for a candidate or on a public question in the precinct; and (2) the certificates set forth the official votes cast by the voters of the precinct. Provides that in a recount or contest proceeding, the information set forth on the voter verifiable paper audit trail may be used as evidence for a recount commission or a court to determine the votes cast for a candidate or on a public question in the precinct. Permits the secretary of state to issue orders (rather than adopting administrative rules) to: (1) designate elections to be subject to a risk-limiting audit or procedure audits conducted after the election; and (2) to administer risk-limiting audits.

Effective: Upon passage; July 1, 2020.

Walker

January 6, 2020, read first time and referred to Committee on Elections.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 179

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 3-11-8-10.3, AS AMENDED BY P.L.71-2019,
- 2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2020]: Sec. 10.3. (a) A reference to an electronic poll list in
- 4 a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is
- 5 considered to be a reference to an electronic poll book (as defined by
- 6 IC 3-5-2-20.5), unless otherwise expressly provided in the vote center
- 7 plan.
- 8 (b) An electronic poll book must satisfy all of the following:
- 9 (1) An electronic poll book must be programmed so that the
- 10 coordinated action of two (2) election officers who are not
- 11 members of the same political party is necessary to access the
- 12 electronic poll book.
- 13 (2) An electronic poll book may not be connected to a voting
- 14 system. However, the electronic poll book may be used in
- 15 conjunction with a voting system if both of the following apply:
- 16 (A) The electronic poll book contains a device that must be
- 17 physically removed from the electronic poll book by a person



- 1 and the device is inserted into the voting system, with no
2 hardware or software connection existing between the
3 electronic poll book and the voting system.
- 4 (B) All data on the device is erased when the device is
5 removed from the voting system and before the device is
6 reinserted into an electronic poll book.
- 7 (3) An electronic poll book may not permit access to voter
8 information other than:
- 9 (A) information provided on the certified list of voters
10 prepared under IC 3-7-29-1; or
- 11 (B) information concerning any of the following received or
12 issued after the electronic poll list has been downloaded by the
13 county election board under IC 3-7-29-6:
- 14 (i) The county's receipt of an absentee ballot from the voter.
15 (ii) The county's receipt of additional documentation
16 provided by the voter to the county voter registration office.
17 (iii) The county's issuance of a certificate of error.
- 18 (4) The information contained on an electronic poll book must be
19 secure and placed on a dedicated, private server to secure
20 connectivity between a precinct polling place or satellite absentee
21 office and the county election board. The electronic poll book
22 must have the capability of:
- 23 (A) storing (in external or internal memory) the current local
24 version of the electronic poll list; and
- 25 (B) producing a list of audit records that reflect all of the
26 idiosyncrasies of the system, including in-process audit
27 records that set forth all transactions.
- 28 (5) The electronic poll book must permit a poll clerk to enter
29 information regarding an individual who has appeared to vote to
30 verify whether the individual is eligible to vote, and if so, whether
31 the voter has:
- 32 (A) already received a ballot at the election;
33 (B) returned an absentee ballot; or
34 (C) submitted any additional documentation required under
35 IC 3-7-33-4.5.
- 36 (6) After the voter has been provided with a ballot, the electronic
37 poll book must permit a poll clerk to enter information indicating
38 that the voter has received a ballot.
- 39 (7) The electronic poll book must transmit the information in
40 subdivision (6) to the county server so that:
- 41 (A) the server may transmit the information immediately to
42 every other polling place or satellite absentee office in the



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



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



- 1 who are representative of the general public;
 2 (ii) that include the setting up, using, and shutting down of
 3 the electronic poll book; and
 4 (iii) that report their results using industry standard reporting
 5 formats.
- 6 (E) A clear model of the electronic poll book system
 7 architecture and the following documentation:
 8 (i) End user documentation.
 9 (ii) System-level and administrator level documentation.
 10 (iii) Developer documentation.
- 11 (F) Detailed information concerning:
 12 (i) electronic poll book consumables; and
 13 (ii) the vendor's supply chain for those consumables.
- 14 (G) Vendor internal quality assurance procedures and any
 15 internal or external test data and reports available to the
 16 vendor concerning the electronic poll book.
- 17 (H) Repair and maintenance policies for the electronic poll
 18 book.
- 19 (I) As of the date of the vendor's application for approval of
 20 the electronic poll book by the secretary of state as required by
 21 IC 3-11-18.1-12, the following:
 22 (i) A list of customers who are using or have previously used
 23 the vendor's electronic poll book.
 24 (ii) A description of any known anomalies involving the
 25 functioning of the electronic poll book, including how those
 26 anomalies were resolved.
- 27 **(J) Information concerning batteries used in the electronic**
 28 **poll book, including the following:**
 29 **(i) A list of all batteries to be used in the electronic poll**
 30 **book.**
 31 **(ii) The expected life span of each battery.**
 32 **(iii) A log documenting when each battery was installed**
 33 **or subsequently replaced.**
 34 **(iv) A schedule for the replacement of each battery not**
 35 **later than thirty (30) days before the end of the expected**
 36 **life span of each battery.**
 37 **(v) 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 (c) The county election board is responsible for the care and custody
- 27 of all electronic poll books while not in use.
- 28 (d) The county election board is responsible for ensuring that all
- 29 electronic poll books are dedicated devices to be used only for their
- 30 intended purpose and for no other activity. Software that is not needed
- 31 for the essential purpose of running the electronic poll book may not be
- 32 installed on an electronic poll book.
- 33 SECTION 2. IC 3-11-13-22, AS AMENDED BY P.L.278-2019,
- 34 SECTION 106, IS AMENDED TO READ AS FOLLOWS
- 35 [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) This section applies to:
- 36 (1) a ballot card voting system; and
- 37 (2) a voting system that includes features of a ballot card voting
- 38 system and a direct record electronic voting system.
- 39 (b) Not later than seventy-four (74) days before election day, for
- 40 each county planning to use automatic tabulating machines at the next
- 41 election, VSTOP shall provide each county election board with two (2)
- 42 lists of unique identification numbers for the machines to be tested by



1 the county. The number of machines selected in each list must be:

2 (1) approved by the division; and

3 (2) not less than five percent (5%) of the machines in the county
4 **scheduled by the county election board to be used in the**
5 **upcoming election.**

6 (c) The county election board shall test the machines in the first list
7 described in subsection (b) to ascertain that the machines will correctly
8 count the votes cast for straight party tickets, for all candidates
9 (including write-in candidates), and on all public questions. If an
10 individual attending the public test requests that additional automatic
11 tabulating machines be tested, then the county election board shall test
12 machines from the second list described in subsection (b).

13 (d) If VSTOP does not provide the lists under subsection (b) not
14 later than sixty (60) days before the election, the county election board
15 shall establish and implement a procedure for random selection of not
16 less than five percent (5%) of the machines in the county. The county
17 election board shall then test the machines selected as described in
18 subsection (c).

19 (e) Not later than seven (7) days after conducting the test under
20 subsection (c), the county election board shall certify to the election
21 division that the test has been conducted in conformity with subsection
22 (c). The testing under subsection (c) must begin before absentee voting
23 begins in the office of the circuit court clerk under IC 3-11-10-26.

24 (f) Public notice of the time and place shall be given at least
25 forty-eight (48) hours before the test. The notice shall be published
26 once in accordance with IC 5-3-1-4.

27 (g) If a county election board determines that:

28 (1) a ballot:

29 (A) must be reprinted or corrected as provided by
30 IC 3-11-2-16 because of the omission of a candidate, political
31 party, or public question from the ballot; or

32 (B) is an absentee ballot that a voter is entitled to recast under
33 IC 3-11.5-4-2 because the absentee ballot includes a candidate
34 for election to office who:

35 (i) ceased to be a candidate; and

36 (ii) has been succeeded by a candidate selected under
37 IC 3-13-1 or IC 3-13-2; and

38 (2) ballots used in the test conducted under this section were not
39 reprinted or corrected to remove the omission of a candidate,
40 political party, or public question, or indicate the name of the
41 successor candidate;

42 the county election board shall conduct an additional public test



1 described in subsection (c) using the reprinted or corrected ballots.
 2 Notice of the time and place of the additional test shall be given in
 3 accordance with IC 5-14-1.5, but publication of the notice in
 4 accordance with IC 5-3-1-4 is not required.

5 SECTION 3. IC 3-11-14.5-1, AS AMENDED BY P.L.278-2019,
 6 SECTION 113, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Not later than
 8 seventy-four (74) days before election day, for each county planning to
 9 use an electronic voting system at the next election, VSTOP shall
 10 provide each county election board with two (2) lists of unique
 11 identification numbers for the machines to be tested by the county. The
 12 number of machines selected in each list must be:

- 13 (1) approved by the division; and
 14 (2) not less than five percent (5%) of the machines in the county
 15 **scheduled by the county election board to be used in the**
 16 **upcoming election.**

17 (b) The county election board shall test the machines in the first list
 18 described in subsection (a) to ascertain that the machines will correctly
 19 count the votes cast for straight party tickets, for all candidates
 20 (including write-in candidates), and on all public questions. If an
 21 individual attending the public test requests that additional electronic
 22 voting systems be tested, then the county election board shall test
 23 machines from the second list described in subsection (a).

24 (c) If VSTOP does not provide the lists under subsection (a) not
 25 later than sixty (60) days before the election, the county election board
 26 shall establish and implement a procedure for random selection of not
 27 less than five percent (5%) of the machines in the county. The county
 28 election board shall then test the machines selected as described in
 29 subsection (b).

30 (d) The testing under subsection (b) must begin before absentee
 31 voting starts in the office of the circuit court clerk under IC 3-11-10-26.

32 (e) If a county election board determines that:

- 33 (1) a ballot provided by an electronic voting system:
 34 (A) must be corrected as provided by IC 3-11-2-16 because of
 35 the omission of a candidate, political party, or public question
 36 from the ballot; or
 37 (B) is an absentee ballot that a voter is entitled to recast under
 38 IC 3-11.5-4-2 because the absentee ballot includes a candidate
 39 for election to office who:
 40 (i) ceased to be a candidate; and
 41 (ii) has been succeeded by a candidate selected under
 42 IC 3-13-1 or IC 3-13-2; and



1 (2) machines used in the test conducted under this section did not
 2 contain a ballot that was reprinted or corrected to remove the
 3 omission of a candidate, political party, or public question, or
 4 indicate the name of the successor candidate;

5 the county election board shall conduct an additional public test
 6 described in subsection (b) using the machines previously tested and
 7 containing the reprinted or corrected ballots.

8 SECTION 4. IC 3-11-15-7, AS AMENDED BY P.L.71-2019,
 9 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2020]: Sec. 7. (a) Each application must be in writing, sworn
 11 to or affirmed by the applicant, under the penalties of perjury, on a
 12 form prescribed by the election division, and must satisfy the following
 13 requirements:

14 (1) Provide the name and address of the vendor submitting the
 15 application.

16 (2) Provide the telephone number of the vendor.

17 (3) Provide the name, address, and telephone number of the
 18 individual representing the vendor regarding the application.

19 (4) Provide the model name and number of the submitted voting
 20 system, stating the hardware, firmware, and software version
 21 numbers of the system.

22 (5) State whether the voting system is a direct record electronic
 23 voting system or an optical scan ballot card voting system.

24 (6) Provide a description of the voting system and its capabilities,
 25 including the following:

26 (A) Photographs.

27 (B) Engineering drawings.

28 (C) Technical documentation.

29 (D) Fail-safe and emergency backup information.

30 (E) Environmental requirements for storage, transportation,
 31 and operation.

32 (7) Include an agreement to pay for the total costs of the
 33 examination.

34 (8) Provide documentation of the escrow of the voting system's
 35 software, firmware, source codes, and executable images with an
 36 escrow agent approved by the election division.

37 (9) Provide a functional description of any software components.

38 (10) Provide schematics or flowcharts identifying software and
 39 data file relationships.

40 (11) Describe the type of maintenance offered by the vendor.

41 **(12) Provide information concerning batteries used in the**
 42 **voting system, including the following:**



- 1 **(A) A list of all batteries to be used in the voting system.**
- 2 **(B) The expected life span of each battery.**
- 3 **(C) A log documenting when each battery was installed or**
- 4 **subsequently replaced.**
- 5 **(D) A schedule for the replacement of each battery not**
- 6 **later than thirty (30) days before the end of the expected**
- 7 **life span of each battery.**
- 8 **(E) Plans for the emergency replacement of batteries that**
- 9 **fail on election day or during the thirty (30) days before**
- 10 **election day.**
- 11 ~~(12)~~ **(13)** Provide the names, addresses, and telephone numbers
- 12 of the vendor's maintenance providers.
- 13 ~~(13)~~ **(14)** Provide a description of the training courses offered by
- 14 the vendor for the voting system.
- 15 ~~(14)~~ **(15)** Provide user manuals, operator and system manuals, and
- 16 problem solving manuals.
- 17 ~~(15)~~ **(16)** Provide a statement of the current and future
- 18 interchangeability of all subcomponents of the voting system.
- 19 ~~(16)~~ **(17)** Provide documentation from all independent testing
- 20 authorities that have examined the system.
- 21 ~~(17)~~ **(18)** Provide documentation from all election jurisdictions
- 22 that have previously approved the system.
- 23 ~~(18)~~ **(19)** State that the vendor has complied with, and will
- 24 continue to comply with, ~~IC 3-11-15-45(b)~~ **section 45(b) of this**
- 25 **chapter** following certification of the system.
- 26 ~~(19)~~ **(20)** Pay the application fee required under section 4 of this
- 27 chapter.
- 28 (b) If an application does not include any of the applicable
- 29 requirements listed in subsection (a), those requirements must be filed
- 30 with the election division before the application may be considered by
- 31 the commission.
- 32 SECTION 5. IC 3-11-18.1-12, AS AMENDED BY P.L.278-2019,
- 33 SECTION 118, IS AMENDED TO READ AS FOLLOWS
- 34 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Notwithstanding section
- 35 1 of this chapter, this section applies to an electronic poll book to be
- 36 used in:
- 37 (1) a precinct polling place, office of the circuit court clerk, or a
- 38 satellite office in accordance with IC 3-7-29-6; or
- 39 (2) a vote center under this chapter.
- 40 (b) Notwithstanding any other law, the electronic poll book used
- 41 must satisfy all of the following:
- 42 (1) The electronic poll book must comply with IC 3-11-8-10.3.



- 1 (2) The electronic poll book must be approved by the secretary of
 2 state in accordance with this section.
- 3 (3) Except with prior written authorization by the VSTOP, the
 4 electronic poll book must have been delivered to the county
 5 election board not less than sixty (60) days before an election at
 6 which the electronic poll book is used.
- 7 (c) A person who wishes to market, sell, lease, or provide an
 8 electronic poll book for use in an election in Indiana must first file an
 9 application for certification with the election division on a form
 10 prescribed by the secretary of state. Except as provided in subsection
 11 (i), a person may not market, sell, lease, or provide an electronic poll
 12 book for use in an election in Indiana until the secretary of state has
 13 approved the application for certification under this section. The
 14 application must state that the vendor has complied, and will continue
 15 to comply, with subsection (d) following certification of the electronic
 16 poll book. Each application for certification of an electronic poll book
 17 must be accompanied by a fee of one thousand five hundred dollars
 18 (\$1,500). All fees collected under this section shall be deposited with
 19 the treasurer of state in the voting system technical oversight program
 20 account established by IC 3-11-17-6.
- 21 (d) The person seeking certification of an electronic poll book shall
 22 conduct a background check at least once each year on each individual
 23 employed or contracted by the vendor who has access to the electronic
 24 poll book to determine if the individual has been convicted of a felony.
 25 An individual described by this subsection who has been convicted of
 26 a felony may not have access to an electronic poll book in the
 27 individual's capacity as an employee or contractor of the vendor.
- 28 (e) The secretary of state shall refer the application to the person or
 29 entity conducting the VSTOP.
- 30 (f) The VSTOP shall examine the electronic poll book with its
 31 accompanying documentation and file a report with the secretary of
 32 state indicating all of the following:
- 33 (1) Whether the electronic poll book would operate in compliance
 34 with this title.
- 35 (2) Whether VSTOP has reviewed tests conducted by an approved
 36 voting system testing laboratory.
- 37 (3) Whether VSTOP has conducted a field test.
- 38 (4) Whether the electronic poll book complies with additional
 39 requirements for the electronic poll book application for
 40 certification and acceptance testing, as described in the Indiana
 41 Electronic Poll Book Certification Test Protocol approved by the
 42 secretary of state (as in effect January 1, ~~2019~~: **2020**).



- 1 (5) Any recommendations regarding the acquisition or use of the
2 electronic poll book.
- 3 (6) Whether documentation of the escrow of the electronic poll
4 book's software, firmware, source codes, and executable images
5 with an escrow agent approved by the election division has been
6 received by VSTOP.
- 7 (7) Whether VSTOP recommends that the secretary of state
8 approve the electronic poll book under this section, including any
9 recommended restrictions that should be placed on the secretary
10 of state's approval.
- 11 (g) After the report required by subsection (f) is filed, the secretary
12 of state may approve the application for certification permitting the
13 electronic poll book to be used in an election in Indiana.
- 14 (h) A certification under this section expires on December 31 of the
15 year following the date of its issuance, unless earlier revoked by the
16 secretary of state upon a written finding of good cause for the
17 revocation.
- 18 (i) A person may display or demonstrate an electronic poll book that
19 has not been certified under this section if the person complies with all
20 the following requirements:
- 21 (1) The display or demonstration occurs at a conference of
22 election officials sponsored by:
- 23 (A) a state agency; or
24 (B) an association of circuit court clerks or voter registration
25 officers.
- 26 (2) The person files a notice with the election division at least
27 seven (7) days before the scheduled starting date of a conference
28 referred to in subdivision (1) setting forth the following:
- 29 (A) The name of the person and each representative scheduled
30 to display or demonstrate the electronic poll book.
31 (B) The address and telephone number of the person.
32 (C) The model name of the electronic poll book.
33 (D) The name and manufacturer of the electronic poll book.
34 (E) The date and location of the display or demonstration of
35 the electronic poll book.
- 36 (3) The person displays the electronic poll book with a notice that:
37 (A) is at least 16 point type size;
38 (B) is posted on the surface of the electronic poll book; and
39 (C) states that the electronic poll book is "Not Approved for
40 Use in Indiana".
- 41 (4) The person ensures that each communication concerning the
42 electronic poll book that is available or made at a conference



1 referred to in subdivision (1) includes a statement that the
 2 electronic poll book is "Not Approved for Use in Indiana". A
 3 printed communication must include the statement in a type size
 4 that is at least as large as the largest type size used in the
 5 communication.

6 SECTION 6. IC 3-12-3-12.7 IS ADDED TO THE INDIANA CODE
 7 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 8 **UPON PASSAGE]: Sec. 12.7. (a) This section applies to a county**
 9 **that uploads unofficial precinct level results from a ballot card**
 10 **voting system to the computerized list before the county certifies**
 11 **the official results of the election under IC 3-12-5.**

12 **(b) The county shall use a universal serial bus (USB) drive that**
 13 **contains anti-malware protection features approved by VSTOP.**

14 SECTION 7. IC 3-12-3.5-3, AS AMENDED BY P.L.230-2005,
 15 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: Sec. 3. (a) When paper vote total printouts have
 17 been obtained, the precinct election board shall prepare certificates
 18 stating the number of votes that each candidate received for each office
 19 and the votes on each public question by attaching the paper vote total
 20 printouts to certificate forms supplied by the county election board.

21 (b) Each member of the board shall be given a copy of the
 22 certificate.

23 (c) If a precinct election board administers more than one (1)
 24 precinct, the board shall keep the ballots cast in each precinct separate
 25 from ballots cast in any other precinct, so that the votes cast for each
 26 candidate and on each public question in each of the precincts
 27 administered by the board may be determined.

28 **(d) If a precinct uses a direct record electronic voting system**
 29 **that contains a voter verifiable paper audit trail, the precinct**
 30 **election board is not required to print out the paper audit trail in**
 31 **preparing the certificates setting forth the number of votes**
 32 **prepared under subsection (a).**

33 **(e) The certificates prepared under subsection (a) set forth the**
 34 **official votes cast by the voters for a candidate or on a public**
 35 **question by the voters of the precinct. However, in a recount or**
 36 **contest proceeding under IC 3-12-6, IC 3-12-8, IC 3-12-11, or**
 37 **IC 3-12-12, the information set forth on the voter verifiable paper**
 38 **audit trail may be used as evidence for a recount commission or a**
 39 **court to determine the votes cast for a candidate or on a public**
 40 **question in the precinct.**

41 SECTION 8. IC 3-12-4-6.5 IS ADDED TO THE INDIANA CODE
 42 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**



1 UPON PASSAGE]: **Sec. 6.5. (a) This section applies to a county that**
 2 **uploads unofficial precinct level results from a direct record**
 3 **electronic voting system to the computerized list before the county**
 4 **certifies the official results of the election under IC 3-12-5.**

5 **(b) The county must use a universal serial bus (USB) drive that**
 6 **contains anti-malware protection features approved by VSTOP.**

7 SECTION 9. IC 3-12-13-5, AS ADDED BY P.L.34-2019,
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 5. (a) The secretary of state shall determine
 10 under rules adopted by the secretary of state under ~~IC 4-22-2~~, the
 11 elections that are subject to a risk-limiting audit.

12 (b) All contested elections for an elected office and all public
 13 questions are eligible for designation by the rules under subsection (a)
 14 for a risk-limiting audit.

15 SECTION 10. IC 3-12-13-7, AS ADDED BY P.L.34-2019,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 7. (a) The secretary of state shall ~~adopt rules~~
 18 ~~under IC 4-22-2~~ **necessary issue orders** to implement and administer
 19 the requirements of this chapter.

20 (b) In ~~developing rules to be adopted~~ **issuing an order** under
 21 subsection (a), the secretary of state shall:

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

25 SECTION 11. IC 3-12-14-4, AS ADDED BY P.L.34-2019,
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 4. (a) The secretary of state shall ~~adopt rules~~
 28 ~~under IC 4-22-2~~ **issue orders** to develop a procedure audit program
 29 that details the documents to be inspected, the procedures to be
 30 reviewed, and the process by which a procedure audit is conducted
 31 under this chapter.

32 (b) The following factors may be evaluated by a procedure audit:

- 33 (1) Evaluation of voter registration procedures, including the
 34 following:
 - 35 (A) Proper use of voter registration forms.
 - 36 (B) Entry of data into the statewide voter registration file.
 - 37 (C) Proper use of forms.
 - 38 (D) Ability of procedures to accurately determine eligibility of
 39 registrants.
- 40 (2) Evaluation of proper use and operation of electronic poll
 41 books and other electronic systems.
- 42 (3) Evaluation of voting systems.



- 1 (4) Evaluation of compliance with federal and state requirements.
- 2 (5) Evaluation of absentee voting requirements and procedures.
- 3 (6) Evaluation of provisional ballot voting requirements and
- 4 procedures.
- 5 (7) Evaluation of other factors as determined by the secretary of
- 6 state.
- 7 (c) The secretary of state may require use of sampling and other
- 8 statistically valid procedures for conducting a procedure audit.
- 9 **SECTION 12. An emergency is declared for this act.**

