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 ENROLLED ACT No. 179

————

AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 3-5-4-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. (a) Not later than July 1, 2020, 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) 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. This section expires January 1, 2023.

SECTION 2. IC 3-7-26.3-35, AS ADDED BY P.L.71-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: Sec. 35. (a) ~~Not later than January 1, 2020,~~ The secretary of state shall issue an order establishing proficiency standards for an individual employed by or acting under the authorization of a county voter registration office, **a circuit court clerk, a county election board, or a board of elections and registration** to be qualified to access the computerized list.

(b) ~~After December 31, 2019,~~ An individual described in subsection (a) must have demonstrated to the satisfaction of the secretary of state and the election division that the individual has been sufficiently trained and demonstrated the individual's ability to properly access the system and comply with all applicable laws governing the operation of the list in order for the individual to access the computerized list.

(c) The county voter registration office, **circuit court clerk, county election board, or board of elections and registration** may revoke the authorization granted **by the office, clerk, or board** under subsection (b) for good cause, and shall file a report of the revocation with the secretary of state and the election division not later than seven (7) days after the revocation is effective.

SECTION 3. IC 3-11-8-10.3, AS AMENDED BY P.L.71-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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

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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.

However, after December 31, 2020, 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:

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(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.

(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.

SECTION 4. IC 3-11-13-22, AS AMENDED BY P.L.278-2019, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) This section applies to:

    (1) a ballot card voting system; and

    (2) a voting system that includes features of a ballot card voting system and a direct record electronic voting system.

(b) Not later than seventy-four (74) days before election day, for each county planning to use automatic tabulating machines at the next election, VSTOP shall provide each county election board with ~~two (2) lists~~ **a randomly sorted list** of unique identification numbers for the **inventory of** machines ~~to be tested by the county. The number of machines selected in each list must be:~~ **in the county maintained under IC 3-11-16-4. Starting at the top of the list, the county**

election board shall select machines in the list in the order listed so that:

> **(1) if a machine to be selected in the list is not scheduled to be used in the upcoming election, the selection process will move to the next machine in the order listed;**
> **(2) each selected machine is scheduled to be used in the upcoming election; and**
> **(3) the number of machines selected is not less than five percent (5%) of the machines in the county scheduled by the county election board to be used in the upcoming election.**
> (1) approved by the division; and
> (2) not less than five percent (5%) of the machines in the county.

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

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

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

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

(g) If a county election board determines that:

> (1) a ballot:
>> (A) must be reprinted or corrected as provided by IC 3-11-2-16 because of the omission of a candidate, political party, or public question from the ballot; or
>> (B) is an absentee ballot that a voter is entitled to recast under IC 3-11.5-4-2 because the absentee ballot includes a candidate for election to office who:

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(i) ceased to be a candidate; and

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

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

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

SECTION 5. IC 3-11-14.5-1, AS AMENDED BY P.L.278-2019, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Not later than seventy-four (74) days before election day, for each county planning to use an electronic voting system at the next election, VSTOP shall provide each county election board with ~~two (2) lists~~ **a randomly sorted list** of unique identification numbers for the **inventory of** machines ~~to be tested by the county. The number of machines selected in each list must be:~~ **in the county maintained under IC 3-11-16-4. Starting at the top of the list, the county election board shall select machines in the list in the order listed so that:**

(1) if a machine to be selected in the list is not scheduled to be used in the upcoming election, the selection process will move to the next machine in the order listed;

(2) each selected machine is scheduled to be used in the upcoming election; and

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

~~(1) approved by the division; and~~

~~(2) not less than five percent (5%) of the machines in the county.~~

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

(c) If VSTOP does not provide the lists under subsection (a) not

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later than sixty (60) days before the election, the county election board shall establish and implement a procedure for random selection of not less than five percent (5%) of the machines in the county. The county election board shall then test the machines selected **to be used in the upcoming election** as described in subsection (b).

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

(e) If a county election board determines that:

(1) a ballot provided by an electronic voting system:

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

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

(i) ceased to be a candidate; and

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

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

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

SECTION 6. IC 3-11-15-7, AS AMENDED BY P.L.71-2019, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) Each application must be in writing, sworn to or affirmed by the applicant, under the penalties of perjury, on a form prescribed by the election division, and must satisfy the following requirements:

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

(2) Provide the telephone number of the vendor.

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

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

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

(6) Provide a description of the voting system and its capabilities,

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including the following:
  (A) Photographs.
  (B) Engineering drawings.
  (C) Technical documentation.
  (D) Fail-safe and emergency backup information.
  (E) Environmental requirements for storage, transportation, and operation.
(7) Include an agreement to pay for the total costs of the examination.
(8) Provide documentation of the escrow of the voting system's software, firmware, source codes, and executable images with an escrow agent approved by the election division.
(9) Provide a functional description of any software components.
(10) Provide schematics or flowcharts identifying software and data file relationships.
(11) Describe the type of maintenance offered by the vendor.
(12) Provide information concerning batteries used in the voting system, including the following:
  (A) A list of all batteries to be used in the voting system and any peripherals.
  (B) The expected life span of each battery.
  (C) A log documenting when each battery was installed or subsequently replaced.
  (D) 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.
  (E) Plans to test batteries before each election.
  (F) Plans for the emergency replacement of batteries that fail on election day or during the thirty (30) days before election day.
(12) **(13)** Provide the names, addresses, and telephone numbers of the vendor's maintenance providers.
(13) **(14)** Provide a description of the training courses offered by the vendor for the voting system.
(14) **(15)** Provide user manuals, operator and system manuals, and problem solving manuals.
(15) **(16)** Provide a statement of the current and future interchangeability of all subcomponents of the voting system.
(16) **(17)** Provide documentation from all independent testing authorities that have examined the system.
(17) **(18)** Provide documentation from all election jurisdictions that have previously approved the system.

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(18) **(19)** State that the vendor has complied with, and will continue to comply with, ~~IC 3-11-15-45(b)~~ **section 45(b) of this chapter** following certification of the system.

(19) **(20)** Pay the application fee required under section 4 of this chapter.

(b) If an application does not include any of the applicable requirements listed in subsection (a), those requirements must be filed with the election division before the application may be considered by the commission.

SECTION 7. IC 3-11-18.1-12, AS AMENDED BY P.L.278-2019, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Notwithstanding section 1 of this chapter, this section applies to an electronic poll book to be used in:

(1) a precinct polling place, office of the circuit court clerk, or a satellite office in accordance with IC 3-7-29-6; or

(2) a vote center under this chapter.

(b) Notwithstanding any other law, the electronic poll book used must satisfy all of the following:

(1) The electronic poll book must comply with IC 3-11-8-10.3.

(2) The electronic poll book must be approved by the secretary of state in accordance with this section.

(3) Except with prior written authorization by the VSTOP, the electronic poll book must have been delivered to the county election board not less than sixty (60) days before an election at which the electronic poll book is used.

(c) A person who wishes to market, sell, lease, or provide an electronic poll book for use in an election in Indiana must first file an application for certification with the election division on a form prescribed by the secretary of state. Except as provided in subsection (i), a person may not market, sell, lease, or provide an electronic poll book for use in an election in Indiana until the secretary of state has approved the application for certification under this section. The application must state that the vendor has complied, and will continue to comply, with subsection (d) following certification of the electronic poll book. Each application for certification of an electronic poll book must be accompanied by a fee of one thousand five hundred dollars ($1,500). All fees collected under this section shall be deposited with the treasurer of state in the voting system technical oversight program account established by IC 3-11-17-6.

(d) The person seeking certification of an electronic poll book shall conduct a background check at least once each year on each individual

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employed or contracted by the vendor who has access to the electronic poll book to determine if the individual has been convicted of a felony. An individual described by this subsection who has been convicted of a felony may not have access to an electronic poll book in the individual's capacity as an employee or contractor of the vendor.

(e) The secretary of state shall refer the application to the person or entity conducting the VSTOP.

(f) The VSTOP shall examine the electronic poll book with its accompanying documentation and file a report with the secretary of state indicating all of the following:

(1) Whether the electronic poll book would operate in compliance with this title.

(2) Whether VSTOP has reviewed tests conducted by an approved voting system testing laboratory.

(3) Whether VSTOP has conducted a field test.

(4) Whether the electronic poll book complies with additional requirements for the electronic poll book application for certification and acceptance testing, as described in the Indiana Electronic Poll Book Certification Test Protocol approved by the secretary of state (as in effect January 1, ~~2019).~~ **2020).**

(5) Any recommendations regarding the acquisition or use of the electronic poll book.

(6) Whether documentation of the escrow of the electronic poll book's software, firmware, source codes, and executable images with an escrow agent approved by the election division has been received by VSTOP.

(7) Whether VSTOP recommends that the secretary of state approve the electronic poll book under this section, including any recommended restrictions that should be placed on the secretary of state's approval.

(g) After the report required by subsection (f) is filed, the secretary of state may approve the application for certification permitting the electronic poll book to be used in an election in Indiana.

(h) A certification under this section expires on December 31 of the year following the date of its issuance, unless earlier revoked by the secretary of state upon a written finding of good cause for the revocation.

(i) A person may display or demonstrate an electronic poll book that has not been certified under this section if the person complies with all the following requirements:

(1) The display or demonstration occurs at a conference of election officials sponsored by:

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(A) a state agency; or

(B) an association of circuit court clerks or voter registration officers.

(2) The person files a notice with the election division at least seven (7) days before the scheduled starting date of a conference referred to in subdivision (1) setting forth the following:

(A) The name of the person and each representative scheduled to display or demonstrate the electronic poll book.

(B) The address and telephone number of the person.

(C) The model name of the electronic poll book.

(D) The name and manufacturer of the electronic poll book.

(E) The date and location of the display or demonstration of the electronic poll book.

(3) The person displays the electronic poll book with a notice that:

(A) is at least 16 point type size;

(B) is posted on the surface of the electronic poll book; and

(C) states that the electronic poll book is "Not Approved for Use in Indiana".

(4) The person ensures that each communication concerning the electronic poll book that is available or made at a conference referred to in subdivision (1) includes a statement that the electronic poll book is "Not Approved for Use in Indiana". A printed communication must include the statement in a type size that is at least as large as the largest type size used in the communication.

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

(b) The county shall use a universal serial bus (USB) drive that contains anti-malware protection features approved by VSTOP or another data storage transfer method approved by VSTOP.

SECTION 9. IC 3-12-3.5-3, AS AMENDED BY P.L.230-2005, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) When paper vote total printouts have been obtained, the precinct election board shall prepare certificates stating the number of votes that each candidate received for each office and the votes on each public question by attaching the paper vote total printouts to certificate forms supplied by the county election board.

(b) Each member of the board shall be given a copy of the

certificate.

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

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

(e) The certificates prepared under subsection (a) set forth the official votes cast by the voters for a candidate or on a public question by the voters of the precinct. However, in a recount or contest proceeding under IC 3-12-6, IC 3-12-8, IC 3-12-11, or IC 3-12-12, 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.

SECTION 10. IC 3-12-4-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. (a) This section applies to a county that uploads unofficial precinct level results from a direct record electronic voting system to the computerized list before the county certifies the official results of the election under IC 3-12-5.**

(b) The county must use a universal serial bus (USB) drive that contains anti-malware protection features approved by VSTOP or another data storage transfer method approved by VSTOP.

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

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

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

(b) In ~~developing rules to be adopted~~ **issuing an order** under

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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 audits.

SECTION 13. IC 3-12-14-4, AS ADDED BY P.L.34-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The secretary of state shall ~~adopt rules under IC 4-22-2~~ **issue orders** to develop a procedure audit program that details the documents to be inspected, the procedures to be reviewed, and the process by which a procedure audit is conducted under this chapter.

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

    (1) Evaluation of voter registration procedures, including the following:

        (A) Proper use of voter registration forms.

        (B) Entry of data into the statewide voter registration file.

        (C) Proper use of forms.

        (D) Ability of procedures to accurately determine eligibility of registrants.

    (2) Evaluation of proper use and operation of electronic poll books and other electronic systems.

    (3) Evaluation of voting systems.

    (4) Evaluation of compliance with federal and state requirements.

    (5) Evaluation of absentee voting requirements and procedures.

    (6) Evaluation of provisional ballot voting requirements and procedures.

    (7) Evaluation of other factors as determined by the secretary of state.

(c) The secretary of state may require use of sampling and other statistically valid procedures for conducting a procedure audit.

SECTION 14. **An emergency is declared for this act.**

SEA 179 — Concur

_____
President of the Senate

_____
President Pro Tempore

_____
Speaker of the House of Representatives

_____
Governor of the State of Indiana

Date: _____ Time: _____

SEA 179 — Concur