



January 22, 1999

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## SENATE BILL No. 273

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DIGEST OF SB0273 (Updated January 21, 1999 4:29 am - DI 84)

**Citations Affected:** IC 3-10.

**Synopsis:** Retention of election materials. Makes election materials available to the public following an election after expiration of the recount filing period.

**Effective:** July 1, 1999.

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January 7, 1999, read first time and referred to Committee on Rules and Legislative Procedure.  
January 21, 1999, amended; reassigned to Committee on Elections.

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SB 273—LS 7374/DI 13+



January 22, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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## SENATE BILL No. 273



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 3-10-1-31 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 31. (a) The inspector  
3 of each precinct shall deliver the bags required by section 30(a) and  
4 30(c) of this chapter in good condition, together with poll lists, tally  
5 sheets, and other forms, to the circuit court clerk when making returns.  
6 (b) Except for unused ballots disposed of under IC 3-11-3-31, the  
7 circuit court clerk shall ~~carefully preserve~~ **seal** the ballots and other  
8 material ~~and keep all seals intact~~ **during the time allowed to file a**  
9 **verified petition for a recount of votes. After the recount filing**  
10 **period, the election material (except for ballots, which shall remain**  
11 **confidential) shall be made available for copying and inspection**  
12 **under IC 5-14-3. The circuit court clerk shall carefully preserve**  
13 **the sealed ballots and other material** for twenty-two (22) months, as  
14 required by 42 U.S.C. 1974, after which they may be destroyed unless:  
15 (1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or  
16 (2) 42 U.S.C. 1973;  
17 requires the continued preservation of the ballots or other material.

SB 273—LS 7374/DI 13+



1           **(c) If a petition for a recount or contest is filed, the material for**  
2 **that election shall remain confidential until completion of the**  
3 **recount or contest.**  
4           ~~(c)~~ **(d)** Upon delivery of the poll lists, the circuit court clerk or board  
5 of registration may unseal the envelopes containing the poll lists. For  
6 the purposes of:  
7           (1) a cancellation of registration conducted under IC 3-7-43  
8           through IC 3-7-46; or  
9           (2) a transfer of registration conducted under IC 3-7-39,  
10           IC 3-7-40, or IC 3-7-42;  
11 the clerk or board may inspect the poll lists and update the registration  
12 record of the county. Upon completion of the inspection, the poll list  
13 shall be resealed and preserved with the ballots and other materials for  
14 the time period prescribed by subsection (b).  
15           (d) After the expiration of the period described in subsection (b), the  
16 ballots may be destroyed in the manner provided by IC 3-11-3-31 or  
17 transferred to a state educational institution as provided by  
18 IC 3-12-2-12.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 273, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Elections.

(Reference is to SB 273 as introduced.)

GARTON, Chairperson

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