



February 17, 1999

SENATE BILL No. 273

DIGEST OF SB 273 (Updated February 15, 1999 9:09 pm - DI 101)

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. Requires a county voter registration office to keep confidential that portion of election material necessary to protect the secrecy of a voter's ballot.

Effective: July 1, 1999.

Landske

January 7, 1999, read first time and referred to Committee on Rules and Legislative Procedure.
January 21, 1999, amended; reassigned to Committee on Elections.
February 16, 1999, amended, reported favorably — Do Pass.

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SB 273—LS 7374/DI 13+



February 17, 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 **or**
7 **affidavits received by the county election board under IC 3-14-5-2**
8 **for delivery to the foreman of a grand jury**, the circuit court clerk
9 shall ~~carefully preserve seal~~ the ballots and other material ~~and keep all~~
10 ~~seals intact during the time allowed to file a verified petition for a~~
11 **recount of votes. After the recount filing period, the election**
12 **material (except for ballots, which shall remain confidential) shall**
13 **be made available for copying and inspection under IC 5-14-3. The**
14 **circuit court clerk shall carefully preserve the sealed ballots and**
15 **other material** for twenty-two (22) months, as required by 42 U.S.C.
16 1974, after which ~~they may be destroyed~~ **the sealed ballots and other**
17 **material are subject to IC 5-15-6** unless:

SB 273—LS 7374/DI 13+



1 (1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or
 2 (2) 42 U.S.C. 1973;
 3 requires the continued preservation of the ballots or other material.
 4 **(c) If a petition for a recount or contest is filed, the material for**
 5 **that election shall remain confidential until completion of the**
 6 **recount or contest.**
 7 ~~(c)~~ **(d)** Upon delivery of the poll lists, the ~~circuit court clerk or board~~
 8 ~~of county voter registration office~~ may unseal the envelopes
 9 containing the poll lists. For the purposes of:
 10 (1) a cancellation of registration conducted under IC 3-7-43
 11 through IC 3-7-46; ~~or~~
 12 (2) a transfer of registration conducted under IC 3-7-39,
 13 IC 3-7-40, or IC 3-7-42; **or**
 14 **(3) a change of name performed in accordance with IC 3-7-41;**
 15 ~~the clerk or board county voter registration office~~ may inspect the
 16 poll lists and update the registration record of the county. Upon
 17 completion of the inspection, the poll list shall be ~~resealed and~~
 18 **preserved with the ballots and other materials in the manner**
 19 **prescribed by subsection (b) and** for the time period prescribed by
 20 subsection (b) or (c).
 21 **(e) This subsection does not apply to ballots, which remain**
 22 **confidential. Notwithstanding subsection (b), if a county voter**
 23 **registration office determines that the inspection and copying of**
 24 **precinct election material would reveal the political parties,**
 25 **candidates, and public questions for which an individual cast an**
 26 **absentee ballot, the county voter registration office shall keep**
 27 **confidential only that portion of the election material necessary to**
 28 **protect the secrecy of the voter's ballot.**
 29 ~~(d)~~ **(f)** After the expiration of the period described in subsection (b),
 30 the ballots may be destroyed in the manner provided by IC 3-11-3-31
 31 or transferred to a state educational institution as provided by
 32 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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COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, 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:

Page 1, line 6, after "IC 3-11-3-31" insert "**or affidavits received by the county election board under IC 3-14-5-2 for delivery to the foreman of a grand jury**".

Page 1, line 14, strike "they may be destroyed" and insert "**the sealed ballots and other material are subject to IC 5-15-6**".

Page 2, line 4, strike "circuit court clerk or board".

Page 2, line 5, strike "of" and insert "**county voter**".

Page 2, line 5, after "registration" insert "**office**".

Page 2, line 8, strike "or".

Page 2, line 10, after ";" insert "**or**".

Page 2, between lines 10 and 11, begin a new line block indented and insert:

"(3) a change of name performed in accordance with IC 3-7-41;".

Page 2, line 11, strike "clerk or board" and insert "**county voter registration office**".

Page 2, line 13, strike "resealed and".

Page 2, line 13, after "materials" insert "**in the manner prescribed by subsection (b) and**".

Page 2, line 14, after "(b)" insert "**or (c)**"

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"(e) This subsection does not apply to ballots, which remain confidential. Notwithstanding subsection (b), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that portion of the election material necessary to protect the secrecy of the voter's ballot."

Page 2, line 15, strike "(d)" and insert "**(f)**".

and when so amended that said bill do pass.

(Reference is to SB 273 as printed January 22, 1999.)

LANDSKE, Chairperson

Committee Vote: Yeas 7, Nays 0.

SB 273—LS 7374/DI 13+



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