
SENATE BILL No. 357

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2; IC 3-6; IC 3-8-4-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-12; IC 3-14; IC 35-51-3-1.

Synopsis: Electronic voting systems. Eliminates the use of electronic voting systems after December 31, 2015.

Effective: July 1, 2013.

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January 8, 2013, read first time and referred to Committee on Elections.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 357



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 3-5-2-3, AS AMENDED BY P.L.221-2005,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2013]: Sec. 3. "Ballot" means:
- 4 (1) the paper ballot prepared, printed, and supplied for use at an
- 5 election;
- 6 (2) **before January 1, 2016**, the ballot label prepared, printed,
- 7 and supplied for use on the front of an electronic voting system;
- 8 or
- 9 (3) the ballot card prepared, printed, and supplied for use in a
- 10 ballot card voting system.
- 11 SECTION 2. IC 3-5-2-5, AS AMENDED BY P.L.221-2005,
- 12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2013]: Sec. 5. "Ballot label" means:
- 14 (1) **before January 1, 2016**, the printed strip or sheet of
- 15 cardboard or paper, supplied for use on an electronic voting
- 16 system, that contains the names of the candidates and the public
- 17 questions on the ballot; or



1 (2) the material, supplied for use with a ballot card voting system,
2 that contains those names and questions.

3 SECTION 3. IC 3-5-2-21 IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: Sec. 21. (a) "Electronic voting system"
5 means a system in which:

6 (1) voters record their votes by activating touch-sensitive marking
7 devices; and

8 (2) votes are counted by automatic tabulating machines.

9 **(b) This section expires January 1, 2016.**

10 SECTION 4. IC 3-5-2-31, AS AMENDED BY P.L.221-2005,
11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2013]: Sec. 31. "Marking device" means:

13 (1) a pencil for marking a paper ballot or ballot card; or

14 (2) **before January 1, 2016**, an approved touch-sensitive device
15 that automatically registers a vote on an electronic voting system.

16 SECTION 5. IC 3-5-2-52, AS AMENDED BY P.L.221-2005,
17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2013]: Sec. 52. "Voting method" means the use of:

19 (1) paper ballots;

20 (2) ballot card voting systems;

21 (3) **before January 1, 2016**, electronic voting systems; or

22 (4) any combination of these;

23 to register votes in a precinct.

24 SECTION 6. IC 3-6-6-34, AS AMENDED BY P.L.221-2005,
25 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2013]: Sec. 34. (a) In a precinct where the voting is by any
27 voting method except entirely by paper ballot, the poll clerks of the
28 precinct shall perform all the duties connected with voting by ballot
29 card voting system or, **before January 1, 2016**, electronic voting
30 system, and the assistant poll clerks shall perform all the duties
31 connected with voting by paper ballot. It is necessary for only the two
32 (2) assistant poll clerks to place their initials on the back of the paper
33 ballots.

34 (b) The poll clerks shall tally the vote cast by paper ballot, and they
35 alone shall sign the election certificates and returns. However, the
36 precinct election board may call upon the assistant poll clerks to assist
37 the poll clerks in any of their duties.

38 SECTION 7. IC 3-6-8-4, AS AMENDED BY P.L.221-2005,
39 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2013]: Sec. 4. A watcher appointed under this chapter is
41 entitled to:

42 (1) enter the polls at least thirty (30) minutes before the opening

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- 1 of the polls and remain there throughout election day until all
 2 tabulations have been completed;
- 3 (2) inspect the paper ballot boxes, ballot card voting system, or,
 4 **before January 1, 2016**, electronic voting system before votes
 5 have been cast;
- 6 (3) inspect the work being done by any precinct election officer;
 7 (4) enter, leave, and reenter the polls at any time on election day;
 8 (5) witness the calling and recording of the votes and any other
 9 proceedings of the precinct election officers in the performance
 10 of official duties;
- 11 (6) receive a summary of the vote prepared under IC 3-12-2-15,
 12 IC 3-12-3-2, IC 3-12-3-11, or, **before January 1, 2016**,
 13 IC 3-12-3.5-3, signed by the precinct election board, providing:
- 14 (A) the names of all candidates of the political party whose
 15 primary election is being observed by the watcher and the
 16 number of votes cast for each candidate;
- 17 (B) the names of all candidates at a general, municipal, or
 18 special election and the number of votes cast for each
 19 candidate; or
- 20 (C) the vote cast for or against a public question;
- 21 (7) accompany the inspector and judge in delivering the
 22 tabulation and election returns to the county election board by the
 23 most direct route;
- 24 (8) be present when the inspector takes a receipt for the tabulation
 25 and election returns delivered to the county election board; and
 26 (9) call upon the election sheriffs to make arrests.
- 27 SECTION 8. IC 3-6-9-13, AS AMENDED BY P.L.221-2005,
 28 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2013]: Sec. 13. A watcher appointed under this chapter is
 30 entitled to do the following:
- 31 (1) Enter the polls at least thirty (30) minutes before the opening
 32 of the polls and remain there throughout election day until all
 33 tabulations have been completed.
- 34 (2) Inspect the paper ballot boxes, ballot card voting system, or,
 35 **before January 1, 2016**, electronic voting system before votes
 36 have been cast.
- 37 (3) Inspect the work being done by any precinct election officer.
- 38 (4) Enter, leave, and reenter the polls at any time on election day.
- 39 (5) Witness the calling and recording of the votes and any other
 40 proceedings of the precinct election officers in the performance
 41 of official duties.
- 42 (6) Receive a summary of the vote prepared under IC 3-12-2-15,

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- 1 IC 3-12-3-2, IC 3-12-3-11, or, **before January 1, 2016,**
 2 IC 3-12-3.5-3, signed by the precinct election board, providing:
 3 (A) the names of all candidates of the political party whose
 4 primary election is being observed by the watcher and the
 5 number of votes cast for each candidate if the watcher is
 6 appointed under section 1(a)(1) of this chapter; or
 7 (B) the names of all candidates at a school board election and
 8 the number of votes cast for each candidate if the watcher is
 9 appointed under section 1(a)(2) of this chapter.
- 10 (7) Accompany the inspector and the judge in delivering the
 11 tabulation and the election returns to the county election board by
 12 the most direct route.
- 13 (8) Be present when the inspector takes a receipt for the
 14 tabulation and the election returns delivered to the county election
 15 board.
- 16 (9) Call upon the election sheriffs to make arrests.
- 17 SECTION 9. IC 3-6-10-5.5, AS AMENDED BY P.L.221-2005,
 18 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2013]: Sec. 5.5. A watcher appointed under this chapter is
 20 entitled to do the following:
- 21 (1) Enter the polls at least thirty (30) minutes before the opening
 22 of the polls and remain there throughout election day until all
 23 tabulations have been completed.
- 24 (2) Inspect the paper ballot boxes, ballot card voting system, or,
 25 **before January 1, 2016,** electronic voting system before votes
 26 have been cast.
- 27 (3) Inspect the work being done by any precinct election officer.
- 28 (4) Enter, leave, and reenter the polls at any time on election day.
- 29 (5) Witness the calling and recording of the votes and any other
 30 proceedings of the precinct election officers in the performance
 31 of official duties.
- 32 (6) Receive a summary of the vote prepared under IC 3-12-2-15,
 33 IC 3-12-3-2, IC 3-12-3-11, or, **before January 1, 2016,**
 34 IC 3-12-3.5-3, signed by the precinct election board, providing the
 35 names of all candidates and the number of votes cast for each
 36 candidate and the votes cast for or against a public question.
- 37 (7) Accompany the inspector and the judge in delivering the
 38 tabulation and the election returns to the county election board by
 39 the most direct route.
- 40 (8) Be present when the inspector takes a receipt for the
 41 tabulation and the election returns delivered to the county election
 42 board.

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1 SECTION 10. IC 3-8-4-8, AS AMENDED BY P.L.221-2005,
 2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2013]: Sec. 8. Candidates shall be nominated or elected at a
 4 state convention by using ballot card systems or, **before January 1,**
 5 **2016,** electronic voting systems. However, if there is no contest for an
 6 office, the nomination or election may be by motion and acclamation.

7 SECTION 11. IC 3-10-1-12, AS AMENDED BY P.L.230-2005,
 8 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2013]: Sec. 12. (a) In those precincts where ballot card voting
 10 systems are to be used, each county election board shall prepare and
 11 distribute separate primary ballots for each political party participating
 12 in a primary election at least equal in number to one hundred percent
 13 (100%) of the number of votes cast for the candidate of the party who
 14 received the greatest number of votes cast in the precinct at the last
 15 general election.

16 (b) **This subsection applies before January 1, 2016.** In those
 17 precincts where electronic voting systems are to be used, the board
 18 shall determine the number of ballots required to be printed and
 19 furnished to the precincts for emergency purposes only.

20 SECTION 12. IC 3-10-1-18, AS AMENDED BY P.L.221-2005,
 21 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2013]: Sec. 18. (a) Except as provided by subsection (b), the
 23 names of all candidates for each office who have qualified under IC 3-8
 24 shall be arranged in alphabetical order by surnames under the
 25 designation of the office.

26 (b) This subsection applies to a county having a population of more
 27 than four hundred thousand (400,000) but less than seven hundred
 28 thousand (700,000). The names of all candidates for each office who
 29 have qualified under IC 3-8, except for a school board office, precinct
 30 committeeman, or state convention delegate, shall be arranged in
 31 random order by surnames under the designation of the office. The
 32 random order shall be determined using a lottery. The lottery held in
 33 accordance with this subsection shall be conducted in public by the
 34 county election board. The lottery shall be held not later than fifteen
 35 (15) days following the last day for a declaration of candidacy under
 36 IC 3-8-2-4. All candidates whose names are to be arranged by way of
 37 the lottery shall be notified at least five (5) days prior to the lottery of
 38 the time and place at which the lottery is to be held. Each candidate
 39 may have one (1) designated watcher, and each county political party
 40 may have one (1) designated watcher who shall be allowed to observe
 41 the lottery procedure.

42 (c) For paper ballots, the left margin of the ballot for each political

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1 party must show the name of the uppermost candidate printed to the
 2 right of the number 1, the next candidate number 2, the next candidate
 3 number 3, and so on, consecutively to the end of the ballot as
 4 prescribed in section 19 of this chapter. The same order shall be
 5 followed for the printing of ballot labels and their placement on the
 6 electronic voting system and for the printing of ballot cards. **Before**
 7 **January 1, 2016, the same order shall be followed for the printing**
 8 **of ballot labels and their placement on the electronic voting system.**

9 (d) This subsection applies to a county having a population of more
 10 than four hundred thousand (400,000) but less than seven hundred
 11 thousand (700,000). If there is insufficient room on a row to list each
 12 candidate of a political party, a second or subsequent row may be
 13 utilized. However, a second or subsequent row may not be utilized
 14 unless the first row, and all preceding rows, have been filled.

15 SECTION 13. IC 3-10-1-19, AS AMENDED BY P.L.6-2012,
 16 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2013]: Sec. 19. (a) The ballot for a primary election shall be
 18 printed in substantially the following form for all the offices for which
 19 candidates have qualified under IC 3-8:

20 OFFICIAL PRIMARY BALLOT

21 _____ Party

22 For paper ballots, print: To vote for a person, make a voting mark
 23 (X or ✓) on or in the box before the person's name in the proper
 24 column. For optical scan ballots, print: To vote for a person, darken or
 25 shade in the circle, oval, or square (or draw a line to connect the arrow)
 26 that precedes the person's name in the proper column. For optical scan
 27 ballots that do not contain a candidate's name, print: To vote for a
 28 person, darken or shade in the oval that precedes the number assigned
 29 to the person's name in the proper column. **Before January 1, 2016,**
 30 for electronic voting systems, print: To vote for a person, touch the
 31 screen (or press the button) in the location indicated.

32 Vote for one (1) only

33 Representative in Congress

- 34 (1) AB _____
- 35 (2) CD _____
- 36 (3) EF _____
- 37 (4) GH _____

38 (b) Local public questions shall be placed on the primary election
 39 ballot after the voting instructions described in subsection (a) and
 40 before the offices described in subsection (e).

41 (c) The local public questions described in subsection (b) shall be
 42 placed:

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- 1 (1) in a separate column on the ballot if voting is by paper ballot;
 2 (2) after the voting instructions described in subsection (a) and
 3 before the offices described in subsection (e), in the form
 4 specified in IC 3-11-13-11 if voting is by ballot card; or
 5 (3) **before January 1, 2016**, as provided by either of the
 6 following if voting is by an electronic voting system:
 7 (A) On a separate screen for a public question.
 8 (B) After the voting instructions described in subsection (a)
 9 and before the offices described in subsection (e), in the form
 10 specified in IC 3-11-14-3.5 (**before its expiration on January**
 11 **1, 2016**).
- 12 (d) A public question shall be placed on the primary election ballot
 13 in the following form:
 14 (The explanatory text for the public question,
 15 if required by law.)
 16 "Shall (insert public question)?"
 17 YES
 18 NO
- 19 (e) The offices with candidates for nomination shall be placed on
 20 the primary election ballot in the following order:
 21 (1) Federal and state offices:
 22 (A) President of the United States.
 23 (B) United States Senator.
 24 (C) Governor.
 25 (D) United States Representative.
 26 (2) Legislative offices:
 27 (A) State senator.
 28 (B) State representative.
 29 (3) Circuit offices and county judicial offices:
 30 (A) Judge of the circuit court, and unless otherwise specified
 31 under IC 33, with each division separate if there is more than
 32 one (1) judge of the circuit court.
 33 (B) Judge of the superior court, and unless otherwise specified
 34 under IC 33, with each division separate if there is more than
 35 one (1) judge of the superior court.
 36 (C) Judge of the probate court.
 37 (D) Prosecuting attorney.
 38 (E) Circuit court clerk.
 39 (4) County offices:
 40 (A) County auditor.
 41 (B) County recorder.
 42 (C) County treasurer.

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- 1 (D) County sheriff.
 2 (E) County coroner.
 3 (F) County surveyor.
 4 (G) County assessor.
 5 (H) County commissioner.
 6 (I) County council member.
 7 (5) Township offices:
 8 (A) Township assessor (only in a township referred to in
 9 IC 36-6-5-1(d)).
 10 (B) Township trustee.
 11 (C) Township board member.
 12 (D) Judge of the small claims court.
 13 (E) Constable of the small claims court.
 14 (6) City offices:
 15 (A) Mayor.
 16 (B) Clerk or clerk-treasurer.
 17 (C) Judge of the city court.
 18 (D) City-county council member or common council member.
 19 (7) Town offices:
 20 (A) Clerk-treasurer.
 21 (B) Judge of the town court.
 22 (C) Town council member.
 23 (f) The political party offices with candidates for election shall be
 24 placed on the primary election ballot in the following order after the
 25 offices described in subsection (e):
 26 (1) Precinct committeeman.
 27 (2) State convention delegate.
 28 (g) The local offices to be elected at the primary election shall be
 29 placed on the primary election ballot after the offices described in
 30 subsection (f).
 31 (h) The offices described in subsection (g) shall be placed:
 32 (1) in a separate column on the ballot if voting is by paper ballot;
 33 (2) after the offices described in subsection (f) in the form
 34 specified in IC 3-11-13-11 if voting is by ballot card; or
 35 (3) **before January 1, 2016**, either:
 36 (A) on a separate screen for each office or public question; or
 37 (B) after the offices described in subsection (f) in the form
 38 specified in IC 3-11-14-3.5 (**before its expiration on January**
 39 **1, 2016**);
 40 if voting is by an electronic voting system.
 41 SECTION 14. IC 3-10-1-19.7, AS AMENDED BY P.L.58-2005,
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2013]: Sec. 19.7. The ballot for a primary election is not
 2 required to contain the information set forth under IC 3-11-2-10,
 3 IC 3-11-13-11, or IC 3-11-14-3.5 (**before its expiration on January**
 4 **1, 2016**) concerning:

5 (1) write-in voting; or

6 (2) independent candidates or independent tickets (described in
 7 IC 3-11-2-6);

8 except when an office for which write-in candidates or independent
 9 candidates or independent tickets (described in IC 3-11-2-6) are
 10 permitted is elected at the same time as the primary election.

11 SECTION 15. IC 3-10-1-23, AS AMENDED BY P.L.221-2005,
 12 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2013]: Sec. 23. In a primary election in a county having a city,
 14 ballot card voting systems and, **before January 1, 2016**, electronic
 15 voting systems, shall be employed as available and adaptable and shall
 16 be supplemented by paper ballots as necessary. However, this section
 17 does not require the purchase of ballot card voting systems or, **before**
 18 **January 1, 2016**, electronic voting systems, for a primary election.

19 SECTION 16. IC 3-10-1-27, AS AMENDED BY P.L.221-2005,
 20 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2013]: Sec. 27. **This section applies before January 1, 2016.**
 22 If electronic voting systems are used in a precinct, one (1) of the poll
 23 clerks shall give a printed political party identification card to a voter
 24 after the voter signs the poll list. Before entering the voting booth, the
 25 voter must give the party identification card to a judge, and the judge
 26 shall set or have the electronic voting system set to allow the voter to
 27 vote only for the candidates of the voter's party. After the system is set,
 28 the voter may register a vote upon it within the time provided under
 29 IC 3-11-14-26 (**before its expiration on January 1, 2016**).

30 SECTION 17. IC 3-10-1-28, AS AMENDED BY P.L.221-2005,
 31 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2013]: Sec. 28. **This section applies before January 1, 2016.**
 33 After setting the electronic voting system, the judge shall immediately
 34 deposit the political party identification card in a sealed container
 35 provided for that purpose. After the polls have closed, all party
 36 identification cards shall be counted and compared with the total
 37 number of votes cast in the election. All party identification cards must
 38 be of durable quality and the same color irrespective of the party that
 39 is designated.

40 SECTION 18. IC 3-10-4-1, AS AMENDED BY P.L.1-2006,
 41 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2013]: Sec. 1. (a) The names of the candidates of:

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1 (1) a political party;
 2 (2) a group of petitioners under IC 3-8-6; or
 3 (3) a write-in candidate for the office of President or Vice
 4 President of the United States under IC 3-8-2-2.5;
 5 for electors of President and Vice President of the United States may
 6 not be placed on the ballot.

7 (b) The names of the nominees for President and Vice President of
 8 the United States of each political party or group of petitioners shall be
 9 placed:

- 10 (1) in one (1) column on the ballot if paper ballots are used;
 11 (2) **before January 1, 2016**, either:
 12 (A) grouped together on a separate screen; or
 13 (B) grouped together below the names of the offices as
 14 specified in IC 3-11-14-3.5 (**before its expiration on January**
 15 **1, 2016**);
 16 if an electronic voting system is used; or
 17 (3) grouped together below the names of the offices as specified
 18 in IC 3-11-13-11 if a ballot card is used.

19 (c) The ballot must permit a voter to cast a ballot for a write-in
 20 candidate for the office of President or Vice President of the United
 21 States in the manner provided under IC 3-11-2-6.

22 SECTION 19. IC 3-10-4-2.2, AS ADDED BY P.L.58-2005,
 23 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2013]: Sec. 2.2. (a) This section applies **before January 1,**
 25 **2016**, when an electronic voting system is used.

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

- 29 (1) listed together so that a voter is aware that the voter votes for
 30 both offices with a single vote; and
 31 (2) behind or beside a single touch sensitive point or button place.

32 (c) The nominees for President and Vice President of the United
 33 States must be grouped under the names of the offices in the order
 34 established by IC 3-11-14-3.5 (**before its expiration on January 1,**
 35 **2016**).

36 SECTION 20. IC 3-10-7-31, AS AMENDED BY P.L.221-2005,
 37 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2013]: Sec. 31. Upon request of a town election board, the
 39 county election board of each county in which the town is located shall
 40 furnish any available equipment that is necessary for a municipal
 41 election, including ballot card voting systems and, **before January 1,**
 42 **2016**, electronic voting systems. The town shall pay the expense of

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1 moving the equipment to and from the polls and for any loss of or
2 damage to the equipment.

3 SECTION 21. IC 3-11-1.5-12, AS AMENDED BY P.L.221-2005,
4 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 12. If a county executive adopts the use of ballot
6 card voting systems or, **before January 1, 2016**, electronic voting
7 systems, in a county in which ballot card voting systems or electronic
8 voting systems have not been previously used, the county executive
9 may establish precincts after primary election day and before August
10 1 by combining two (2) or more precincts into one (1) precinct.

11 SECTION 22. IC 3-11-2-0.5, AS AMENDED BY P.L.164-2006,
12 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2013]: Sec. 0.5. (a) This chapter applies only to paper ballots.

14 (b) This chapter does not apply to
15 ~~(1) an electronic voting system; or~~
16 ~~(2) an optical scan voting system.~~

17 **(c) This subsection applies before January 1, 2016. This chapter**
18 **does not apply to an electronic voting system.**

19 SECTION 23. IC 3-11-3-11, AS AMENDED BY P.L.230-2005,
20 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2013]: Sec. 11. The county election board shall deliver the
22 following to each inspector or the inspector's representative:

23 (1) The supplies provided for the inspector's precinct by the
24 election division.

25 (2) The local sample ballots, the ballot labels, if any, and all poll
26 lists, registration lists, and other supplies considered necessary to
27 conduct the election in the inspector's precinct.

28 (3) The local ballots printed under the direction of the county
29 election board as follows:

30 (A) In those precincts where ballot card voting systems are to
31 be used, the number of ballots at least equal to one hundred
32 percent (100%) of the number of voters in the inspector's
33 precinct, according to the poll list.

34 (B) **This clause applies before January 1, 2016.** In those
35 precincts where electronic voting systems are to be used, the
36 number of ballots that will be required to be printed and
37 furnished to the precincts for emergency purposes only.

38 (C) Provisional ballots in the number considered necessary by
39 the county election board.

40 (4) Twenty (20) ink pens suitable for printing the names of
41 write-in candidates on the ballot or ballot envelope.

42 (5) Copies of the voter's bill of rights for posting as required by 42

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1 U.S.C. 15482.
 2 (6) Copies of the instructions for a provisional voter required by
 3 42 U.S.C. 15482. The county election board shall provide at least
 4 the number of copies of the instructions as the number of
 5 provisional ballots provided under subdivision (3).
 6 SECTION 24. IC 3-11-3-35, AS AMENDED BY P.L.221-2005,
 7 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2013]: Sec. 35. (a) This section applies **before January 1,**
 9 **2016,** to a county having a population of more than four hundred
 10 thousand (400,000), but less than seven hundred thousand (700,000).
 11 (b) In each precinct where voting is by electronic voting system, the
 12 county election board shall provide the following to be used if an
 13 electronic voting system malfunctions:
 14 (1) The following number of paper ballots:
 15 (A) Not less than ten (10) if the number of registered voters in
 16 the precinct is not more than three hundred (300).
 17 (B) Not less than twenty-five (25) if the number of registered
 18 voters in the precinct is more than three hundred (300).
 19 (2) The necessary supplies and equipment as required by
 20 IC 3-11-11.
 21 (c) Upon notice that an electronic voting system is out of order or
 22 fails to work, the precinct election board shall make the paper ballots
 23 provided under subsection (b) available to voters. The precinct election
 24 board shall contact the county election board to obtain additional
 25 ballots.
 26 (d) Upon notice that an electronic voting system is out of order or
 27 fails to work, the county election board shall deliver additional
 28 necessary supplies to any precinct in the county, including additional
 29 paper ballots.
 30 SECTION 25. IC 3-11-6-1, AS AMENDED BY P.L.221-2005,
 31 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2013]: Sec. 1. The legislative body of a county may establish
 33 a cumulative fund under IC 6-1.1-41 to provide funds for the purchase
 34 of ballot card voting systems or, **before January 1, 2016,** electronic
 35 voting systems.
 36 SECTION 26. IC 3-11-7.5-29 IS ADDED TO THE INDIANA
 37 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 38 **[EFFECTIVE JULY 1, 2013]: Sec. 29. This chapter expires January**
 39 **1, 2016.**
 40 SECTION 27. IC 3-11-8-7, AS AMENDED BY P.L.221-2005,
 41 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2013]: Sec. 7. In preparing the polls for an election, the county

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1 executive shall:

2 (1) have placed within the room a railing separating the part of the

3 room to be occupied by the precinct election board from that part

4 of the room to be occupied by:

5 (A) the ballot card voting systems;

6 (B) **before January 1, 2016, the** electronic voting systems;

7 and

8 (C) the three (3) or more booths or compartments for marking

9 paper ballots;

10 whenever ~~either or two (2)~~ **one (1) or more** of these voting

11 systems ~~are is~~ used;

12 (2) ensure that the portion of the room set apart for the precinct

13 election board includes a door at which each voter appears for

14 challenge; and

15 (3) provide a method or material for designating the boundaries

16 of the chute, such as a railing, rope, or wire on each side,

17 beginning a distance equal to the length of the chute (as defined

18 in IC 3-5-2-10) away from and leading to the door for challenge

19 and to the room in which the election is held.

20 SECTION 28. IC 3-11-9-2, AS AMENDED BY P.L.221-2005,

21 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

22 JULY 1, 2013]: Sec. 2. (a) A voter who:

23 (1) is a voter with disabilities; or

24 (2) is unable to read or write English;

25 may request assistance in voting before entering the voting booth and

26 designate a person (other than the voter's employer, an officer of the

27 voter's union, or an agent of the voter's employer or union) to assist the

28 voter in voting at an election, as required by 42 U.S.C. 1973aa-6.

29 (b) This subsection does not apply to a person designated by a voter

30 described by subsection (a) who is voting absentee before two (2)

31 members of the absentee voter board. The person designated must

32 execute a sworn affidavit on a form provided by the precinct election

33 board stating that, to the best of the designated person's knowledge, the

34 voter:

35 (1) is a voter with disabilities or is unable to read or write English;

36 and

37 (2) has requested the designated person to assist the voter in

38 voting under this section.

39 (c) The person designated may then accompany the voter into the

40 voting booth and assist the voter in marking the voter's paper ballot or

41 ballot card, or, **before January 1, 2016,** in registering the voter's vote

42 on the electronic voting system.

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1 SECTION 29. IC 3-11-9-3, AS AMENDED BY P.L.221-2005,
2 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 3. (a) The following individuals shall assist a
4 voter described by section 2 of this chapter who requests assistance in
5 voting before entering the voting booth but does not wish to designate
6 a person under that section.

- 7 (1) The two (2) judges if the voter is voting at a precinct.
- 8 (2) Two (2) members of the absentee voter board if the voter is
9 voting absentee.

10 (b) This subsection does not apply to a person designated by a voter
11 described by subsection (a) who is voting absentee before two (2)
12 members of the absentee voter board. The individuals described in
13 subsection (a) shall execute a sworn affidavit on a form provided by the
14 precinct election board stating that, to the best of the individuals'
15 knowledge, the voter:

- 16 (1) is a voter with disabilities or is unable to read or write English;
- 17 (2) has requested assistance in voting; and
- 18 (3) does not wish to designate a person to assist the voter in
19 voting under section 2 of this chapter.

20 (c) The two (2) individuals described in subsection (a) shall then
21 accompany the voter into the voting booth to assist the voter in marking
22 the voter's paper ballot or ballot card, or, **before January 1, 2016**, in
23 registering the voter's vote on the electronic voting system.

24 SECTION 30. IC 3-11-9-6, AS ADDED BY P.L.66-2010,
25 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2013]: Sec. 6. (a) This section applies only to a voter with a
27 disability.

28 (b) This section does not apply to an absentee ballot cast by a voter
29 before an absentee voter board visiting the voter's place of confinement
30 or the voter's residence.

31 (c) A voter is entitled to vote on a direct record electronic voting
32 system that complies with IC 3-11-8.

33 **(d) This section expires January 1, 2016.**

34 SECTION 31. IC 3-11-10-12, AS AMENDED BY P.L.66-2010,
35 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2013]: Sec. 12. (a) Except as provided in section 12.5 of this
37 chapter (**before its expiration on January 1, 2016**), each county
38 election board shall have all absentee ballots delivered to the precinct
39 election boards at their respective polls on election day.

40 (b) The absentee ballots shall be delivered during the hours that the
41 polls are open and in sufficient time to enable the precinct election
42 boards to vote the ballots during the time the polls are open.

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1 (c) Along with the absentee ballots delivered to the precinct election
2 boards under subsection (a), each county election board shall provide
3 a list certified by the circuit court clerk. This list must state the name
4 of each voter subject to IC 3-7-33-4.5 who:

5 (1) filed the documentation required by IC 3-7-33-4.5 with the
6 county voter registration office after the printing of the certified
7 list under IC 3-7-29 or the poll list under IC 3-11-3; and

8 (2) as a result, is entitled to have the voter's absentee ballot
9 counted if the ballot otherwise complies with this title.

10 (d) If the county election board is notified not later than 3 p.m. on
11 election day by the county voter registration office that a voter subject
12 to IC 3-7-33-4.5 and not identified in the list certified under subsection
13 (c) has filed documentation with the office that complies with
14 IC 3-7-33-4.5, the county election board shall transmit a supplemental
15 certified list to the appropriate precinct election board. If the board
16 determines that the supplemental list may not be received before the
17 closing of the polls, the board shall:

18 (1) attempt to contact the precinct election board to inform the
19 board regarding the content of the supplemental list; and

20 (2) file a copy of the supplemental list for that precinct as part of
21 the permanent records of the board.

22 SECTION 32. IC 3-11-10-12.5, AS ADDED BY P.L.66-2010,
23 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2013]: Sec. 12.5. (a) This section applies to absentee ballots
25 cast:

26 (1) under section 26 or 26.3 of this chapter; and

27 (2) on a direct record electronic voting system.

28 (b) Notwithstanding section 12 of this chapter, a county election
29 board is not required to deliver absentee ballots described in subsection
30 (a) to the precincts for counting. However, the county election board
31 shall deliver to each precinct a list of the names of voters who have cast
32 absentee ballots described in subsection (a). The county election board
33 shall deliver this list at the same time the county election board delivers
34 other absentee ballots to the precinct. Absentee ballots described in
35 subsection (a) may be challenged using the same procedure that applies
36 to other absentee ballots. The judges shall mark the poll list to indicate
37 that each voter on the list sent by the county election board has voted
38 by absentee ballot. If a voter has already voted at the precinct or if the
39 absentee ballot is challenged, the judges shall note that fact on the list
40 sent by the county election board and return the list to the county
41 election board with the precinct's other election materials. The county
42 election board shall delete the absentee votes of a voter described in

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1 subsection (a) whose name has been noted by the judges as having
 2 voted at the precinct. The county election board shall count the
 3 absentee ballots described in subsection (a) using the procedures in
 4 IC 3-11.5 for counting absentee ballots at a central location, including
 5 the procedures for challenging absentee ballots and eliminating the
 6 absentee ballots of individuals voting in person at the polls, to assure
 7 that the ballots cast on the direct record electronic voting system may
 8 be counted.

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

10 (1) may count all absentee ballots described in subsection (a) at
 11 a central location; and

12 (2) shall adjust the vote totals for each precinct based on the count
 13 of absentee ballots under subdivision (1).

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

17 **(e) This section expires January 1, 2016.**

18 SECTION 33. IC 3-11-10-26.2 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 26.2. (a) A:

20 (1) county election board; or

21 (2) board of elections and registration;

22 of a county subject to IC 3-11.5 may adopt a resolution to authorize the
 23 circuit court clerk to use an electronic voting system for voting by
 24 absentee ballot in the office of the circuit court clerk or board of
 25 elections and registration.

26 (b) A resolution adopted under this section must be adopted by the
 27 unanimous vote of the board's entire membership.

28 (c) A resolution adopted under this section must provide procedures
 29 to do the following:

30 (1) Secure absentee votes cast on an electronic voting system that
 31 provide protection comparable to the protection provided to
 32 absentee votes cast by paper ballot.

33 (2) Compare the signature on an absentee ballot application with
 34 the applicant's signature on the applicant's voter registration
 35 application.

36 (3) Ensure that an invalid ballot (as determined under IC 3-11.5)
 37 is not counted.

38 (d) A resolution adopted under this section may contain other
 39 provisions the board considers useful.

40 (e) If a resolution is adopted under this section, the circuit court
 41 clerk may use as many electronic voting machines for recording
 42 absentee votes as the clerk considers necessary, subject to the

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1 resolution adopted by the board.

2 (f) Notwithstanding any other law, an absentee ballot voted on an
3 electronic voting system under this section is not required to bear the
4 seal, signature, and initials prescribed by section 27 of this chapter.

5 (g) If a resolution is adopted under this section, the procedure for
6 casting an absentee ballot on an electronic voting system must, except
7 as provided in this section, be substantially the same as the procedure
8 for casting an absentee ballot in the office of the circuit court clerk
9 under section 26 of this chapter.

10 **(h) This section expires January 1, 2016.**

11 SECTION 34. IC 3-11-14-35 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2013]: **Sec. 35. This chapter expires January**
14 **1, 2016.**

15 SECTION 35. IC 3-11-14.5-11 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2013]: **Sec. 11. This chapter expires January**
18 **1, 2016.**

19 SECTION 36. IC 3-11-15-1 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Except as otherwise
21 provided, this chapter applies to any election in Indiana where voting
22 is by means of a ballot card or, **before January 1, 2016**, electronic
23 voting system.

24 SECTION 37. IC 3-11-15-2, AS AMENDED BY P.L.221-2005,
25 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2013]: Sec. 2. The performance and test standards and fees
27 under this chapter apply to:

- 28 (1) an optical scan voting system **described in IC 3-11-7**; or
29 (2) **before January 1, 2016**, an electronic voting system
30 described in ~~IC 3-11-7~~ or IC 3-11-7.5.

31 SECTION 38. IC 3-11-15-7 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) Each application
33 must be in writing, sworn to or affirmed by the applicant, under the
34 penalties of perjury, on a form prescribed by the commission, and must
35 satisfy the following requirements:

- 36 (1) Provide the name and address of the vendor submitting the
37 application.
38 (2) Provide the telephone number of the vendor.
39 (3) Provide the name, address, and telephone number of the
40 individual representing the vendor regarding the application.
41 (4) Provide the model name and number of the submitted voting
42 system, stating the hardware, firmware, and software version

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- 1 numbers of the system.
- 2 (5) State whether the voting system is a ~~direct record electronic~~
- 3 ~~voting system~~ or an optical scan ballot card voting system ~~or,~~
- 4 **before January 1, 2016, a direct record electronic voting**
- 5 **system.**
- 6 (6) Provide a description of the voting system and its capabilities,
- 7 including the following:
- 8 (A) Photographs.
- 9 (B) Engineering drawings.
- 10 (C) Technical documentation.
- 11 (D) Fail-safe and emergency backup information.
- 12 (E) Environmental requirements for storage, transportation,
- 13 and operation.
- 14 (7) Include an agreement to pay for the total costs of the
- 15 examination.
- 16 (8) Provide documentation of the escrow of the voting system's
- 17 software, firmware, source codes, and executable images with an
- 18 escrow agent approved by the election division.
- 19 (9) Provide a functional description of any software components.
- 20 (10) Provide schematics or flowcharts identifying software and
- 21 data file relationships.
- 22 (11) Describe the type of maintenance offered by the vendor.
- 23 (12) Provide the names, addresses, and telephone numbers of the
- 24 vendor's maintenance providers.
- 25 (13) Provide a description of the training courses offered by the
- 26 vendor for the voting system.
- 27 (14) Provide user manuals, operator and system manuals, and
- 28 problem solving manuals.
- 29 (15) Provide a statement of the current and future
- 30 interchangeability of all subcomponents of the voting system.
- 31 (16) Provide documentation from all independent testing
- 32 authorities that have examined the system.
- 33 (17) Provide documentation from all election jurisdictions that
- 34 have previously approved the system.
- 35 (18) Pay the application fee required under section 4 of this
- 36 chapter.
- 37 (b) If an application does not include any of the applicable
- 38 requirements listed in subsection (a), those requirements must be filed
- 39 with the election division before the application may be considered by
- 40 the commission.
- 41 SECTION 39. IC 3-11-15-13.3, AS AMENDED BY P.L.120-2009,
- 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2013]: Sec. 13.3. (a) To be approved by the commission for
2 use in Indiana, a voting system must meet:

- 3 (1) the Voting System Standards adopted by the Federal Election
4 Commission on April 30, 2002; or
5 (2) the Voluntary Voting System Guidelines adopted by the
6 United States Election Assistance Commission on December 13,
7 2005.

8 (b) A county may continue to use an optical scan ballot card voting
9 system or, **before January 1, 2016**, an electronic voting system, whose
10 approval or certification expired on or before October 1, 2009, if the
11 voting system:

- 12 (1) was:
13 (A) approved by the commission for use in elections in Indiana
14 before October 1, 2009; and
15 (B) purchased by the county before October 1, 2009; and
16 (2) otherwise complies with the applicable provisions of HAVA
17 and this article.

18 However, a voting system vendor may not market, sell, lease, or install
19 a voting system described in this subsection.

20 (c) As provided by 42 U.S.C. 15481, to be used in an election in
21 Indiana, a voting system must be accessible for individuals with
22 disabilities, including nonvisual accessibility for the blind and visually
23 impaired, in a manner that provides the same opportunity for access
24 and participation (including privacy and independence) as for other
25 voters.

26 (d) As provided by 42 U.S.C. 15481, an election board conducting
27 an election satisfies the requirements of subsection (c) if the election
28 board provides at least one (1):

- 29 (1) electronic voting system (**before January 1, 2016**); or
30 (2) other voting system;

31 equipped for individuals with disabilities at each polling place.

32 (e) If a voter who is otherwise qualified to cast a ballot in a precinct
33 chooses to cast the voter's ballot on the voting system provided under
34 subsection (d), the voter must be allowed to cast the voter's ballot on
35 that voting system, whether or not the voter is an individual with
36 disabilities.

37 SECTION 40. IC 3-11-15-16 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) Each electronic
39 voting system or vote recording and data processing device shall
40 contain hardware and software provisions for verifying:

- 41 (1) its proper preparation for an election; and
42 (2) that both the hardware and the software are functioning

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1 correctly.

2 **(b) This section expires January 1, 2016.**

3 SECTION 41. IC 3-11-15-17 IS AMENDED TO READ AS

4 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. **(a)** The tests and

5 diagnostic procedures described in section 16 of this chapter:

6 (1) may be carried out manually or automatically; and

7 (2) must allow for operator intervention to validate the proper

8 execution of individually selected equipment functions.

9 **(b) This section expires January 1, 2016.**

10 SECTION 42. IC 3-11-15-22 IS AMENDED TO READ AS

11 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 22. **(a)** Ballot card

12 voting systems must rely on the retention of ballots as a redundant

13 means of verifying or auditing election results.

14 **(b) This subsection applies before January 1, 2016.** As a means

15 of assuring accuracy in electronic voting systems, the unit must

16 incorporate multiple memories in the machine itself and in its

17 programmable memory devices.

18 SECTION 43. IC 3-11-15-23 IS AMENDED TO READ AS

19 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 23. **(a)** To attain a

20 measure of integrity over the process, the electronic voting systems

21 must also maintain an image of each ballot that is cast, such that

22 records of individual ballots are maintained by a subsystem

23 independent and distinct from the main vote detection, interpretation,

24 processing, and reporting path. The electronic images of each ballot

25 must protect the integrity of the data and the anonymity of each voter,

26 for example, by means of storage location scrambling. The ballot image

27 records may be either machine-readable or manually transcribed, or

28 both, at the discretion of the vendor.

29 **(b) This section expires January 1, 2016.**

30 SECTION 44. IC 3-11-15-24 IS AMENDED TO READ AS

31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 24. Ballot card voting

32 **systems and, before January 1, 2016,** electronic voting systems, must

33 include built-in test, measurement, and diagnostic software, and

34 hardware for detecting and reporting the system's status and degree of

35 operability.

36 SECTION 45. IC 3-11-15-37 IS AMENDED TO READ AS

37 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 37. **(a)** Ballot card

38 voting systems must rely on the retention of ballots as a redundant

39 means of verifying election results.

40 **(b) This subsection applies before January 1, 2016.** As a means

41 of assuring accuracy in electronic voting systems, the unit must

42 incorporate multiple memories in the machine itself and in the unit's

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1 programmable memory devices. To attain a measure of integrity over
 2 the process, an electronic voting system must also maintain images of
 3 each ballot that is cast so that records of individual ballots are
 4 maintained by a subsystem independent and distinct from the main vote
 5 detection, diagnostic, processing, and reporting path.

6 SECTION 46. IC 3-11-15-39 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 39. (a) The electronic
 8 voting system firmware instructions must contain necessary logical
 9 instructions to determine correct recording of each and every candidate
 10 or public question selection made by the voter to the appropriate
 11 memory registers and tables. In the case of a partially voted ballot,
 12 deliberate undervoting by a voter must be permitted. This undervoting
 13 must be validated by machine determination that particular candidate
 14 or public question selections have not been made. In cases where a
 15 selected candidate or vote on a public question is not recording
 16 correctly upon casting of the ballot, the electronic voting system
 17 equipment must generate an error signal and automatically stop
 18 operation of the machine until the problem is resolved.

19 (b) **This section expires January 1, 2016.**

20 SECTION 47. IC 3-11-15-44 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 44. In-process audit
 22 records consist of data documenting precinct and central count system
 23 operation during diagnostic routines and the casting and tallying of
 24 ballots. At a minimum, the in-process audit records for all systems
 25 must contain the following items, except as otherwise noted:

26 (1) Machine generated error and exception messages to ensure
 27 that successful recovery has been accomplished. Examples
 28 include the following:

29 (A) The source and disposition of system interrupts resulting
 30 in entry into exception handling routines.

31 (B) All messages generated by exception handlers.

32 (C) The identification code and number of occurrences for
 33 each hardware and software error or failure.

34 (D) Notification of system log-in or access errors, file access
 35 errors, and physical violations of security as they occur, and a
 36 summary record of these events after processing.

37 (E) For ballot card voting systems, an event log of any
 38 ballot-related exceptions, such as the following:

39 (i) Quantity of ballots that are not processable.

40 (ii) Quantity of ballots requiring special handling.

41 (iii) In a central count environment, quantity identification
 42 number of aborted precincts.

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- 1 (F) Other exceptional events such as power failures, failure of
 2 critical hardware components, data transmission errors, or
 3 other types of operating anomalies.
 4 (2) Critical system status messages other than informational
 5 messages displayed by the system during the course of normal
 6 operations. These items include the following:
 7 (A) Diagnostic and status messages upon startup.
 8 (B) The "zero totals" check conducted before opening the
 9 polling place or counting a precinct centrally.
 10 (C) For ballot card voting systems, the initiation or termination
 11 of card reader and communications equipment operations.
 12 (D) **This clause applies before January 1, 2016.** For
 13 electronic voting system machines, the event (and time, if
 14 available) of enabling/casting each ballot that is each voter's
 15 transaction as an event. This data can be compared with the
 16 public counter for reconciliation purposes.
 17 (3) Status messages that are generated by the machine's data
 18 quality monitor or by software and hardware condition monitors.
 19 For example, a cumulative or summary record of data
 20 read-write-verify, parity, or check-sum errors and retries is
 21 required. The intent is to gauge the accuracy of the ballot data and
 22 adequacy of the system in monitoring and detecting system
 23 processing errors.
 24 (4) System generated log of all normal process activity and system
 25 events that require operator intervention so that each operator
 26 access can be monitored and access sequence can be constructed.
- 27 SECTION 48. IC 3-11-17-6, AS AMENDED BY P.L.120-2009,
 28 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2013]: Sec. 6. (a) The voting system technical oversight
 30 program account is established with the state general fund to provide
 31 money for administering and enforcing IC 3-11-7, IC 3-11-7.5 (**before**
 32 **January 1, 2016**), IC 3-11-15, IC 3-11-16, and this chapter.
 33 (b) The election division shall administer the account. With the
 34 approval of the budget agency, funds in the account are available to
 35 augment and supplement the funds appropriated to the election division
 36 for the purposes described in this section.
 37 (c) The expenses of administering the account shall be paid from the
 38 money in the account.
 39 (d) The account consists of the following:
 40 (1) All civil penalties collected under this chapter.
 41 (2) Fees collected under IC 3-11-15-4.
 42 (3) Contributions to the account made in accordance with a

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1 settlement agreement executed with a voting system vendor.
 2 (e) Money in the account at the end of a state fiscal year does not
 3 revert to the state general fund
 4 SECTION 49. IC 3-11.5-1-4, AS AMENDED BY P.L.225-2011,
 5 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2013]: Sec. 4. To the extent that they are in conflict with this
 7 article, the following statutes do not apply to a county that has adopted
 8 a resolution described by section 1 of this chapter:
 9 (1) IC 3-11-4-22.
 10 (2) IC 3-11-10-1.5.
 11 (3) IC 3-11-10-3.
 12 (4) IC 3-11-10-5.
 13 (5) IC 3-11-10-6.
 14 (6) IC 3-11-10-7.
 15 (7) IC 3-11-10-8.
 16 (8) IC 3-11-10-9.
 17 (9) IC 3-11-10-11.
 18 (10) IC 3-11-10-12.
 19 (11) IC 3-11-10-12.5 **(before its expiration on January 1, 2016)**.
 20 (12) IC 3-11-10-13.
 21 (13) IC 3-11-10-14.
 22 (14) IC 3-11-10-15.
 23 (15) IC 3-11-10-16.
 24 (16) IC 3-11-10-17.
 25 (17) IC 3-11-10-18.
 26 (18) IC 3-11-10-20.
 27 (19) IC 3-11-10-21.
 28 (20) IC 3-11-10-22.
 29 (21) IC 3-11-10-23.
 30 (22) IC 3-11-10-31.
 31 (23) IC 3-11-10-32.
 32 (24) IC 3-11-10-34.
 33 (25) IC 3-11-10-35.
 34 (26) IC 3-11-10-36.
 35 (27) IC 3-11-10-37.
 36 (28) IC 3-12-2.
 37 (29) IC 3-12-3-12.
 38 SECTION 50. IC 3-11.5-4-24, AS AMENDED BY P.L.221-2005,
 39 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2013]: Sec. 24. (a) In addition to the preparations described
 41 in IC 3-11-11-2, IC 3-11-13-27, or IC 3-11-14-16 **(before its**
 42 **expiration on January 1, 2016)**, the inspector shall:

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1 (1) mark the poll list; and
 2 (2) attach the certificates of voters who have registered and voted
 3 under IC 3-7-36-14 to the poll list;
 4 in the presence of the poll clerks to indicate the voters of the precinct
 5 whose absentee ballots have been received by the county election board
 6 according to the certificate supplied under section 1 of this chapter.
 7 (b) The poll clerks shall sign the statement printed on the certificate
 8 supplied under section 1 of this chapter indicating that the inspector:
 9 (1) marked the poll list; and
 10 (2) attached the certificates described in subsection (a)(2);
 11 under this section in the presence of both poll clerks.
 12 (c) The inspector shall retain custody of the certificate supplied
 13 under section 1 of this chapter until the certificate is returned under
 14 section 9 of this chapter.
 15 SECTION 51. IC 3-12-1-1.2 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.2. (a) This chapter is
 17 enacted to comply with 42 U.S.C. 15481 by establishing uniform and
 18 nondiscriminatory standards to define what will be counted as a vote
 19 on a paper ballot, optical scan voting system, or, **before January 1,**
 20 **2016,** electronic voting system.
 21 (b) The standards in this chapter apply to counting votes on every
 22 voting system, except where specific standards applicable only:
 23 (1) to a type of voting system are provided under IC 3-12-2,
 24 IC 3-12-3, or, **before January 1, 2016,** IC 3-12-3.5; and
 25 (2) in a recount or contest proceeding are provided under
 26 IC 3-12-6, IC 3-12-8, IC 3-12-11, or IC 3-12-12.
 27 SECTION 52. IC 3-12-3.5-8 IS ADDED TO THE INDIANA CODE
 28 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 29 **1, 2013]: Sec. 8. This chapter expires January 1, 2016.**
 30 SECTION 53. IC 3-12-4-5.5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5.5. This chapter is
 32 enacted to comply with 42 U.S.C. 15481 by establishing uniform and
 33 nondiscriminatory standards to define what will be counted as a vote
 34 on a paper ballot, an optical scan voting system, or, **before January 1,**
 35 **2016,** an electronic voting system, by a county election board.
 36 SECTION 54. IC 3-12-4-15, AS AMENDED BY P.L.221-2005,
 37 SECTION 104, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2013]: Sec. 15. A county election board may
 39 not reject the certificates, poll lists, or tally papers returned from a
 40 precinct election board:
 41 (1) for lack of form or for not being strictly in accordance with the
 42 directions contained in this title if the certificates can be

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1 satisfactorily understood; or
 2 (2) if the returns are certified by the precinct election board as
 3 required by IC 3-12-2-6, IC 3-12-3-2, and IC 3-12-3.5-6 (**before**
 4 **its expiration on January 1, 2016**) and returned by the inspector
 5 or one (1) of the judges of the board.

6 SECTION 55. IC 3-12-4-18, AS AMENDED BY P.L.221-2005,
 7 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2013]: Sec. 18. (a) If electronic voting systems
 9 are used in a precinct, the county election board may request
 10 authorization from the state recount commission to inspect the
 11 registering counter or other recording device on any electronic voting
 12 system showing the number of votes cast for any candidate or public
 13 question. If authorized by the state recount commission, the board may
 14 conduct an inspection either before it proceeds to count and tabulate
 15 the vote or within one (1) day after the count and tabulation are
 16 finished.

17 **(b) This section expires January 1, 2016.**

18 SECTION 56. IC 3-12-4-19, AS AMENDED BY P.L.221-2005,
 19 SECTION 106, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2013]: Sec. 19. (a) To inspect an electronic
 21 voting system under section 18 of this chapter, the county election
 22 board may proceed to any place in the county where the system is
 23 located, kept, or stored. However, the board shall make the inspection
 24 in the presence of an accredited representative of each of the major
 25 political parties of the county.

26 **(b) This section expires January 1, 2016.**

27 SECTION 57. IC 3-12-4-20, AS AMENDED BY P.L.221-2005,
 28 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2013]: Sec. 20. (a) When making an inspection
 30 under section 18 of this chapter, a county election board shall compare
 31 the number of votes registered on the counter or other recording device
 32 on the electronic voting systems with the returns made by the precinct
 33 election board of the precinct in which the electronic voting system was
 34 used.

35 **(b) This section expires January 1, 2016.**

36 SECTION 58. IC 3-12-4-21, AS AMENDED BY P.L.221-2005,
 37 SECTION 108, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2013]: Sec. 21. (a) If there is a discrepancy
 39 between the number of votes registered on an electronic voting system
 40 and the returns made by the precinct election board, the county election
 41 board shall correct the returns made by the precinct election board so
 42 that the returns conform to the vote registered on the electronic voting

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1 system. The corrected returns shall be considered the true and correct
 2 returns of the number of votes cast for each candidate or on each public
 3 question in the precinct.

4 **(b) This section expires January 1, 2016.**

5 SECTION 59. IC 3-12-4-22, AS AMENDED BY P.L.221-2005,
 6 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2013]: Sec. 22. **(a)** If a nomination or election
 8 is contested or a recount is conducted, the returns of each precinct
 9 election board, as corrected by the county election board under section
 10 21 of this chapter, constitute prima facie evidence of the vote cast for
 11 each candidate and on each public question to the same extent as the
 12 tabulation and return of the vote in a precinct where electronic voting
 13 systems are not used.

14 **(b) This section expires January 1, 2016.**

15 SECTION 60. IC 3-12-6-1.2 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.2. This chapter is
 17 enacted to comply with 42 U.S.C. 15481 by establishing uniform and
 18 nondiscriminatory standards to define what will be counted as a vote
 19 on a paper ballot, an optical scan voting system, or, **before January 1,**
 20 **2016,** an electronic voting system, in a recount conducted under this
 21 chapter.

22 SECTION 61. IC 3-12-6-16, AS AMENDED BY P.L.221-2005,
 23 SECTION 115, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) A recount commission
 25 consists of three (3) persons.

26 (b) Two (2) members of the commission must be voters who:

- 27 (1) are members of different major political parties of the state;
 28 and
 29 (2) were qualified to vote at the election in a county in which the
 30 election district for the office is located.

31 (c) This subsection applies to a recount commission conducting a
 32 recount of an election in which only paper ballots were used. The third
 33 member of the commission must be a person who:

- 34 (1) is a member of a major political party of the state; and
 35 (2) was qualified to vote at the election in a county in which the
 36 election district for the office is located.

37 (d) This subsection applies to a recount of an election in which a
 38 voting method other than only paper ballots was used. The third
 39 member of the commission must be a competent mechanic who is
 40 familiar with the ballot card voting systems or, **before January 1,**
 41 **2016,** electronic voting systems used in that election. The mechanic is
 42 not required to be qualified to vote at the election in a county in which

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1 the election district for the office is located.

2 SECTION 62. IC 3-12-6-19, AS AMENDED BY P.L.221-2005,
3 SECTION 116, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: Sec. 19. (a) A court ordering a recount
5 under this chapter shall by order impound and provide for the
6 protection of the following:

7 (1) All ballots and, **before January 1, 2016, all** electronic voting
8 systems, used at the election for casting votes in the precincts.

9 (2) All tally sheets relating to the votes cast for nomination or
10 election to the office.

11 (3) All poll lists of persons registered by the poll clerks as having
12 voted for nomination or election to the office.

13 (b) An order issued by the state recount commission under
14 IC 3-12-10 supersedes an order issued by a court under this section to
15 the extent that the orders conflict. The state recount commission shall
16 assist a court acting under this section to the extent that the ability of
17 the state recount commission to preserve the integrity of election
18 records or equipment is not hindered.

19 (c) An impoundment order issued under subsection (a) may not
20 prevent a circuit court clerk or board of registration from copying
21 election material other than ballots if the clerk or board copies the
22 material under the supervision of a person designated by the court.

23 SECTION 63. IC 3-12-6-20, AS AMENDED BY P.L.221-2005,
24 SECTION 117, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2013]: Sec. 20. A court acting under section 19
26 of this chapter shall make the ballots, ~~electronic voting systems~~, tally
27 sheets, ~~and~~ poll lists, **and, before January 1, 2016, electronic voting**
28 **systems**, available to the recount commission appointed under this
29 chapter.

30 SECTION 64. IC 3-12-8-2, AS AMENDED BY P.L.221-2005,
31 SECTION 118, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2013]: Sec. 2. An election may be contested
33 under section 1 of this chapter if a petitioner alleges that one (1) of the
34 following circumstances existed:

35 (1) The contestee was ineligible.

36 (2) A mistake occurred in the printing or distribution of ballots
37 used in the election that makes it impossible to determine which
38 candidate received the highest number of votes.

39 (3) A mistake occurred in the programming of an electronic
40 voting system, making it impossible to determine the candidate
41 who received the highest number of votes. **This subdivision**
42 **applies before January 1, 2016.**

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1 (4) An electronic voting system malfunctioned, making it
2 impossible to determine the candidate who received the highest
3 number of votes. **This subdivision applies before January 1,**
4 **2016.**

5 (5) A deliberate act or series of actions occurred, making it
6 impossible to determine the candidate who received the highest
7 number of votes cast in the election.

8 SECTION 65. IC 3-12-8-2.5 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.5. (a) This section
10 does not apply to a contest concerning whether a contestee was
11 ineligible as alleged under section 2(1) of this chapter.

12 (b) This chapter is enacted to comply with 42 U.S.C. 15481 by
13 establishing uniform and nondiscriminatory standards to define what
14 will be counted as a vote on a paper ballot, an optical scan voting
15 system, or, **before January 1, 2016**, an electronic voting system, in a
16 contest conducted under this chapter.

17 SECTION 66. IC 3-12-8-6, AS AMENDED BY P.L.221-2005,
18 SECTION 120, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) A petition filed under section
20 5 of this chapter must state the following:

21 (1) That the petitioner desires to contest the nomination or
22 election to an office.

23 (2) The name of each candidate as set forth on the ballot for the
24 election and address of each candidate as set forth in the records
25 of the county election board or election division.

26 (3) That the petitioner in good faith believes that one (1) or more
27 of the following occurred:

28 (A) The person declared nominated or elected does not comply
29 with a specific constitutional or statutory requirement set forth
30 in the petition that is applicable to a candidate for the office.

31 (B) A mistake was made in the printing or distribution of
32 ballots used in the election that makes it impossible to
33 determine which candidate received the highest number of
34 votes cast in the election.

35 (C) A mistake occurred in the programming of an electronic
36 voting system, making it impossible to determine the
37 candidate who received the highest number of votes. **This**
38 **clause applies before January 1, 2016.**

39 (D) An electronic voting system malfunctioned, making it
40 impossible to determine the candidate who received the
41 highest number of votes. **This clause applies before January**
42 **1, 2016.**

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1 (E) A deliberate act or series of actions occurred, making it
 2 impossible to determine the candidate who received the
 3 highest number of votes cast in the election.
 4 (b) A petition stating that the petitioner believes that it is impossible
 5 to determine the candidate that received the highest number of votes
 6 for one (1) of the reasons described in subsection (a)(3)(B), (a)(3)(C),
 7 or (a)(3)(D) must identify each precinct in which:
 8 (1) ballots:
 9 (A) containing the printing mistake; or
 10 (B) distributed by mistake;
 11 were cast;
 12 (2) **before January 1, 2016**, a mistake occurred in the
 13 programming of an electronic voting system; or
 14 (3) **before January 1, 2016**, an electronic voting system
 15 malfunctioned.
 16 (c) A petition stating that the petitioner believes that an act or series
 17 of actions described in subsection (a)(3)(E) occurred must identify each
 18 precinct or other location in which the act or series of actions occurred
 19 to the extent known to the petitioner.
 20 SECTION 67. IC 3-12-8-17, AS AMENDED BY P.L.221-2005,
 21 SECTION 121, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) A contest shall be heard and
 23 determined by the court without a jury subject to the Indiana Rules of
 24 Trial Procedure.
 25 (b) The court shall determine the issues raised by the petition and
 26 answer to the petition.
 27 (c) After hearing and determining a petition alleging that a
 28 candidate is ineligible, the court shall declare as elected or nominated
 29 the qualified candidate who received the highest number of votes and
 30 render judgment accordingly.
 31 (d) If the court finds that:
 32 (1) a mistake in the printing or distribution of the ballots used in
 33 the election;
 34 (2) a mistake **that occurred before January 1, 2016**, in the
 35 programming of an electronic voting system;
 36 (3) a malfunction of an electronic voting system **that occurred**
 37 **before January 1, 2016; or**
 38 (4) the occurrence of a deliberate act or series of actions;
 39 makes it impossible to determine which candidate received the highest
 40 number of votes, the court shall order that a special election be
 41 conducted under IC 3-10-8.
 42 (e) The special election shall be conducted in the precincts

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1 identified in the petition in which the court determines that:

- 2 (1) ballots containing the printing mistake or distributed by
 3 mistake were cast;
 4 (2) a mistake occurred **before January 1, 2016**, in the
 5 programming of an electronic voting system;
 6 (3) an electronic voting system malfunctioned **before January 1,**
 7 **2016;** or
 8 (4) the deliberate act or series of actions occurred.

9 SECTION 68. IC 3-12-11-1.5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.5. This chapter is
 11 enacted to comply with 42 U.S.C. 15481 by establishing uniform and
 12 nondiscriminatory standards to define what will be counted as a vote
 13 on a paper ballot, an optical scan voting system, or, **before January 1,**
 14 **2016,** an electronic voting system, in a recount conducted under this
 15 chapter.

16 SECTION 69. IC 3-12-11-3, AS AMENDED BY P.L.221-2005,
 17 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) Each petition for a recount
 19 filed under section 2 of this chapter must state the following:

- 20 (1) The office for which the petitioner desires a recount.
 21 (2) The precincts in which the petitioner desires a recount.
 22 (3) That the individual is entitled to a recount under this chapter
 23 and that the nomination or election to office at issue was voted
 24 upon in the precincts specified.
 25 (4) The name of the candidates as set forth on the ballot for the
 26 election and address of the candidates as set forth in the records
 27 of the election division.
 28 (5) That the petitioner in good faith believes that the votes cast for
 29 nomination or election to the office at the election in the precincts
 30 were not correctly counted and returned.
 31 (6) That the petitioner desires a recount of all of the votes cast for
 32 nomination or election to the office in the precincts specified.

33 (b) Each petition for a contest filed under section 2 of this chapter
 34 must state the following:

- 35 (1) The nomination or election to office that the petitioner
 36 contests.
 37 (2) That the individual is entitled to contest an election or a
 38 nomination to office under this chapter.
 39 (3) The name of the candidates as set forth on the ballot for the
 40 election and address of each of the candidates as set forth in the
 41 records of the election division.
 42 (4) That the petitioner in good faith believes that one (1) or more

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of the following occurred:

(A) The person declared nominated or elected does not comply with a specific constitutional or statutory requirement set forth in the petition that is applicable to a candidate for the office.

(B) A mistake was made in the printing or distribution of ballots used in the election that makes it impossible to determine which candidate received the highest number of votes cast in the election.

(C) A mistake occurred in the programming of an electronic voting system, making it impossible to determine the candidate who received the highest number of votes. **This clause applies before January 1, 2016.**

(D) An electronic voting system malfunctioned, making it impossible to determine the candidate who received the highest number of votes. **This clause applies before January 1, 2016.**

(E) A deliberate act or series of actions occurred, making it impossible to determine the candidate who received the highest number of votes cast in the election.

(c) A petition stating that the petitioner believes that a mistake described in subsection (b)(4)(B), (b)(4)(C), or (b)(4)(D) has occurred must identify each precinct in which:

(1) ballots:

- (A) containing the printing mistake; or
- (B) distributed by mistake;

were cast;

(2) a mistake occurred **before January 1, 2016**, in the programming of an electronic voting system; or

(3) an electronic voting system malfunctioned **before January 1, 2016.**

(d) A petition stating that the petitioner believes that an act or series of actions described in subsection (b)(4)(E) occurred must identify each precinct or other location in which the act or series of actions occurred to the extent known to the petitioner.

SECTION 70. IC 3-12-11-16, AS AMENDED BY P.L.221-2005, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) Except as provided in subsection (b), the state recount commission may by order impound and provide for the protection of any election records or equipment described by IC 3-12-10-5(a).

(b) In a recount of an election for a legislative office, the state recount commission shall by order impound and provide for the

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1 protection of the following:

- 2 (1) All ballots and, **before January 1, 2016**, electronic voting
 3 systems, used at the election for casting votes in all of the
 4 precincts within the legislative district.
 5 (2) All tally sheets relating to the votes cast for the office.
 6 (3) All poll lists of persons registered by the poll clerks as having
 7 voted for the office.

8 SECTION 71. IC 3-12-11-18, AS AMENDED BY P.L.221-2005,
 9 SECTION 130, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2013]: Sec. 18. (a) When a recount is
 11 completed by the state recount commission or its designee, the
 12 commission shall:

- 13 (1) make and sign a certificate showing the total number of votes
 14 received in the precincts by each candidate for nomination or
 15 election to the office;
 16 (2) state in its certificate the candidate who received the highest
 17 number of votes in the precincts for nomination or election to the
 18 office and by what plurality; and
 19 (3) file its certificate with the election division.

20 (b) When a contest proceeding in which a candidate is alleged to be
 21 ineligible is completed by the state recount commission or its designee,
 22 the commission shall make a final determination concerning the
 23 eligibility of the candidate for nomination or election to the office.

24 (c) If the state recount commission or its designee determines that:

- 25 (1) a mistake was made in the printing or distribution of ballots
 26 used in the election;
 27 (2) **before January 1, 2016**, a mistake was made in the
 28 programming of an electronic voting system;
 29 (3) **before January 1, 2016**, an electronic voting system
 30 malfunctioned; or
 31 (4) a deliberate act or series of actions occurred;

32 that makes it impossible to determine which candidate received the
 33 highest number of votes cast, the commission shall order that a special
 34 election be conducted under IC 3-10-8.

35 (d) The special election ordered under subsection (c) shall be held
 36 in the precincts identified in the petition in which the commission
 37 determines that:

- 38 (1) ballots containing the printing mistake or distributed by
 39 mistake were cast;
 40 (2) a mistake occurred **before January 1, 2016**, in the
 41 programming of an electronic voting system;
 42 (3) an electronic voting system malfunctioned **before January 1,**

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2016; or

(4) a deliberate act or series of actions occurred.

SECTION 72. IC 3-12-11-25, AS AMENDED BY P.L.225-2011, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25. (a) Except as provided in subsection (b), whenever the commission makes a final determination under section 18 of this chapter that the candidate who is subject to a contest proceeding is not eligible to serve in the office to which the candidate is nominated or elected, the candidate who received the second highest number of votes for the office is entitled to a certificate of nomination or certificate of election even though a certificate may have been issued to another candidate upon the tabulation of the votes.

(b) This subsection applies to a contest proceeding for a state office other than the offices of governor, lieutenant governor, justice of the supreme court, judge of the court of appeals, and judge of the tax court. Whenever the commission makes a final determination under section 18(b) of this chapter that the candidate who is subject to a contest proceeding is not eligible to serve in the office to which the candidate is elected the following apply:

(1) This subdivision does not apply to the filling of a state office following a contest proceeding or court action that resulted from an election held before January 1, 2011. The office is considered vacant, and the governor shall fill the vacancy as provided in IC 3-13-4-3(e) by the appointment of a person of the same political party as the candidate who is not eligible to serve.

(2) The commission's determination that the candidate is not eligible to serve in the office does not affect the votes cast for the candidate for purposes of determining the number or percentage of votes cast for purposes of other statutes, including IC 3-5-2-30, IC 3-6-2-1, IC 3-6-4.1-6, IC 3-6-5.2-7, IC 3-6-6-8, IC 3-6-7-1, IC 3-6-8-1, IC 3-8-4, IC 3-8-6, IC 3-10-1-2, IC 3-10-2-15, IC 3-10-4-2, IC 3-10-6, IC 3-10-7-26, IC 3-11-2-6, IC 3-11-13-11, IC 3-11-14-3.5 (**before its expiration on January 1, 2016**), IC 3-13-9-4.5, IC 6-9-2-3, IC 20-23-7-12, and IC 36-4-1.5-2.

SECTION 73. IC 3-12-12-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.5. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or, **before January 1, 2016**, an electronic voting system, in a recount conducted under this chapter.

SECTION 74. IC 3-12-12-11, AS AMENDED BY P.L.221-2005,

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1 SECTION 131, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) A recount commission
 3 consists of three (3) persons.

4 (b) Two (2) members of the commission must be voters who:

5 (1) are members of different major political parties of the state;
 6 and

7 (2) were qualified to vote at the election in a county in which the
 8 election district that voted on the public question is located.

9 (c) This subsection applies to a recount commission conducting a
 10 recount of an election in which only paper ballots were used. The third
 11 member of the commission must be a person who:

12 (1) is a member of a major political party of the state; and

13 (2) was qualified to vote at the election in a county in which the
 14 election district that voted on the public question is located.

15 (d) This subsection applies to a recount of an election in which a
 16 voting method other than only paper ballots was used. The third
 17 member of the commission must be a competent mechanic who is
 18 familiar with the ballot card voting systems or, **before January 1,**
 19 **2016,** electronic voting systems, used in that election. The mechanic is
 20 not required to be qualified to vote at the election in a county in which
 21 the election district that voted on the public question is located.

22 SECTION 75. IC 3-12-12-14, AS AMENDED BY P.L.221-2005,
 23 SECTION 132, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) A court ordering a recount
 25 under this chapter shall by order impound and provide for the
 26 protection of the following:

27 (1) All ballots and, **before January 1, 2016,** electronic voting
 28 systems, used at the election for casting votes in the precincts.

29 (2) All tally sheets relating to the votes cast on the public
 30 question.

31 (3) All poll lists of persons registered by the poll clerks as having
 32 voted on the public question.

33 (b) An order issued by the state recount commission under
 34 IC 3-12-10 supersedes an order issued by a court under this section to
 35 the extent that the orders conflict. The state recount commission shall
 36 assist a court acting under this section to the extent that the ability of
 37 the state recount commission to preserve the integrity of election
 38 records or equipment is not hindered.

39 (c) An impoundment order issued under subsection (a) may not
 40 prevent a circuit court clerk or board of registration from copying
 41 election material other than ballots if the clerk or board copies the
 42 material under the supervision of a person designated by the court.

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1 SECTION 76. IC 3-12-12-16, AS AMENDED BY P.L.221-2005,
 2 SECTION 133, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2013]: Sec. 16. A court acting under section 14
 4 of this chapter shall make the ballots, ~~electronic voting systems~~, tally
 5 sheets, ~~and~~ poll lists, **and, before January 1, 2016, electronic voting**
 6 **systems**, available to the recount commission appointed under this
 7 chapter.

8 SECTION 77. IC 3-14-2-29, AS AMENDED BY P.L.103-2005,
 9 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2013]: Sec. 29. **(a)** A person who knowingly inspects a voting
 11 system under IC 3-12-4-18 without obtaining authorization from the
 12 state recount commission to conduct the inspection commits a Class D
 13 felony.

14 **(b) This section expires January 1, 2016.**

15 SECTION 78. IC 3-14-3-5, AS AMENDED BY P.L.221-2005,
 16 SECTION 136, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2013]: Sec. 5. A precinct election officer who,
 18 with the intent to cause or permit a ballot card voting system or, **before**
 19 **January 1, 2016**, an electronic voting system, to fail to correctly
 20 register all votes cast, tampers with or disarranges the system or any
 21 part of it commits a Class D felony.

22 SECTION 79. IC 3-14-3-6, AS AMENDED BY P.L.221-2005,
 23 SECTION 137, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2013]: Sec. 6. A precinct election officer who
 25 permits a ballot card voting system or, **before January 1, 2016**, an
 26 electronic voting system to be used for voting at an election, with
 27 knowledge of the fact that the system is not in order or not perfectly set
 28 and adjusted so that it will correctly register all votes cast, commits a
 29 Class D felony.

30 SECTION 80. IC 3-14-3-8, AS AMENDED BY P.L.221-2005,
 31 SECTION 138, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2013]: Sec. 8. A person other than a precinct
 33 election officer who knowingly, before or during an election:

34 (1) damages, disarranges, or tampers with a ballot card system or,
 35 **before January 1, 2016**, an electronic voting system; **or**

36 (2) **before January 1, 2016**, damages a ballot label placed or to
 37 be placed on the electronic voting system; or

38 (3) **damages** any other appliance used in connection with the
 39 ballot card voting system or, **before January 1, 2016**, the
 40 electronic voting system;

41 commits a Class D felony.

42 SECTION 81. IC 3-14-4-8, AS AMENDED BY P.L.221-2005,

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1 SECTION 139, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2013]: Sec. 8. A member of a precinct election
 3 board, an absentee ballot counter appointed under IC 3-11.5-4-22, or
 4 a provisional ballot counter appointed under IC 3-11.7-3 who
 5 knowingly:

6 (1) opens or marks, by folding or otherwise, a ballot presented by
 7 a voter, except as provided by law; or

8 (2) tries to find out how the voter voted before the ballot is:

9 (A) deposited in the ballot box; or

10 (B) cast on:

11 (i) a ballot card voting system; or

12 (ii) **before January 1, 2016**, an electronic voting system; or

13 (C) counted by the absentee ballot counter;

14 commits a Class D felony.

15 SECTION 82. IC 3-14-4-10, AS AMENDED BY P.L.221-2005,
 16 SECTION 140, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2013]: Sec. 10. A person who knowingly
 18 violates:

19 (1) IC 3-11.5-5;

20 (2) IC 3-11.5-6;

21 (3) IC 3-12-2-1;

22 (4) IC 3-12-3-14; or

23 (5) IC 3-12-3.5-7 (**before its expiration on January 1, 2016**);

24 by providing any other person with information concerning the number
 25 of votes a candidate received for an office or cast to approve or reject
 26 a public question on absentee ballots counted under IC 3-11.5-5,
 27 IC 3-11.5-6, or IC 3-12 before the closing of the polls commits a Class
 28 D felony.

29 SECTION 83. IC 35-51-3-1, AS ADDED BY P.L.70-2011,
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 3:

32 IC 3-14-1-1 (Concerning elections).

33 IC 3-14-1-2 (Concerning elections).

34 IC 3-14-1-3 (Concerning elections).

35 IC 3-14-1-6 (Concerning elections).

36 IC 3-14-1-7 (Concerning elections).

37 IC 3-14-1-10 (Concerning elections).

38 IC 3-14-1-10.5 (Concerning elections).

39 IC 3-14-1-11 (Concerning elections).

40 IC 3-14-1-13 (Concerning elections).

41 IC 3-14-1-14 (Concerning elections).

42 IC 3-14-1-14.5 (Concerning elections).



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- 1 IC 3-14-2-1 (Concerning voting).
- 2 IC 3-14-2-2 (Concerning voting).
- 3 IC 3-14-2-2.5 (Concerning voting).
- 4 IC 3-14-2-3 (Concerning voting).
- 5 IC 3-14-2-4 (Concerning voting).
- 6 IC 3-14-2-5 (Concerning voting).
- 7 IC 3-14-2-6 (Concerning voting).
- 8 IC 3-14-2-7 (Concerning voting).
- 9 IC 3-14-2-8 (Concerning voting).
- 10 IC 3-14-2-9 (Concerning voting).
- 11 IC 3-14-2-10 (Concerning voting).
- 12 IC 3-14-2-11 (Concerning voting).
- 13 IC 3-14-2-12 (Concerning voting).
- 14 IC 3-14-2-13 (Concerning voting).
- 15 IC 3-14-2-14 (Concerning voting).
- 16 IC 3-14-2-15 (Concerning voting).
- 17 IC 3-14-2-16 (Concerning voting).
- 18 IC 3-14-2-17 (Concerning voting).
- 19 IC 3-14-2-18 (Concerning voting).
- 20 IC 3-14-2-19 (Concerning voting).
- 21 IC 3-14-2-20 (Concerning voting).
- 22 IC 3-14-2-21 (Concerning voting).
- 23 IC 3-14-2-22 (Concerning voting).
- 24 IC 3-14-2-23 (Concerning voting).
- 25 IC 3-14-2-24 (Concerning voting).
- 26 IC 3-14-2-25 (Concerning voting).
- 27 IC 3-14-2-26 (Concerning voting).
- 28 IC 3-14-2-27 (Concerning voting).
- 29 IC 3-14-2-28 (Concerning voting).
- 30 IC 3-14-2-29 (Concerning voting) **(expires January 1, 2016).**
- 31 IC 3-14-2-30 (Concerning voting).
- 32 IC 3-14-3-1.1 (Concerning voting).
- 33 IC 3-14-3-2 (Concerning voting).
- 34 IC 3-14-3-3 (Concerning voting).
- 35 IC 3-14-3-4 (Concerning voting).
- 36 IC 3-14-3-5 (Concerning voting).
- 37 IC 3-14-3-6 (Concerning voting).
- 38 IC 3-14-3-7 (Concerning voting).
- 39 IC 3-14-3-8 (Concerning voting).
- 40 IC 3-14-3-9 (Concerning voting).
- 41 IC 3-14-3-10 (Concerning voting).
- 42 IC 3-14-3-11 (Concerning voting).

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- 1 IC 3-14-3-12 (Concerning voting).
- 2 IC 3-14-3-13 (Concerning voting).
- 3 IC 3-14-3-14 (Concerning voting).
- 4 IC 3-14-3-15 (Concerning voting).
- 5 IC 3-14-3-16 (Concerning voting).
- 6 IC 3-14-3-17 (Concerning voting).
- 7 IC 3-14-3-18 (Concerning voting).
- 8 IC 3-14-3-19 (Concerning voting).
- 9 IC 3-14-3-20 (Concerning voting).
- 10 IC 3-14-3-20.5 (Concerning voting).
- 11 IC 3-14-3-21 (Concerning voting).
- 12 IC 3-14-3-21.5 (Concerning voting).
- 13 IC 3-14-4-1 (Concerning elections).
- 14 IC 3-14-4-2 (Concerning elections).
- 15 IC 3-14-4-3 (Concerning elections).
- 16 IC 3-14-4-3.5 (Concerning elections).
- 17 IC 3-14-4-4 (Concerning elections).
- 18 IC 3-14-4-6 (Concerning elections).
- 19 IC 3-14-4-7 (Concerning elections).
- 20 IC 3-14-4-8 (Concerning elections).
- 21 IC 3-14-4-9 (Concerning elections).
- 22 IC 3-14-4-10 (Concerning elections).
- 23 IC 3-14-6-1.1 (Concerning elections).
- 24 IC 3-14-6-2 (Concerning elections).

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