
SENATE BILL No. 445

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-7-29-6; IC 3-11.5.

Synopsis: Electronic poll lists. Permits a county election board to adopt an order, under certain conditions, approving the use of an electronic poll list in each precinct of the county. Permits a county election board in a county that: (1) counts absentee ballots at a central location; and (2) uses electronic poll lists; to update the poll lists electronically to indicate that an absentee ballot of a voter in a precinct has been received by the county election board (rather than deliver certified lists of the absentee voters' names to each precinct election board on election day to allow that precinct's inspector to mark the poll list). Allows a challenge that would have been made at the polls, if the poll lists had not been updated electronically, to be made at the central location by challengers and pollbook holders appointed for that purpose.

Effective: July 1, 2013.

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January 10, 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. 445



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 3-7-29-6 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2013]: **Sec. 6. (a) This section does not apply to a county that is**
- 4 **designated a vote center county under IC 3-11-18.1.**
- 5 **(b) A county election board may adopt an order approving the**
- 6 **use in each precinct in the county of a list required under section**
- 7 **1 of this chapter prepared in an electronic format.**
- 8 **(c) Before adopting an order under subsection (b), the county**
- 9 **election board must determine all of the following:**
- 10 **(1) That the county has the hardware, firmware, or software**
- 11 **sufficient to create an electronic poll list in each precinct in**
- 12 **the county using a secure electronic connection between the**
- 13 **county election board and the precinct election officers.**
- 14 **(2) That the equipment and procedures to be used ensure that**
- 15 **information concerning a voter entered into an electronic poll**
- 16 **list used by the precinct election officers in each precinct is**
- 17 **immediately accessible to the county election board.**



- 1 **(3) That the secure electronic connection described in**
- 2 **subdivision (1) is sufficient to prevent:**
- 3 **(A) any voter from voting more than once; and**
- 4 **(B) unauthorized access by any person to:**
- 5 **(i) the electronic poll lists for a precinct; or**
- 6 **(ii) the computerized list of voters of the county.**
- 7 **(4) That the county has adequate security procedures in place**
- 8 **to prevent access to an electronic poll list in a precinct without**
- 9 **the coordinated action of two (2) precinct election officers**
- 10 **who are not members of the same political party.**

- 11 **(d) Notwithstanding any other law, the electronic poll list used**
- 12 **at a precinct under this section:**
- 13 **(1) must comply with IC 3-11-8-10.3;**
- 14 **(2) may include an electronic image of the signature of a voter**
- 15 **taken from the voter's registration application, if available;**
- 16 **and**
- 17 **(3) may be in a format approved by the secretary of state.**

18 SECTION 2. IC 3-11.5-3-1 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The following apply
 20 for the purposes of **IC 3-6-7**, IC 3-6-8, IC 3-6-9, and IC 3-6-10:

- 21 (1) A central location for counting absentee ballots shall be
- 22 treated the same as a precinct poll.
- 23 (2) An absentee ballot counter shall be treated the same as a
- 24 precinct election official.

25 SECTION 3. IC 3-11.5-3-1.5 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2013]: **Sec. 1.5. (a) This section applies if a**
 28 **county election board directs under IC 3-11.5-4-9.5 that the poll**
 29 **lists be updated electronically to indicate that the absentee ballot**
 30 **of a voter has been received by the county election board.**

31 **(b) Political parties or independent candidates described in**
 32 **IC 3-6-7-1 may appoint challengers and pollbook holders at a**
 33 **central location for counting absentee ballots for the purpose of**
 34 **making challenges under IC 3-11.5-4-9.5(c).**

35 **(c) A challenger or pollbook holder appointed under this**
 36 **section:**

- 37 **(1) has the rights; and**
- 38 **(2) must follow the requirements;**
- 39 **set forth in IC 3-6-7.**

40 SECTION 4. IC 3-11.5-4-1 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Each circuit court
 42 clerk shall do the following:

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- 1 (1) Keep a separate absentee ballot record for each precinct in the
 2 county.
- 3 (2) **Subject to section 9.5 of this chapter**, certify to each
 4 inspector or the inspector's representative, at the time that the
 5 ballots and supplies are delivered under IC 3-11-3, the names of
 6 the voters:
- 7 (A) to whom absentee ballots were sent or who marked ballots
 8 in person; and
- 9 (B) whose ballots have been received by the county election
 10 board under IC 3-11-10.
- 11 SECTION 5. IC 3-11.5-4-8 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) Each county
 13 election board shall certify the names of voters:
- 14 (1) to whom absentee ballots were sent or who marked ballots in
 15 person; and
- 16 (2) whose ballots have been received by the board under this
 17 chapter;
- 18 after the certification under section 1 of this chapter and not later than
 19 noon on election day.
- 20 (b) **Subject to section 9.5 of this chapter**, the county election board
 21 shall have:
- 22 (1) the certificates described in subsection (a); and
- 23 (2) the circuit court clerk's certificates for voters who have
 24 registered and voted under IC 3-7-36-14;
- 25 delivered to the precinct election boards at their respective polls on
 26 election day by couriers appointed under section 22 of this chapter. ~~(c)~~
 27 The certificates shall be delivered not later than 3 p.m. on election day.
- 28 SECTION 6. IC 3-11.5-4-9.5 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2013]: **Sec. 9.5. (a) This section applies to a**
 31 **county:**
- 32 (1) **that has been designated a vote center county under**
 33 **IC 3-11-18.1; or**
- 34 (2) **in which the county election board has adopted an order**
 35 **approving the use in each precinct in the county of a list**
 36 **required under IC 3-7-29-1 prepared in an electronic format.**
- 37 (b) **Instead of the procedures specified in sections 1(2), 8, 9, and**
 38 **24 of this chapter for marking the poll lists in each precinct to**
 39 **indicate that the absentee ballot of a voter has been received by the**
 40 **county election board, the county election board may direct that**
 41 **the poll lists be updated electronically to indicate that the absentee**
 42 **ballot of a voter has been received by the county election board.**

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1 (c) If the poll lists for each precinct are updated under
 2 subsection (b), a challenge that would have been made at the polls
 3 under section 15 of this chapter must be made by a challenger or
 4 pollbook holder appointed to serve under IC 3-11.5-3-1.5
 5 immediately after the voter's name is announced by the absentee
 6 ballot counters under section 11 of this chapter. The absentee
 7 ballot counters shall provide the challengers and pollbook holders
 8 with the name and address of each voter listed in the certificates
 9 prepared under sections 1(2) and 8(a) of this chapter so that the
 10 voter may be challenged under this article. A challenge made
 11 under this section shall be determined as if the challenge had been
 12 made under section 15 of this chapter.

13 (d) If the poll lists have been updated under subsection (b) to
 14 indicate that the absentee ballot of a voter has been received by the
 15 county election board, the voter may not vote in person except as
 16 provided in section 21 of this chapter.

17 SECTION 7. IC 3-11.5-4-24, AS AMENDED BY P.L.221-2005,
 18 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2013]: Sec. 24. (a) **This section applies subject to section**
 20 **9.5 of this chapter.**

21 (a) (b) In addition to the preparations described in IC 3-11-11-2,
 22 IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

23 (1) mark the poll list; and

24 (2) attach the certificates of voters who have registered and voted
 25 under IC 3-7-36-14 to the poll list;

26 in the presence of the poll clerks to indicate the voters of the precinct
 27 whose absentee ballots have been received by the county election board
 28 according to the certificate supplied under section 1 of this chapter.

29 (b) (c) The poll clerks shall sign the statement printed on the
 30 certificate supplied under section 1 of this chapter indicating that the
 31 inspector:

32 (1) marked the poll list; and

33 (2) attached the certificates described in subsection (a)(2); (b)(2);
 34 under this section in the presence of both poll clerks.

35 (c) (d) The inspector shall retain custody of the certificate supplied
 36 under section 1 of this chapter until the certificate is returned under
 37 section 9 of this chapter.

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