

IC 3-12-3.5

Chapter 3.5. Counting of Electronic Voting System Votes

IC 3-12-3.5-1

Application of chapter

Sec. 1. This chapter applies to each precinct where voting is by electronic voting system.

As added by P.L.3-1987, SEC.356.

IC 3-12-3.5-1.1

Chapter establishes standards to define vote

Sec. 1.1. 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 an electronic voting system.

As added by P.L.209-2003, SEC.184.

IC 3-12-3.5-1.5

Closing of all polls located in one room before vote count

Sec. 1.5. Except as provided in section 7 of this chapter, if the polls for more than one (1) precinct are located in the same room, the inspector of a precinct using the room may not begin the vote counting procedure until all the polls in the room are officially closed and no more persons are waiting in line to vote.

As added by P.L.10-1988, SEC.127. Amended by P.L.3-1995, SEC.125.

IC 3-12-3.5-2

Announcement that printout of vote available for examination

Sec. 2. After each electronic voting system has been secured and the paper vote total printouts obtained, the inspector shall announce in a distinct tone of voice that the printouts are available for inspection by the members of the precinct election board and any watchers present within the polls. The members and watchers are entitled to inspect and copy the printouts to document the votes cast for:

- (1) each candidate on each system; and
- (2) each public question on each system.

As added by P.L.3-1987, SEC.356. Amended by P.L.221-2005, SEC.102.

IC 3-12-3.5-3

Certificates of vote result

Sec. 3. (a) When paper vote total printouts have been obtained, the precinct election board shall prepare certificates stating the number of votes that each candidate received for each office and the votes on each public question by attaching the paper vote total printouts to certificate forms supplied by the county election board.

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

(c) If a precinct election board administers more than one (1)

precinct, the board shall keep the ballots cast in each precinct separate from ballots cast in any other precinct, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.

As added by P.L.3-1987, SEC.356. Amended by P.L.230-2005, SEC.58.

IC 3-12-3.5-4

Delivery of certificates

Sec. 4. The inspector and judge of the opposite political party shall deliver the certificates prepared under section 3 of this chapter and the list of voters to the county election board by midnight on election day. However, if:

- (1) an electronic voting system failed;
- (2) the failure of the system was reported as required by this title;
- (3) paper ballots were used in place of the system; and
- (4) the use of the paper ballots caused a substantial delay in the vote counting process;

then the certificates, the list of voters, and the tally papers shall be delivered as soon as possible.

As added by P.L.3-1987, SEC.356. Amended by P.L.3-1993, SEC.186.

IC 3-12-3.5-5

News media certificate

Sec. 5. Immediately upon completion of the vote count, each precinct election board shall make and sign a certificate for the news media showing the total number of votes received by each candidate in the precinct. The inspector and judge of the opposite political party shall deliver the certificate to the circuit court clerk at the same time that the certificates, the list of voters, and the tally papers are delivered under section 4 of this chapter. The circuit court clerk immediately shall deliver the certificate made for the news media to any person designated to receive the certificate by the editors of the newspapers published in the county or by the managers of the radio and television stations operating in the county. The county election board shall furnish each precinct election board with the forms on which the certificates are to be prepared.

As added by P.L.3-1987, SEC.356.

IC 3-12-3.5-6

Vote count to continue to completion

Sec. 6. To minimize the delay in the counting of the vote, canvassing must begin immediately upon the closing of the polls and continue without interruption until all the votes are canvassed and all certificates of the vote required under section 3 of this chapter are completed and delivered to the persons entitled to receive the certificates.

As added by P.L.3-1987, SEC.356.

IC 3-12-3.5-7

Absentee ballots

Sec. 7. (a) The precinct election board may count absentee ballots before the polls have closed.

(b) If the precinct election board counts absentee ballots under this section, a member of the precinct election board may not, before the polls have closed, provide any person other than a member of the precinct election board with information concerning the number of votes:

(1) a candidate received for an office; or

(2) cast to approve or reject a public question;
on absentee ballots counted under this section.

As added by P.L.3-1995, SEC.126.