



STATE OF INDIANA
Indiana Election Division

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Ms. Christy McCormick
Vice Chair, U.S. Election Assistance Commission
1335 East West Highway, Suite 4300
Silver Spring, MD 20910

Dear Vice Chair McCormick:

Thank you very much for the opportunity to offer a presentation concerning election security issues at the recent EAC public forum held in conjunction with the Standards Board meeting convened in Miami. At the conclusion of that public forum, the Commission invited speakers to provide written statements regarding their presentations. Please accept this letter and the accompanying documents as a statement to supplement my earlier remarks.

It was particularly satisfying to provide information concerning Indiana's efforts to enact legislation to address ongoing concerns regarding the physical security of its voting systems and electronic poll books. Although there has been an understandable emphasis on addressing the threats posed by cyberattacks on state voter registration system databases or the components of voting systems, I believe it is of critical importance to also improve the measures election administrators take to safeguard the voting systems and electronic poll books from physical tampering, theft, or other long-standing threats to the election process.

In my view, we bolster the public's confidence in the integrity of our elections when we take concrete and highly visible actions to address these physical threats in conjunction with less visible measures to prevent or respond to cyberattacks.

In its 2018 legislative session, Indiana passed Senate Enrolled Act 327, which became Public Law 100-2018 when signed into law by the Governor on March 15, 2018.

The following pages set forth a summary of the pertinent provisions of Public Law 100, and a complete text of the enactment.

Once again, thank you for the opportunity to participate in this important discussion.

Very truly yours,

J. Bradley King



2018 Indiana Election Legislation Summary

Prepared by the Indiana Election Division

This document summarizes the election-related legislation that passed the Indiana General Assembly and became law in 2018. Bills may be obtained by contacting the Legislative Information Center at 200 West Washington Street, Room 230, Indianapolis, Indiana 46204-2731; (317) 232-9856, or by downloading documents from the General Assembly's website at www.iga.in.gov.

This document is intended to serve as an overview of information concerning Indiana election laws. Although the Election Division takes every effort to ensure the accuracy of the information in this document, **where your legal rights are involved, do not rely on this document. Instead, review the law yourself or consult with your attorney.**

The 2018 Regular Session of the Indiana General Assembly enacted the following election-related bills:

Public Law 3-2018 (Senate Enrolled Act 9): Residence of Person Committed to Institution
Public Law 10-2018 (Senate Enrolled Act 165): Staggered Terms of Township Board Members
Public Law 100-2018 (Senate Enrolled Act 327): Election Security
Public Law 116-2018 (House Enrolled Act 1253): Voter Registration
Public Law 210-2018 (House Enrolled Act 1383): Lake County Precincts

The following bills made technical or non-election related amendments to election statutes:

Public Law 86-2018 (Senate Enrolled Act 6): Technical Corrections
Public Law 156-2018 (Senate Enrolled Act 126): Courts

BALLOTS, VOTING SYSTEMS AND ELECTRONIC POLL BOOKS AND LISTS

County Reimbursement for Security and Monitoring Expenditures

A county election board may file an application with the secretary of state for reimbursement of expenditures made by the county to secure and monitor facilities where voting systems and electronic poll books are stored. The application must be on a form prescribed the Election Division. If the secretary of state, with the consent of the Election Division, approves the application, the county may be reimbursed for all or part of the expenditures.

(SEA 327 § 1; Effective date: March 15, 2018; Citation affected: IC 3-6-3.7-5[New])

County Voting Equipment Access Policies

The county election board is responsible for establishing access protocols for voting systems and electronic poll books, including specifying when variations from access policies are permitted.

The county election board may adopt a resolution by unanimous vote of the board's entire membership to establish a security protocol to secure the county's voting systems and electronic poll books. The security protocol must include an audit trail to detect unauthorized access to the voting systems and electronic poll books. The voting system technical oversight program (VSTOP) and the Election Division shall be available to advise the county election board in the development of a security protocol. If the county election board adopts a security protocol by unanimous vote of the board's entire membership, then the following specific requirements for voting system access do not apply to the county.

If the county election board does not adopt a security protocol by unanimous resolution of the board's entire membership, then upon completion of the canvass of votes cast in an election, the county election board shall place a uniquely numbered seal on each voting system and electronic poll book used in the election to secure the voting system and electronic poll book and permit post-election auditing. The form of the seal and information contained on the seal shall be prescribed by the Election Division and must make it impossible to access the sealed part of the voting system or electronic poll book unit without detection.

A seal placed on a voting system or electronic poll book must remain in place except when the county election board finds unsealing to be necessary and orders unsealing for one of the following reasons:

- 1) To conduct maintenance on the voting system or electronic poll book.
- 2) To prepare the voting system or electronic poll book for use in the next election to be conducted by the county in which the voting system or electronic poll book will be made available.

- 3) To install certified voting system hardware, firmware, or software on a voting system or certified upgrades on an electronic poll book.
- 4) To conduct a public test of the voting system or electronic poll book required by state law.
- 5) To conduct an audit authorized or required by this title.
- 6) For the county election board to correct an error under IC 3-12-5-14.
- 7) When ordered during a recount or contest proceeding under IC 3-12.

The county election board shall reseal the voting system or electronic poll book immediately after the completion of the maintenance, installation, audit, correction, recount proceeding, or contest proceeding described above.

When the county election board orders the unsealing of the voting system or electronic poll book to prepare for the use of the equipment in an election, the voting system or electronic poll book may remain unsealed until the canvassing of the vote is completed after the election.

The county election board shall document when each voting system or electronic poll book is sealed or unsealed by identifying the following:

- 1) the serial number of each voting system or electronic poll book that is sealed or unsealed;
- 2) the date on which the sealing or unsealing occurred; and
- 3) the individual who performed the sealing or unsealing.

(SEA 327 § 9; Effective date: July 1, 2018; Citation affected: IC 3-11-15-46)

County Reporting of Improper Access to Voting Equipment or SVRS Data

A county election board shall file a report with the secretary of state not later than forty-eight (48) hours after receiving notice of the following from a federal, state, or local government agency:

- 1) a voting system or electronic poll book has been improperly obtained or altered in a manner that violates Indiana law; or
- 2) the data concerning the county maintained in the statewide voter registration system (SVRS) has been accessed or altered by a person in violation of Indiana law.

(SEA 327 § 14; Effective date: March 15, 2018; Citation affected: IC 3-11-17-7)

County Disposal of Voting Systems and Electronic Poll Books

Whenever a county wishes to dispose of a voting system unit or an electronic poll book unit, the county election board must first file a plan with the Election Division. The plan must state the following:

- 1) the serial number of each unit to be disposed of by the county;
- 2) the method to be used for disposal of the equipment, including sale, transfer, or destruction of the equipment; and
- 3) that the disposal will occur in compliance with federal and state laws requiring the retention of election materials until the expiration of the period specified by those laws.

If the Election Division approves the proposed plan, the Election Division shall notify the county election board and the voting system technical oversight program (VSTOP). The county election board may dispose of the equipment after receiving notice that the Election Division approves the county's proposed plan.

(SEA 327 § 10; Effective date: March 15, 2018; Citation affected: IC 3-11-15-59[New])

Vendor Restriction on Selling Voting Systems

A vendor of a voting system certified for use in Indiana may not sell, lease, or transfer possession of a voting system to a person except to the following:

- 1) an Indiana county;
- 2) the voting system technical oversight program (VSTOP) established by IC 3-11-16-2;
- 3) a state or local government in the United States for the purpose of conducting elections in that jurisdiction; or
- 4) a political party in Indiana entitled to nominate candidates for the general election at a state or town convention conducted pursuant to state law for the limited purpose of conducting the nomination of the candidates.

(SEA 327 § 11; Effective date: March 15, 2018; Citation affected: IC 3-11-15-60[New])

County Election Board Responsible for Care and Custody of Voting Equipment

The county election board is responsible for the care and custody of all ballot card voting systems, electronic voting systems, and electronic poll books while not in use.

(SEA 327 §§ 3, 4, and 5; Effective date: March 15, 2018; Citation affected: IC 3-11-7-20[New], IC 3-11-7.5-24; IC 3-11-8-10.3)

Electronic Poll Book Server

Information generated by the voter or the poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter signed the electronic poll book and the signature of the voter, is required to be kept on private server **approved** by the county election board. Former law required this information to be kept on a private server **maintained** by the county election board. The amended state law permits the information to be kept on a private server maintained by the county's vendor rather than on a server maintained by the county.

(SEA 327 § 5; Effective date: March 15, 2018; Citation affected: IC 3-11-8-10.3)

Post-Election Electronic Voting System Audits

On election day, after each electronic voting system (direct recording equipment or DRE systems) has been secured and the vote totals printed, the inspector and judge of the opposite party shall record the total number of:

- 1) votes cast on all electronic voting systems located within the precinct (or vote center in a vote center county); and
- 2) voters who have received a ballot by signing in at the polls according to the poll lists for each precinct (or vote center in a vote center county);

to determine if the total number of votes cast on the electronic voting systems differs from the number of voters who received a ballot according to the poll lists. The total number of votes cast, and number of voters who received a ballot according to the poll lists shall be recorded on a form prescribed by the Election Division. The form shall also indicate any discrepancy between the total number of votes cast on electronic systems and voters who received a ballot according to the poll lists, together with the reasons for the discrepancy, if known. The inspector and judge shall sign the form and deliver it to the county election board with other materials from the precinct.

The county election board shall compile the following information into a single document listing for each precinct (or vote center in a vote center county):

- 1) The number of votes cast on the electronic voting systems in the precinct (or vote center), as shown on the form returned from the precinct (or vote center).
- 2) The number of voters who received a ballot at the polls according to the poll lists as shown on the form returned from the precinct (or vote center).
- 3) The difference between the number in subdivision (1) and the number in subdivision (2).
- 4) The number of absentee ballots returned by voters of the precinct (or vote center).
- 5) The number of absentee ballots of the precinct (or vote center) that were counted.

Not later than noon on the second Friday following the election, the county election board shall discuss and publish the document described above at a public hearing and immediately make the document available for inspection and copying by any voter of the county.

If the difference between the number of votes cast on the electronic voting systems in a precinct (or vote center) and number of voters who received a ballot according to the poll lists is greater than or equal to the audit threshold number, then the county election board or the secretary of state may order an audit of all the votes cast in that precinct (or vote center). Before ordering an audit, the county election board shall recheck the computations reported on the form submitted to the board by the inspector and judge of the opposite party.

The "audit threshold number" refers to the following number:

- 1) One (1), if the total number of votes cast as recorded on the form returned by the inspector and judge from a precinct is not more than twenty (20).
- 2) Two (2), if the total number of votes cast, as determined under subsection (c), is:
 - a. more than twenty (20); but
 - b. not more than forty (40).
- 3) Three (3), if the total number of votes cast, as determined under subsection (c), is:
 - a. more than forty (40); but
 - b. not more than sixty (60).
- 4) Four (4), if the total number of votes cast, as determined under subsection (c), is:
 - a. more than sixty (60); but
 - b. not more than eighty (80).
- 5) Five percent (5%) of the total number of votes cast, rounded up to the nearest whole number, if the total number of votes cast, as determined under subsection (c), is:
 - a. more than eighty (80); but
 - b. not more than five hundred (500).
- 6) Twenty-five (25), if the total number of votes cast, as determined under subsection (c) is more than five hundred (500).

Public notice of the audit must be given at least forty-eight (48) hours in advance and must be published once. However, if publication of notice will not allow the certification of results within thirty (30) days after the election (former law required publication within 13 days after the election) then notice shall be given by posting at or near the office of the county election board.

The county election board shall certify the results of the audit not later than noon thirty (30) days after the election (former law required certification within 13 days after the election). The certification must be on the form prescribed by the Election Division. One (1) copy shall be filed with the election returns, and one (1) copy must be delivered to the Election Division.

Not later than ninety (90) days after each election in which an audit is conducted under this section, the secretary of state shall publish a report stating whether the results of each audit indicate that the discrepancy was the result of human error, intentional violations of election laws, unknown causes, or a combination of these factors.

This statute does not apply to optical scan (ballot card) voting systems or to DRE systems used for absentee voting only.

(HEA 1383 § 8 and 9; Effective date: July 1, 2018; Citation affected: IC 3-12-3.5-1; IC 3-12-3.5-8)

Election Equipment Inventory

Each county election board shall regularly provide information to the voting system technical oversight program (VSTOP) to update the inventory of voting systems and electronic poll books. Not later than January 31 of each year, the county election board shall certify to the secretary of state that the information set forth in the inventory regarding the voting systems and electronic poll books of the county is accurate, to the best of the knowledge and belief of the county election board.

The inventory system maintained by VSTOP shall include unique serial numbers to identify each voting system unit and electronic poll book and indicate the location where each voting system unit or electronic poll book is ordinarily stored.

(SEA 327 §§ 12 and 13; Effective date: March 15, 2018; Citation affected: IC 3-11-16-4; IC 3-11-16-5[New])

VSTOP Program Expanded

The responsibilities of the voting system technical oversight program (VSTOP) were expanded to include the following activities: performing random audits of electronic poll books, assisting counties with contracts to procure electronic poll books and election equipment monitoring systems, and to perform other duties related to the approval or use of electronic poll books as provided in state law or a contract with the state.

(SEA 327 § 12; Effective date: March 15, 2018; Citation affected: IC 3-11-16-4)

Second Regular Session 120th General Assembly (2018)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 327

AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 3-6-3.7-5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) A county election board may apply for payments to reimburse the county for expenditures made to secure and monitor facilities where voting systems and electronic poll books are stored.**

(b) If the county election board submits an application under subsection (a), the application must be filed with the secretary of state in a form prescribed by the election division.

(c) The secretary of state, with the consent of the election division, may approve an application filed under this section and reimburse the county for all or part of the expenditures documented in the application.

SECTION 2. IC 3-11-4-18, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2018 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 18. (a) If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail, the county election board shall, at the request of the voter, mail the official**

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ballot, postage fully prepaid, to the voter at the address stated in the application. **Each ballot may be assigned a unique tracking number as prescribed by the election division using IMb Tracing or a similar automated tracking method to provide real-time tracking information for the envelope containing the ballot. As used in this subsection, "IMb Tracing" refers to a real-time mail tracking service offered through the United States Postal Service.**

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The election division shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in this subsection, section 18.5 of this chapter, or IC 3-11-10-26.5, the ballot shall be transmitted:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later. If the election board determines that the county voter registration office has received an application from the applicant for registration at an address within the precinct indicated on the application, and the election board determines that this application is pending under IC 3-7-33, the ballot shall be mailed on the date the county voter registration office indicates under ~~IC 3-7-33-5(f)~~ **IC 3-7-33-5(g)** that the applicant is a registered voter.

(d) As required by 52 U.S.C. 21081, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(e) As provided by 52 U.S.C. 21081, when an absentee ballot is transmitted under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.



SECTION 3. IC 3-11-7-20 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 20. The county election board is responsible for the care and custody of all ballot card voting systems while not in use.**

SECTION 4. IC 3-11-7.5-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. The ~~circuit court clerk~~ **county election board** is responsible for the care and custody of all electronic voting systems while not in use.

SECTION 5. IC 3-11-8-10.3, AS AMENDED BY P.L.149-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.3. (a) A reference to an electronic poll list in a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is considered to be a reference to an electronic poll book (as defined by IC 3-5-2-20.5), unless otherwise expressly provided in the vote center plan.

- (b) An electronic poll book must satisfy all of the following:
- (1) An electronic poll book must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll book.
 - (2) An electronic poll book may not be connected to a voting system. However, the electronic poll book may be used in conjunction with a voting system if both of the following apply:
 - (A) The electronic poll book contains a device that must be physically removed from the electronic poll book by a person and the device is inserted into the voting system, with no hardware or software connection existing between the electronic poll book and the voting system.
 - (B) All data on the device is erased when the device is removed from the voting system and before the device is reinserted into an electronic poll book.
 - (3) An electronic poll book may not permit access to voter information other than:
 - (A) information provided on the certified list of voters prepared under IC 3-7-29-1; or
 - (B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:
 - (i) The county's receipt of an absentee ballot from the voter.
 - (ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.



- (iii) The county's issuance of a certificate of error.
- (4) The information contained on an electronic poll book must be secure and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:
 - (A) storing (in external or internal memory) the current local version of the electronic poll list; and
 - (B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.
- (5) The electronic poll book must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:
 - (A) already received a ballot at the election;
 - (B) returned an absentee ballot; or
 - (C) submitted any additional documentation required under IC 3-7-33-4.5.
- (6) After the voter has been provided with a ballot, the electronic poll book must permit a poll clerk to enter information indicating that the voter has received a ballot.
- (7) The electronic poll book must transmit the information in subdivision (6) to the county server so that:
 - (A) the server may transmit the information immediately to every other polling place or satellite absentee office in the county; or
 - (B) the server makes the information immediately available to every other polling place or satellite office in the county.
- (8) The electronic poll book must permit reports to be:
 - (A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and
 - (B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.
- (9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll book must permit voter history to be quickly and accurately uploaded into the computerized list (as defined in IC 3-7-26.3-2).
- (10) The electronic poll book must be able to display an electronic image of the signature of a voter taken from:



- (A) the voter's registration application; or
 - (B) a more recent signature of a voter from an absentee application, poll list, electronic poll book, or registration document.
- (11) The electronic poll book must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.
- (12) The electronic poll book must include a bar code capturing device that:
- (A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and
 - (B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.
- (13) A printer separate from the electronic poll book used in a vote center county may be programmed to print on the back of a ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.
- (14) The electronic poll book must be compatible with:
- (A) any hardware attached to the electronic poll book, such as signature capturing devices, bar code capturing devices, and network cards;
 - (B) the statewide voter registration system; and
 - (C) any software system used to prepare voter information to be included on the electronic poll book.
- (15) The electronic poll book must have the ability to be used in conformity with this title for:
- (A) any type of election conducted in Indiana; or
 - (B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.
- (16) The procedures for setting up, using, and shutting down an electronic poll book must be reasonably easy for a precinct election officer to learn, understand, and perform. ~~After~~



~~December 31, 2015~~; A vendor shall provide sufficient training to election officials and poll workers to completely familiarize them with the operations essential for carrying out election activities. A vendor shall provide an assessment of learning goals achieved by the training in consultation with VSTOP (as described in IC 3-11-18.1-12).

(17) The electronic poll book must enable a precinct election officer to verify that the electronic poll book:

- (A) has been set up correctly;
- (B) is working correctly so as to verify the eligibility of the voter;
- (C) is correctly recording that a voter received a ballot; and
- (D) has been shut down correctly.

(18) The electronic poll book must include the following documentation:

(A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll book.

(B) Training materials that:

- (i) may be in written or video form; and
- (ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.

(C) Failsafe data recovery procedures for information included in the electronic poll book.

(D) Usability tests:

- (i) that are conducted by the manufacturer of the electronic poll book or an independent testing facility using individuals who are representative of the general public;
- (ii) that include the setting up, using, and shutting down of the electronic poll book; and
- (iii) that report their results using industry standard reporting formats.

(E) A clear model of the electronic poll book system architecture and the following documentation:

- (i) End user documentation.
- (ii) System-level and administrator level documentation.
- (iii) Developer documentation.

(F) Detailed information concerning:

- (i) electronic poll book consumables; and
- (ii) the vendor's supply chain for those consumables.

(G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the



vendor concerning the electronic poll book.

(H) Repair and maintenance policies for the electronic poll book.

(I) As of the date of the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12, the following:

(i) A list of customers who are using or have previously used the vendor's electronic poll book.

(ii) A description of any known anomalies involving the functioning of the electronic poll book, including how those anomalies were resolved.

(19) The electronic poll book and any hardware attached to the electronic poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.

(20) The electronic poll book must demonstrate that it correctly processes all activity regarding each voter registration record, including the use, alteration, storage, receipt, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll book.

(21) The electronic poll book must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll book by the secretary of state as required by IC 3-11-18.1-12.

(22) The electronic poll book must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter signed the electronic poll book, and the electronic signature of the voter, for retention on the dedicated private server ~~maintained~~ **approved** by the county election board for the period required by Indiana and federal law.

(23) The electronic poll book must:

(A) permit a voter to check in and sign the electronic poll book even when there is a temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature so that the signature may be assigned to the voter's registration record.

(c) The county election board is responsible for the care and custody of all electronic poll books while not in use.

SECTION 6. IC 3-11-13-22, AS AMENDED BY P.L.74-2017,

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SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 22. (a) This section applies to:

- (1) a ballot card voting system; and
- (2) a voting system that includes features of a ballot card voting system and a direct record electronic voting system.

(b) The county election board of each county planning to use automatic tabulating machines at the next election shall randomly select at least ten percent (10%) of the automatic tabulating machines for testing to ascertain that the machines will correctly count the votes cast for **straight party tickets, for all candidates (including write-in candidates)**, and on all public questions. If an individual attending the public test requests that additional automatic tabulating machines be tested, then the county election board shall randomly select and test additional machines up to a maximum of fifteen percent (15%) of the machines that will be used at the next election. Not later than seven (7) days after conducting the test under this subsection, the county election board shall certify to the election division that the test has been conducted in conformity with this subsection. The testing under this subsection must begin before absentee voting begins in the office of the circuit court clerk under IC 3-11-10-26.

(c) Public notice of the time and place shall be given at least forty-eight (48) hours before the test. The notice shall be published once in accordance with IC 5-3-1-4.

(d) If a county election board determines that:

- (1) a ballot:
 - (A) must be reprinted or corrected as provided by IC 3-11-2-16 because of the omission of a candidate, political party, or public question from the ballot; or
 - (B) is an absentee ballot that a voter is entitled to recast under IC 3-11-10-1.5 because the absentee ballot includes a candidate for election to office who:
 - (i) ceased to be a candidate; and
 - (ii) has been succeeded by a candidate selected under IC 3-13-1 or IC 3-13-2; and
- (2) ballots used in the test conducted under this section were not reprinted or corrected to remove the omission of a candidate, political party, or public question, or indicate the name of the successor candidate;

the county election board shall conduct an additional public test described in subsection (b) using the reprinted or corrected ballots. Notice of the time and place of the additional test shall be given in accordance with IC 5-14-1.5, but publication of the notice in

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accordance with IC 5-3-1-4 is not required.

SECTION 7. IC 3-11-14.5-1, AS AMENDED BY P.L.169-2015, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The county election board of each county planning to use an electronic voting system at the next election shall randomly select at least three (3) precincts within the county and test the voting system units to be used at those precincts on election day. Each voting system shall be tested to ascertain that the system will correctly count the votes cast for **straight party tickets, for all candidates (including write-in candidates)**, and on all public questions in that precinct.

(b) The testing under subsection (a) must begin before absentee voting starts in the office of the circuit court clerk under IC 3-11-10-26.

(c) If a county election board determines that:

(1) a ballot provided by an electronic voting system:

(A) must be corrected as provided by IC 3-11-2-16 because of the omission of a candidate, political party, or public question from the ballot; or

(B) is an absentee ballot that a voter is entitled to recast under IC 3-11-10-1.5 because the absentee ballot includes a candidate for election to office who:

(i) ceased to be a candidate; and

(ii) has been succeeded by a candidate selected under IC 3-13-1 or IC 3-13-2; and

(2) voting system units used in the test conducted under this section did not contain a ballot that was reprinted or corrected to remove the omission of a candidate, political party, or public question, or indicate the name of the successor candidate;

the county election board shall conduct an additional public test described in subsection (a) using the voting system units previously tested and containing the reprinted or corrected ballots.

SECTION 8. IC 3-11-15-20, AS AMENDED BY P.L.128-2015, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) A voting system must be able to record accurately each vote and be able to produce an accurate report of all votes cast.

(b) As used in this subsection, "error rate" refers to the error rate of the voting system in counting ballots (determined by taking into account only those errors that are attributable to the voting system and not attributable to an act of the voter). As required by 52 U.S.C. 21081, a voting system must comply with the error rate standards established under section 3-2-1: 4.1.1 of the ~~Voting System Standards~~ approved by

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the Federal Election Commission on April 30, 2002, as those standards were in effect on October 29, 2002. **Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission, as amended on March 31, 2015.**

(c) The inclusion of control logic and data processing methods incorporating parity and check-sums (or equivalent error detection and correction methods) must demonstrate that the system has been designed for accuracy.

SECTION 9. IC 3-11-15-46 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 46. (a) ~~The using jurisdiction in charge of voting system operations county election board~~ is responsible for defining the specific access policies applying to ~~voting systems and electronic poll books in~~ each election and for ~~defining specifying when~~ any variations ~~of from~~ these ~~resulting from~~ use of the system in more than one (+) environment. **policies are permitted.**

(b) **The county election board may adopt a resolution to establish a security protocol to secure the voting systems and electronic poll books used in each election conducted in the county. The security protocol must include an audit trail to detect unauthorized access to the voting systems and electronic poll books. A resolution adopted under this subsection must be adopted by the unanimous vote of the board's entire membership. If the board adopts a resolution under this subsection, the requirements of subsections (c) through (g) do not apply to the county. The person or entity conducting the voting system technical oversight program and the election division shall be available to advise the county election board in the development of a security protocol under this subsection.**

(c) **The county election board shall place a uniquely numbered seal on each voting system and electronic poll book used in an election to secure the voting system and electronic poll book and permit post-election auditing. The form of the seal and information contained on the seal shall be prescribed by the election division and must make it impossible to access the sealed part of the unit without detection.**

(d) **The county election board shall place the seal described in subsection (c) on the voting system or electronic poll book immediately upon completion of the canvass of votes cast in an election in which the voting system or electronic poll book was made available for use at a precinct or vote center.**

(e) **The seal must remain in place except when the county**



election board orders unsealing of the voting system or electronic poll book in one (1) of the following cases when the board finds unsealing to be necessary:

- (1) To conduct maintenance on the voting system or electronic poll book.
- (2) To prepare the voting system or electronic poll book for use in the next election to be conducted by the county in which the voting system or electronic poll book will be made available.
- (3) To install certified voting system hardware, firmware, or software on a voting system or certified upgrades on an electronic poll book.
- (4) To conduct a public test of the voting system or electronic poll book required by state law.
- (5) To conduct an audit authorized or required by this title.
- (6) For the county election board to correct an error under IC 3-12-5-14.
- (7) When ordered during a recount or contest proceeding under IC 3-12.

(f) The county election board shall reseal the voting system or electronic poll book immediately after the completion of the maintenance, installation, audit, correction, recount proceeding, or contest proceeding. When the county election board orders the unsealing of the voting system or electronic poll book to prepare for the use of the equipment in an election, the voting system or electronic poll book may remain unsealed until the canvassing is completed under subsection (d).

(g) The county election board shall document when each voting system or electronic poll book is sealed or unsealed under this section, identifying:

- (1) the serial number of each voting system or electronic poll book that is sealed or unsealed;
- (2) the date on which the sealing or unsealing occurred; and
- (3) the individual who performed the sealing or unsealing.

SECTION 10. IC 3-11-15-59 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 59. (a) Whenever a county wishes to dispose of a voting system unit or an electronic poll book unit, the county election board must first file a plan with the election division. The plan must state:**

- (1) the serial number of each unit to be disposed of by the county;



- (2) the method to be used for disposal of the equipment, including sale, transfer, or destruction of the equipment; and
- (3) that the disposal will occur in compliance with federal and state laws requiring the retention of election materials until the expiration of the period specified by those laws.

(b) If the election division approves the proposed plan, the election division shall notify:

- (1) the county election board, which may then dispose of the equipment; and
- (2) the voting system technical oversight program (VSTOP) (established by IC 3-11-16-2).

SECTION 11. IC 3-11-15-60 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 60. (a) This section applies to a voting system certified for use in Indiana elections.

(b) A vendor may not sell, lease, or transfer possession of a voting system to a person except to:

- (1) an Indiana county;
- (2) the voting system technical oversight program (VSTOP) (established by IC 3-11-16-2);
- (3) a state or local government in the United States for the purpose of conducting elections in that jurisdiction; or
- (4) a political party in Indiana entitled to nominate candidates for the general election at:

(A) a convention conducted under IC 3-8-4; or

(B) a town convention conducted under IC 3-8-5;

for the limited purpose of conducting the nomination of the candidates.

SECTION 12. IC 3-11-16-4, AS AMENDED BY P.L.271-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The person or entity designated under this chapter to conduct the program shall do the following:

(1) Develop and propose procedures and standards for the certification, acquisition, functioning, training, and security for voting systems used to conduct elections in Indiana.

(2) Compile and maintain an inventory of all voting systems **and electronic poll books** used to conduct elections in Indiana. **The inventory must:**

(A) include unique serial numbers to identify each voting system unit and electronic poll book; and

(B) indicate the location where each voting system unit or electronic poll book is ordinarily stored.



- (3) Review reports concerning voting systems prepared by independent laboratories and submitted by applicants for voting system certification.
- (4) Recommend to the commission whether an application for voting system certification should be approved and, if so, whether the approval should be subject to any restrictions or conditions to ensure compliance with Indiana law.
- (5) Perform any additional testing of a voting system necessary to determine whether the voting system complies with state law.
- (6) Each year perform random audits of voting systems **and electronic poll books** used to conduct Indiana elections and prepare reports indicating whether the voting systems **and electronic poll books** have been certified, programmed, and used in compliance with Indiana law.
- (7) Review contracts, leases, purchase orders, and amendments to those documents concerning the acquisition or maintenance of voting systems.
- (8) Assist with the development of quantity purchase agreements and other contracts for the lease or purchase of voting systems, **electronic poll books, or devices to secure and monitor facilities where voting systems and electronic poll books are stored.**
- (9) Develop and propose procedures and standards for the certification, acquisition, functioning, training, and security for electronic poll books used to conduct elections in Indiana.
- (10) Perform any other duties related to the approval or use of voting systems **or electronic poll books** as provided in:
 - (A) state law; or
 - (B) the contract described in section 3 of this chapter.

SECTION 13. IC 3-11-16-5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. Each county election board shall regularly provide information to the program to update the inventory of voting systems and electronic poll books maintained under section 4 of this chapter. Not later than January 31 of each year, the county election board shall certify to the secretary of state that the information set forth in the inventory regarding the voting systems and electronic poll books of the county is accurate, to the best of the knowledge and belief of the county election board.**

SECTION 14. IC 3-11-17-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. A county election board shall file a**



report with the secretary of state not later than forty-eight (48) hours after receiving notice from a federal, state, or local government agency that:

(1) a voting system or electronic poll book has been improperly obtained or altered in a manner that violates Indiana law; or

(2) the data concerning the county maintained in the statewide voter registration system has been accessed or altered by a person in violation of Indiana law.

SECTION 15. IC 3-11-18.1-12, AS AMENDED BY P.L.64-2014, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Notwithstanding section 1 of this chapter, this section applies to an electronic poll book to be used in:

(1) a precinct polling place, office of the circuit court clerk, or a satellite office in accordance with IC 3-7-29-6; or

(2) a vote center under this chapter.

(b) Notwithstanding any other law, the electronic poll list used at each vote center must:

(1) comply with IC 3-11-8-10.3; and

(2) be approved by the secretary of state in accordance with this section.

(c) A person who wishes to market, sell, lease, or provide an electronic poll book for use in an election in Indiana must first file an application for certification with the election division on a form prescribed by the secretary of state. **Except as provided in subsection (h), a person may not market, sell, lease, or provide an electronic poll book for use in an election in Indiana until the secretary of state has approved the application for certification under this section.**

(d) The secretary of state shall refer the application to the person or entity conducting the voting system technical oversight program (VSTOP) established by IC 3-11-16-2.

(e) The VSTOP shall examine the electronic poll book with its accompanying documentation and file a report with the secretary of state indicating:

(1) whether the electronic poll book would operate in compliance with this title;

(2) any recommendations regarding the acquisition or use of the electronic poll book; and

(3) whether VSTOP recommends that the secretary of state approve the electronic poll book under this section, including any recommended restrictions that should be placed on the secretary



of state's approval.

(f) After the report required by subsection (e) is filed, the secretary of state may approve the application for certification permitting the electronic poll book to be used in an election in Indiana.

(g) A certification under this section expires on December 31 of the year following the date of its issuance, unless earlier revoked by the secretary of state upon a written finding of good cause for the revocation.

(h) A person may display or demonstrate an electronic poll book that has not been certified under this section if the person complies with all the following requirements:

(1) The display or demonstration occurs at a conference of election officials sponsored by:

(A) a state agency; or

(B) an association of circuit court clerks or voter registration officers.

(2) The person files a notice with the election division at least seven (7) days before the scheduled starting date of a conference referred to in subdivision (1) setting forth the following:

(A) The name of the person and each representative scheduled to display or demonstrate the electronic poll book.

(B) The address and telephone number of the person.

(C) The model name of the electronic poll book.

(D) The name and manufacturer of the electronic poll book.

(E) The date and location of the display or demonstration of the electronic poll book.

(3) The person displays the electronic poll book with a notice that:

(A) is at least 16 point type size;

(B) is posted on the surface of the electronic poll book; and

(C) states that the electronic poll book is "Not Approved for Use in Indiana".

(4) The person ensures that each communication concerning the electronic poll book that is available or made at a conference referred to in subdivision (1) includes a statement that the electronic poll book is "Not Approved for Use in Indiana". A printed communication must include the statement in a type size that is at least as large as the largest type size used in the communication.



SECTION 16. IC 3-11.5-4-11, AS AMENDED BY P.L.169-2015, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) Except as provided in subsection (b), **(c), or (d)**, at any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

- (1) open the outer or carrier envelope containing an absentee ballot envelope and application;
- (2) announce the absentee voter's name; and
- (3) compare the signature upon the application with the signature upon the affidavit on the ballot envelope or transmitted affidavit.

(b) This subsection applies to a county (other than a county described in subsection (c) or (d)) that:

- (1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or
- (2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

(c) This subsection applies to a county having a consolidated city, if the county:

- (1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or
- (2) is a vote center county under IC 3-11-18.1.

After the receipt and processing required under section 12 of this chapter to process an absentee ballot from a voter and after ensuring that the electronic poll books used in each polling place or vote center have been updated to reflect all absentee ballots received by the county not later than 12:01 a.m. on election day, the absentee ballot counters shall, at any time after 6:00 a.m. on election day, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate, for each office, and on each public question.

(d) This subsection applies to a county other than a county having a consolidated city, if the county election board has adopted a resolution by the unanimous vote of the entire membership of the



board to use procedures set forth in this subsection, and the county:

(1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or

(2) is a vote center county under IC 3-11-18.1.

After the receipt and processing required under section 12 of this chapter to process an absentee ballot from a voter and after ensuring that the electronic poll books used in each polling place or vote center have been updated to reflect all absentee ballots received by the county not later than 12:01 a.m. on election day, the absentee ballot counters shall, at any time after 6:00 a.m. on election day, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate, for each office, and on each public question.

(e) A resolution adopted under subsection (d) may be repealed or amended only by the unanimous vote of the entire membership of the county election board.

SECTION 17. IC 3-11.5-4-12, AS AMENDED BY P.L.225-2011, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) **Notwithstanding any provision to the contrary in this chapter, in a county described by subsection (e) or (f), the signature review process described in this section may be conducted at any time after receipt of an absentee ballot by the county election board.**

(b) If the absentee ballot counters find under section 11 of this chapter that:

- (1) the affidavit is properly executed;
- (2) the signatures correspond;
- (3) the absentee voter is a qualified voter of the precinct;
- (4) the absentee voter is registered and is not required to file additional information with the county voter registration office under IC 3-7-33-4.5; and
- (5) in case of a primary election, if the absentee voter has not previously voted, the absentee voter has executed the proper declaration relative to age and qualifications and the political party with which the absentee voter intends to affiliate;

the absentee ballot counters shall open the envelope containing the absentee ballots so as not to deface or destroy the affidavit and take out each ballot enclosed without unfolding or permitting a ballot to be unfolded or examined.

(b) (c) If the absentee ballot counters find under subsection (a) (b) that the voter has not filed the additional information required to be

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filed with the county voter registration office under IC 3-7-33-4.5, but that all of the other findings listed under subsection ~~(a)~~ (b) apply, the absentee ballot shall be processed as a provisional ballot under IC 3-11.7.

~~(c)~~ (d) The absentee ballot counters shall then deposit the ballots in a secure envelope with the name of the precinct set forth on the outside of the envelope. After the absentee ballot counters or the county election board has made the findings described in subsection ~~(a)~~ (b) or section 13 of this chapter for all absentee ballots of the precinct, the absentee ballot counters shall remove all the ballots deposited in the envelope under this section for counting under IC 3-11.5-5 or IC 3-11.5-6.

(e) This subsection applies to a county having a consolidated city. For an absentee ballot cast in person by a voter under IC 3-11-10-25, IC 3-11-10-26, or IC 3-11-10-26.3, the absentee ballot counters may, but are not required to, make the findings required under subsection (b)(2) or (b)(3) of this section.

(f) This subsection applies to a county:

- (1) that does not have a consolidated city; and**
- (2) when the county election board has adopted a resolution by the unanimous vote of its entire membership to use the procedures set forth in this subsection.**

For an absentee ballot cast in person by a voter under IC 3-11-10-25, IC 3-11-10-26, or IC 3-11-10-26.3, the absentee ballot counters may, but are not required to, make the findings required under subsection (b)(2) or (b)(3) of this section.

(g) A resolution adopted under subsection (f) may be repealed or amended only by the unanimous vote of the entire membership of the county election board.

SECTION 18. IC 3-11.5-6-3, AS AMENDED BY P.L.169-2015, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) Except as provided in subsection (b), **(c), or (d)**, immediately after:

- (1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and
- (2) the absentee ballot counters or the county election board has made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes



for each candidate for each office and on each public question in the precinct with the assistance of any persons required for the operation of the automatic tabulating machine.

(b) This subsection does not apply to a county having a consolidated city. This subsection applies to a county that:

(1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or

(2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

(c) This subsection applies to a county having a consolidated city, if the county:

(1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or

(2) is a vote center county under IC 3-11-18.1.

After the receipt and processing required under IC 3-11.5-4-11(c) to process an absentee ballot from a voter and after ensuring that the electronic poll books used in each polling place or vote center have been updated to reflect all absentee ballots received by the county not later than 12:01 a.m. on election day, the absentee ballot counters shall, at any time after 6:00 a.m. on election day, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate, for each office, and on each public question.

(d) This subsection applies to a county other than a county having a consolidated city, if the county election board has adopted a resolution by the unanimous vote of the entire membership of the board to use procedures set forth in this subsection, and the county:

(1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or

(2) is a vote center county under IC 3-11-18.1.

After the receipt and processing required under IC 3-11.5-4-11(d) to process an absentee ballot from a voter and after ensuring that the electronic poll books used in each polling place or vote center have been updated to reflect all absentee ballots received by the county not later than 12:01 a.m. on election day, the absentee ballot



counters shall, at any time after 6:00 a.m. on election day, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate, for each office, and on each public question.

(c) A resolution adopted under subsection (d) may be repealed or amended only by the unanimous vote of the entire membership of the county election board.

SECTION 19. IC 3-11.5-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) **This subsection does not apply to a county having a consolidated city.** To minimize delay, the absentee ballot counters shall continue to count without interruption until all absentee ballots for the precinct are canvassed and the certificates required by this chapter are prepared and delivered to the person entitled to receive the certificates.

(b) **This subsection applies to a county having a consolidated city. To minimize delay, the absentee ballot counters shall continue to count without interruption until all absentee ballots that are not required to be remade and have been accepted by the absentee ballot counters under IC 3-11.5-4-12 are canvassed, and the certificates required by this chapter are prepared and delivered to the person entitled to receive the certificates.**

SECTION 20. IC 3-11.5-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) **This section does not apply to a county having a consolidated city.**

(b) The absentee ballot counters shall determine if the ballot cards are properly grouped and arranged so that all similar cards from a precinct are together before the ballots are counted on an automatic tabulating machine.

SECTION 21. IC 3-11.5-6-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 21. (a) As soon as the ballots have been counted, the absentee ballot counters shall, in the presence of the county election board, do the following:

- (1) Place in a strong paper envelope or bag the following:
 - (A) All ballots, voted and not voted, together with all protested and uncounted ballots.
 - (B) One (1) copy of each of the certificates prepared under IC 3-11.5-4-1 and IC 3-11.5-4-8.
 - (C) The tally papers.
- (2) Securely seal the envelope or bag.
- (3) Have both absentee ballot counters initial the envelope or bag.
- (4) Plainly mark on the outside of the envelope or bag, in ink, the precinct for which the absentee ballots were cast.



(5) Deliver the envelope or bag to the circuit court clerk.

(6) Notify the circuit court clerk of the number of ballots placed in the envelope or bag.

(b) This subsection applies to a county having a consolidated city. Notwithstanding subsection (a)(4), the absentee ballots may be stored in the order in which the absentee ballots were counted and not in order by precinct.

SECTION 22. **An emergency is declared for this act.**

