



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1116 be amended to read as follows:

- 1           Page 2, between lines 7 and 8, begin a new paragraph and insert:
- 2           "SECTION 2. IC 3-6-4.2-14, AS AMENDED BY P.L.141-2020,
- 3           SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4           DECEMBER 1, 2021 (RETROACTIVE)]: Sec. 14. (a) Each year in
- 5           which a general or municipal election is held, the election division
- 6           shall call a meeting of all the members of the county election boards,
- 7           the boards of registration (subject to IC 3-7-12), and the boards of
- 8           elections and registration (as defined in IC 3-5-2-5.3) to instruct them
- 9           regarding all of the following:
- 10           (1) Their duties under this title and federal law (including HAVA
- 11           and NVRA).
- 12           (2) Requirements and best practices concerning cybersecurity for
- 13           the computerized list, voting systems, and electronic poll books.
- 14           (3) Physical security for all aspects of the election process,
- 15           including voting systems, electronic poll books, absentee voting,
- 16           and polling places.
- 17           (4) Requirements and best practices to ensure that voting systems,
- 18           precinct polling places, and vote centers are accessible to voters
- 19           with disabilities.
- 20           (5) Best practices in answering voters' questions on how to vote,
- 21           including providing instructions to voters on straight ticket voting.

1 (b) The election division may ~~but is not required to~~, call a meeting  
2 under this section:

3 (1) during a year in which a general or a municipal election is not  
4 held; **and**

5 (2) **at other times when the election division determines that**  
6 **doing so is necessary or desirable.**

7 (c) Each circuit court clerk, each member of a board of registration  
8 established under IC 3-7-12, and each member of a board of elections  
9 and registration shall attend a meeting called by the election division  
10 under this section. A circuit court clerk, member of a board of  
11 registration, or member of a board of elections and registration may  
12 require the attendance of the following:

13 (1) Each of the circuit court clerk's, board of registration  
14 member's, or board of elections and registration member's  
15 appointed and acting chief deputies or chief assistants with  
16 election related responsibilities.

17 (2) If the number of deputies or assistants:

18 (A) is not more than three (3), one (1) of the clerk's or  
19 member's appointed and acting deputies or assistants; or

20 (B) is greater than three (3), two (2) of the clerk's or member's  
21 appointed and acting deputies or assistants.

22 (d) The election division shall set the time and place of the  
23 instructional meeting. In years in which a primary election is held, the  
24 election division:

25 (1) may conduct the meeting before the first day of the year; and

26 (2) shall conduct the meeting before primary election day.

27 The instructional meeting may not last for more than ~~two (2)~~ **three (3)**  
28 days.

29 (e) **This subsection applies to a meeting under subsection (c)**  
30 **conducted before January 1, 2022.** Each individual required to attend  
31 the meeting under subsection (c) and an individual who has been  
32 elected or selected to serve as circuit court clerk but has not yet begun  
33 serving in that office is entitled to receive all of the following from the  
34 county general fund without appropriation:

35 (1) A per diem of twenty-four dollars (\$24) for attending the  
36 instructional meeting called by the election division under this  
37 section.

38 (2) A mileage allowance at the state rate for the distance  
39 necessarily traveled in going and returning from the place of the  
40 instructional meeting called by the election division under this  
41 section.

42 (3) Reimbursement for the payment of the instructional meeting  
43 registration fee.

44 (4) An allowance for lodging for each night preceding conference  
45 attendance equal to the lodging allowance provided to state  
46 employees in travel status.

1 Payment of a per diem, mileage allowance, reimbursement, or  
2 lodging allowance under this section for a meeting conducted  
3 before January 1, 2022, is legalized and validated.

4 (f) This subsection applies to a meeting under subsection (c)  
5 conducted on or after January 1, 2022. Each individual required  
6 to attend the meeting under subsection (c) and an individual who  
7 has been elected or selected to serve as a circuit court clerk but has  
8 not yet begun serving in that office is entitled to receive all of the  
9 following from the county general fund without appropriation:

10 (1) A sum for mileage at a rate determined by the fiscal body  
11 of the unit the official represents for each mile necessarily  
12 traveled in going to and returning from the meeting by the  
13 most expeditious route. Regardless of the duration of the  
14 conference, only one (1) mileage reimbursement shall be  
15 allowed to the official furnishing the conveyance even if the  
16 official transports more than one (1) person.

17 (2) An allowance for lodging for each night preceding  
18 conference attendance in an amount equal to the single room  
19 rate. However, lodging expense, in the case of a one (1) day  
20 conference, shall only be allowed for persons who reside fifty  
21 (50) miles or farther from the conference location.

22 (3) Reimbursement of an official, a deputy, or an assistant in  
23 an amount determined by the fiscal body of the unit the  
24 official, deputy, or assistant represents, for meals purchased  
25 while attending a conference called under this section.

26 (g) This subsection applies to a meeting conducted on or after  
27 January 1, 2022. The election division shall certify the number of  
28 days of attendance and the mileage for each conference to each  
29 official, deputy, or assistant attending any conference under this  
30 section.

31 (h) This subsection applies to a meeting conducted on or after  
32 January 1, 2022. All payments of mileage and lodging shall be  
33 made by the proper disbursing officer in the manner provided by  
34 law on a duly verified claim or voucher to which shall be attached  
35 the certificate of the election division showing the number of days  
36 attended and the number of miles traveled. All payments shall be  
37 made from the county general fund from any money not otherwise  
38 appropriated and without any previous appropriation being made  
39 therefor.

40 (i) This subsection applies to a meeting conducted on or after  
41 January 1, 2022. A claim for reimbursement under this section  
42 may not be denied by the body responsible for the approval of  
43 claims if the claim complies with IC 5-11-10-1.6 and this section.

44 SECTION 3. IC 3-10-1-31.1, AS AMENDED BY P.L.193-2021,  
45 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
46 UPON PASSAGE]: Sec. 31.1. (a) The inspector of each precinct shall  
47 deliver the bags required by section 30(a) and 30(c) of this chapter in

1 good condition, together with poll lists, tally sheets, and other forms,  
2 to the circuit court clerk when making returns.

3 (b) Except for unused ballots disposed of under IC 3-11-3-31 or  
4 affidavits received by the county election board under IC 3-14-5-2 for  
5 delivery to the foreman of a grand jury, the circuit court clerk shall seal  
6 the ballots (including provisional ballots) and other material (including  
7 election material related to provisional ballots) during the time allowed  
8 to file a verified petition or cross-petition for a recount of votes or to  
9 contest the election. Except as provided in subsection (c) and  
10 notwithstanding any other provision of state law, after the recount or  
11 contest filing period, the election material, including election material  
12 related to provisional ballots (except for ballots and provisional ballots,  
13 which remain confidential) shall be made available for copying and  
14 inspection under IC 5-14-3. The circuit court clerk shall carefully  
15 preserve the sealed ballots and other material for twenty-two (22)  
16 months, as required by 52 U.S.C. 20701, after which the sealed ballots  
17 and other material are subject to IC 5-15-6 unless an order issued  
18 under:

19 (1) IC 3-12-6-19 or IC 3-12-11-16; or

20 (2) 52 U.S.C. 10301;

21 requires the continued preservation of the ballots or other material.

22 (c) If a petition for a recount or contest is filed, the material for that  
23 election remains confidential until completion of the recount or contest.

24 (d) Upon delivery of the poll lists, the county voter registration  
25 office shall unseal the envelopes containing the poll lists, inspect the  
26 poll lists, and update the registration records of the county. The county  
27 voter registration office shall use the poll lists and information on  
28 affidavits executed under IC 3-10-10, IC 3-10-11, or IC 3-10-12 to  
29 update the registration record to include the voter's voter identification  
30 number if the voter's voter identification number is not already  
31 included in the registration record. Upon completion of the inspection,  
32 the poll list and affidavits shall be preserved with the ballots and other  
33 materials in the manner prescribed by subsection (b) for the period  
34 prescribed by subsections (b) and (c).

35 (e) In addition to the poll lists described in subsection (d), the  
36 county voter registration office shall use the affidavits described by  
37 IC 3-10-10-7, IC 3-10-11-4, and IC 3-10-12-3.4 to update the  
38 registration records of the county as soon as the affidavits are delivered  
39 to the county voter registration office.

40 (f) The county voter registration office shall retain a voter's paper  
41 registration records associated with the address at which the voter is  
42 registered to vote until all of the following are satisfied:

43 (1) The voter's registration at the address stated in the voter's  
44 registration application has been canceled.

45 (2) The general election immediately following the cancellation  
46 of the voter's registration under subdivision (1) has occurred.

- 1           (3) Twenty-four (24) months have elapsed following the general  
2           election described in subdivision (2).
- 3           (g) This subsection does not apply to ballots, including provisional  
4           ballots. Notwithstanding subsection (b), if a county voter registration  
5           office determines that the inspection and copying of precinct election  
6           material would reveal the political parties, candidates, and public  
7           questions for which an individual cast an absentee ballot, the county  
8           voter registration office shall keep confidential only that part of the  
9           election material necessary to protect the secrecy of the voter's ballot.  
10          In addition, the county voter registration office shall keep confidential  
11          information contained in material related to provisional ballots that  
12          identifies an individual, except for the individual's name, address, and  
13          birth date.
- 14          (h) After the expiration of the period described in subsection (b) or  
15          (c), the ballots may be destroyed in the manner provided by  
16          IC 3-11-3-31 or transferred to a state educational institution as  
17          provided by IC 3-12-2-12.
- 18          (i) This subsection applies to a detachable recording unit or  
19          compartment used to record a ballot cast on a direct record electronic  
20          voting system. After the time allowed to file a verified petition or  
21          cross-petition for a recount of votes or to contest the election, the  
22          circuit court clerk shall transfer the data contained in the unit or  
23          compartment to a disc or other recording medium. After transferring  
24          the data, the clerk may clear or erase the unit or compartment. The  
25          circuit court clerk shall carefully preserve the disc or medium used to  
26          record the data for twenty-two (22) months, as required by 52 U.S.C.  
27          20701, after which time the disc or medium may be erased or  
28          destroyed, subject to IC 5-15-6, unless an order requiring the continued  
29          preservation of the disc or medium is issued under the following:
- 30                  (1) IC 3-12-6-19.  
31                  (2) IC 3-12-11-16.  
32                  (3) 52 U.S.C. 10301.
- 33          (j) This subsection applies to a county using an electronic poll book.  
34          After each election, the county shall save all data recorded on the  
35          electronic poll book and any information stored on the dedicated,  
36          private server required under IC 3-11-8-10.3(b)(4). The circuit court  
37          clerk shall carefully preserve the disc or medium used to record the  
38          data for twenty-two (22) months, as required by 52 U.S.C. 20701, after  
39          which time the data may be erased or destroyed, subject to IC 5-15-6,  
40          unless an order requiring the continued preservation of the data is  
41          issued under the following:
- 42                  (1) IC 3-12-6-19.  
43                  (2) IC 3-12-11-16.  
44                  (3) 52 U.S.C. 10301.
- 45          **(k) This section does not prohibit county election officials from**  
46          **performing post-election audits."**

- 1 Page 5, line 11, strike "or fax".  
 2 Page 5, line 14, strike "or fax,"  
 3 Page 5, line 23, strike "(C) transmitted by fax;"  
 4 Page 5, line 24, strike "(D)" and insert "(C)".  
 5 Page 5, line 26, delete "IC 3-11-10-24." and insert "IC 3-11-10-24  
 6 **or for a voter with print disabilities to vote by electronic mail**  
 7 **under section 6(h) of this chapter."**  
 8 Page 19, between lines 3 and 4, begin a new paragraph and insert:  
 9 "SECTION 19. IC 3-14-2-31 IS ADDED TO THE INDIANA CODE  
 10 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
 11 UPON PASSAGE]: **Sec. 31. Except for casting a replacement ballot**  
 12 **in accordance with this title, a voter who votes more than one (1)**  
 13 **ballot in the same election commits a Level 6 felony.**  
 14 SECTION 20. IC 35-52-3-43.5 IS ADDED TO THE INDIANA  
 15 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 16 [EFFECTIVE UPON PASSAGE]: **Sec. 43.5. IC 3-14-2-31 defines a**  
 17 **crime concerning voting.**  
 18 SECTION 21. **An emergency is declared for this act."**  
 19 Renumber all SECTIONS consecutively.  
 (Reference is to HB 1116 as printed January 25, 2022.)

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Representative Wesco