

PROPOSED AMENDMENT

HB 1265 # 8

DIGEST

Voting systems. Provides an exception to the requirement that certain electronic voting systems include a voter verifiable paper audit trail if the voting system is being used to cast an absentee ballot with the absentee voter board.

- 1 Page 15, between lines 40 and 41, begin a new paragraph and insert:
2 "SECTION 15. IC 3-11-14-2, AS AMENDED BY P.L.115-2022,
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 2. (a) Except as provided in subsections (c)
5 and (f), a county election board may use an approved electronic voting
6 system:
7 (1) in any election;
8 (2) in all or in some of the precincts within a political subdivision
9 holding an election; and
10 (3) instead of or in combination with any other voting method.
11 (b) A county election board may use an electronic voting system
12 which includes a voter verifiable paper audit trail if the voting system:
13 (1) otherwise complies with this chapter and IC 3-11-15; and
14 (2) is certified by the Indiana election commission.
15 (c) A county election board may not use an approved electronic
16 voting system purchased, leased, or otherwise acquired by the county
17 after December 31, 2019, unless the system:
18 (1) is certified by the Indiana election commission; and
19 (2) includes a voter verifiable paper audit trail.
20 **This subsection does not apply to a voting system used by a voter**
21 **casting an absentee ballot with the absentee voter board under**
22 **IC 3-11-10-25.** This subsection does not prohibit a county election
23 board from having maintenance performed on an electronic voting
24 system purchased, leased, or otherwise acquired by the county before
25 January 1, 2020.
26 (d) The voter verifiable paper audit trail must contain all of the

1 following:

- 2 (1) The name or code of the election as provided by the voting
3 system.
- 4 (2) The date of the election.
- 5 (3) The date the voter verifiable paper audit trail was printed.
- 6 (4) A security code and record number specific to each paper
7 receipt assigned by the voting system.
- 8 (5) The name or designation of the voter's precinct.
- 9 (6) The name or designation of each office on the voter's ballot.
- 10 (7) The name of the candidate and the designation of the
11 candidate's political party selected by the voter.
- 12 (8) If the voter selects a straight party ticket, the name of the
13 political party ticket the voter selected.
- 14 (9) The following information:
- 15 (A) A description of the text of any public question or judicial
16 retention question on the voter's ballot that:
- 17 (i) contains not more than thirty (30) characters; and
- 18 (ii) the county election board determines reasonably conveys
19 the content of the public question or judicial retention
20 question.
- 21 (B) The response the voter selected for each question.
- 22 (e) The voter verifiable paper audit trail may contain additional
23 information and instructions determined to be useful to the voter by the
24 county election board subject to the design capabilities of the voter
25 verifiable paper audit trail.
- 26 (f) This subsection applies to a county in which any direct record
27 electronic voting system that does not include a voter verifiable paper
28 audit trail is used for an election. A county election board shall not use
29 a direct record electronic voting system in an election after July 1,
30 2022, unless the county election board:
- 31 (1) uses a number of direct record electronic voting systems
32 including a voter verifiable paper audit trail in the election that is
33 equal to or greater than ten percent (10%) of the total number of
34 direct record electronic voting systems owned, leased, or
35 otherwise available to the county as of January 1, 2022, and as of
36 January 1 in each year thereafter;
- 37 (2) determines, not later than July 1, 2022, and January 1 of each
38 year thereafter, the minimum number of direct record electronic
39 voting systems including a voter verifiable paper audit trail
40 necessary to comply with the requirement of this subsection; and

1 (3) files a certification of this determination to the secretary of
2 state not later than August 11, 2022, and February 11 of each year
3 thereafter.

4 **This subsection does not apply to a voting system used by a voter**
5 **casting an absentee ballot with the absentee voter board under**
6 **IC 3-11-10-25."**

7 Renumber all SECTIONS consecutively.
(Reference is to HB 1265 as printed January 25, 2024.)