

HOUSE BILL No. 1078

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-12-3.5-8.

Synopsis: Election audit procedures. Requires that in a precinct using an electronic voting system, the number of votes cast must be reconciled with the number of voters who have received a ballot.

Effective: July 1, 2017.

Slager

January 4, 2017, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1078

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 3-12-3.5-8, AS AMENDED BY P.L.169-2015,
2 SECTION 148, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) After each electronic voting
4 system has been secured and the paper vote total printouts obtained, the
5 inspector **and judge of the opposite political party** shall ~~announce~~
6 **record** the total number of:
7 (1) votes cast on all electronic voting systems located within the
8 precinct, including any absentee ballots cast; **and**
9 (2) **voters who have received a ballot by signing in at the polls,**
10 **including absentee ballots returned according to the poll lists**
11 **for each precinct;**
12 to determine if the total number of votes cast on the electronic voting
13 systems differs from the number of voters shown to have received a
14 ballot at the polls or returned an absentee ballot, according to the poll
15 lists.
16 (b) **The inspector and judge of the opposite political party shall**
17 **record the information set forth in subsection (a) on a form**



1 **prescribed under IC 3-5-4-8 and provided to each precinct under**
 2 **IC 3-11-3-10 by the county election board. The inspector and judge**
 3 **shall sign the form before returning the certificates in accordance**
 4 **with section 4 of this chapter and return the form with the**
 5 **certificates.**

6 ~~(b)~~ (c) If the number of ballots received at the polls and returned as
 7 absentee ballots differs from the total number of voters shown on the
 8 poll lists, the inspector and judge of the opposite party shall report this
 9 fact in writing to the county election board together with the reasons for
 10 the discrepancy, if known, at the time that the inspector and judge
 11 return the precinct poll list to the board **on the form required under**
 12 **subsection (b).**

13 (d) The county election board shall compile the information
 14 described in subsection (a) into a single document listing for each
 15 precinct the difference (if any) between the total number of votes
 16 cast and the number of voters who received a ballot at the polls or
 17 returned an absentee ballot according to the poll list, and the
 18 reasons for the discrepancy in each precinct, as set forth in the
 19 form required for the precinct under subsection (b). Not later than
 20 noon on the second Friday following the election, the county
 21 election board shall discuss and publish the document described in
 22 this subsection at a public hearing and immediately make the
 23 document available for inspection and copying by any voter of the
 24 county.

25 ~~(c)~~ (e) If, in a precinct:

26 (1) the total number of votes cast; ~~as determined under subsection~~
 27 ~~(a)~~; and

28 (2) the number of voters who received a ballot at the polls or
 29 returned an absentee ballot according to the poll lists;

30 ~~differs differ~~ by five (5) or more, then the county election board shall
 31 order an audit of the votes cast in that precinct under this section.
 32 Before ordering an audit, the county election board shall recheck the
 33 computations reported by the inspector and judge under ~~subsection (b).~~
 34 **subsection (c).**

35 ~~(d)~~ (f) The county election board shall confirm that the votes cast in
 36 an election:

37 (1) for each candidate and each public question; and

38 (2) on a direct record electronic voting system in the precinct;

39 were correctly counted.

40 ~~(e)~~ (g) The county election board shall conduct an audit by means
 41 of tests and procedures that are approved by the commission and
 42 independent of the provider of the direct record electronic voting



1 system being audited.
2 ~~(f)~~ **(h)** The county election board shall certify the results of the audit
3 not later than noon thirteen (13) days after the election. The
4 certification must be on the form prescribed by the election division.
5 One (1) copy shall be filed with the election returns, and one (1) copy
6 must be delivered to the election division.
7 ~~(g)~~ **(i)** Public notice of the time and place of an audit shall be given
8 at least forty-eight (48) hours before the audit. The notice shall be
9 published once in accordance with IC 5-3-1-4. However, if publication
10 in accordance with IC 5-3-1-4 will not allow the county election board
11 to certify the results of the audit within thirteen (13) days after the
12 election, notice shall be given by posting at or near the office of the
13 county election board.

