



January 11, 2022

HOUSE BILL No. 1116

DIGEST OF HB 1116 (Updated January 11, 2022 11:44 am - DI 131)

Citations Affected: IC 3-11.

Synopsis: Electronic voting machines. Changes the date by which a county must provide a voter verifiable paper audit trail for electronic voting systems from December 31, 2029, to July 1, 2024. Provides that, after July 1, 2022, a county must meet certain requirements when using any direct record electronic voting system that does not include a voter verifiable paper audit trail for an election.

Effective: Upon passage; July 1, 2022.

Wesco, O'Brien

January 4, 2022, read first time and referred to Committee on Elections and Apportionment.

January 11, 2022, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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January 11, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1116

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 3-11-14-2, AS AMENDED BY P.L.109-2021,
2 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. (a) Except as provided in ~~subsection~~
4 **subsections (c) and (f)**, a county election board may use an approved
5 electronic voting system:
6 (1) in any election;
7 (2) in all or in some of the precincts within a political subdivision
8 holding an election; and
9 (3) instead of or in combination with any other voting method.
10 (b) A county election board may use an electronic voting system
11 which includes a voter verifiable paper audit trail if the voting system:
12 (1) otherwise complies with this chapter and IC 3-11-15; and
13 (2) is certified by the Indiana election commission.
14 (c) A county election board may not use an approved electronic
15 voting system purchased, leased, or otherwise acquired by the county
16 after December 31, 2019, unless the system:
17 (1) is certified by the Indiana election commission; and

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1 (2) includes a ~~voter-verifiable~~ **voter verifiable** paper audit trail.
 2 This subsection does not prohibit a county election board from having
 3 maintenance performed on an electronic voting system purchased,
 4 leased, or otherwise acquired by the county before January 1, 2020.

5 (d) The voter verifiable paper audit trail must contain all of the
 6 following:

7 (1) The name or code of the election as provided by the voting
 8 system.

9 (2) The date of the election.

10 (3) The date the voter verifiable paper audit trail was printed.

11 (4) A security code and record number specific to each paper
 12 receipt assigned by the voting system.

13 (5) The name or designation of the voter's precinct.

14 (6) The name or designation of each office on the voter's ballot.

15 (7) The name of the candidate and the designation of the
 16 candidate's political party selected by the voter.

17 (8) If the voter selects a straight party ticket, the name of the
 18 political party ticket the voter selected.

19 (9) The following information:

20 (A) A description of the text of any public question or judicial
 21 retention question on the voter's ballot that:

22 (i) contains not more than thirty (30) characters; and

23 (ii) the county election board determines reasonably conveys
 24 the content of the public question or judicial retention
 25 question.

26 (B) The response the voter selected for each question.

27 (e) The voter verifiable paper audit trail may contain additional
 28 information and instructions determined to be useful to the voter by the
 29 county election board subject to the design capabilities of the voter
 30 verifiable paper audit trail.

31 **(f) This subsection applies to a county in which any direct**
 32 **record electronic voting system that does not include a voter**
 33 **verifiable paper audit trail is used for an election. A county election**
 34 **board shall not use a direct record electronic voting system in an**
 35 **election after July 1, 2022, unless the county election board:**

36 **(1) uses a number of direct record electronic voting systems**
 37 **including a voter verifiable paper audit trail in the election**
 38 **that is equal to or greater than ten percent (10%) of the total**
 39 **number of direct record electronic voting systems owned,**
 40 **leased, or otherwise available to the county as of January 1,**
 41 **2022, and as of January 1 in each year thereafter;**

42 **(2) determines, not later than July 1, 2022, and January 1 of**



1 **each year thereafter, the minimum number of direct record**
 2 **electronic voting systems including a voter verifiable paper**
 3 **audit trail necessary to comply with the requirement of this**
 4 **subsection; and**

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

8 SECTION 2. IC 3-11-15-13.3, AS AMENDED BY P.L.193-2021,
 9 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2022]: Sec. 13.3. (a) To be approved by the commission for
 11 use in Indiana, a voting system must meet one (1) of the following:

12 (1) The Voting System Standards adopted by the Federal Election
 13 Commission on April 30, 2002.

14 (2) The Voluntary Voting System Guidelines adopted by the
 15 United States Election Assistance Commission on December 13,
 16 2005.

17 (3) The Voluntary Voting System Guidelines adopted by the
 18 United States Election Assistance Commission, as amended on
 19 March 31, 2015.

20 (b) Except as provided in subsection (c), a county may continue to
 21 use an optical scan ballot card voting system or an electronic voting
 22 system whose approval or certification expired on or before October 1,
 23 2021, if the voting system:

24 (1) was:

25 (A) approved by the commission for use in elections in Indiana
 26 before October 1, 2021; and

27 (B) purchased or leased by the county before October 1, 2021;
 28 and

29 (2) otherwise complies with the applicable provisions of HAVA
 30 and this article.

31 However, a voting system vendor may not market, sell, lease, or install
 32 a voting system described in this subsection.

33 (c) A county may not continue to use an electronic voting system
 34 after ~~December 31, 2029~~, **July 1, 2024**, unless the:

35 (1) system includes a voter verifiable paper audit trail; and

36 (2) certification of that system by the commission has not expired.

37 (d) As provided by 52 U.S.C. 21081, to be used in an election in
 38 Indiana, a voting system must be accessible for individuals with
 39 disabilities, including nonvisual accessibility for the blind and visually
 40 impaired, in a manner that provides the same opportunity for access
 41 and participation (including privacy and independence) as for other
 42 voters.



1 (e) As provided by 52 U.S.C. 21081, an election board conducting
2 an election satisfies the requirements of subsection (d) if the election
3 board provides at least one (1) electronic voting system or other voting
4 system equipped for individuals with disabilities at each polling place.

5 (f) If a voter who is otherwise qualified to cast a ballot in a precinct
6 chooses to cast the voter's ballot on the voting system provided under
7 subsection (e), the voter must be allowed to cast the voter's ballot on
8 that voting system, whether or not the voter is an individual with
9 disabilities.

10 **SECTION 3. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1116, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 3-11-14-2, AS AMENDED BY P.L.109-2021, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in ~~subsection~~ **subsections (c) and (f)**, a county election board may use an approved electronic voting system:

- (1) in any election;
- (2) in all or in some of the precincts within a political subdivision holding an election; and
- (3) instead of or in combination with any other voting method.

(b) A county election board may use an electronic voting system which includes a voter verifiable paper audit trail if the voting system:

- (1) otherwise complies with this chapter and IC 3-11-15; and
- (2) is certified by the Indiana election commission.

(c) A county election board may not use an approved electronic voting system purchased, leased, or otherwise acquired by the county after December 31, 2019, unless the system:

- (1) is certified by the Indiana election commission; and
- (2) includes a ~~voter-verifiable~~ **voter verifiable** paper audit trail.

This subsection does not prohibit a county election board from having maintenance performed on an electronic voting system purchased, leased, or otherwise acquired by the county before January 1, 2020.

(d) The voter verifiable paper audit trail must contain all of the following:

- (1) The name or code of the election as provided by the voting system.
- (2) The date of the election.
- (3) The date the voter verifiable paper audit trail was printed.
- (4) A security code and record number specific to each paper receipt assigned by the voting system.
- (5) The name or designation of the voter's precinct.
- (6) The name or designation of each office on the voter's ballot.
- (7) The name of the candidate and the designation of the candidate's political party selected by the voter.
- (8) If the voter selects a straight party ticket, the name of the political party ticket the voter selected.



(9) The following information:

(A) A description of the text of any public question or judicial retention question on the voter's ballot that:

- (i) contains not more than thirty (30) characters; and
- (ii) the county election board determines reasonably conveys the content of the public question or judicial retention question.

(B) The response the voter selected for each question.

(e) The voter verifiable paper audit trail may contain additional information and instructions determined to be useful to the voter by the county election board subject to the design capabilities of the voter verifiable paper audit trail.

(f) This subsection applies to a county in which any direct record electronic voting system that does not include a voter verifiable paper audit trail is used for an election. A county election board shall not use a direct record electronic voting system in an election after July 1, 2022, unless the county election board:

- (1) uses a number of direct record electronic voting systems including a voter verifiable paper audit trail in the election that is equal to or greater than ten percent (10%) of the total number of direct record electronic voting systems owned, leased, or otherwise available to the county as of January 1, 2022, and as of January 1 in each year thereafter;**
- (2) determines, not later than July 1, 2022, and January 1 of each year thereafter, the minimum number of direct record electronic voting systems including a voter verifiable paper audit trail necessary to comply with the requirement of this subsection; and**
- (3) files a certification of this determination to the secretary of state not later than August 11, 2022, and February 11 of each year thereafter."**

Page 2, delete lines 1 through 32.

Page 3, after line 34, begin a new paragraph and insert:
"SECTION 3. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1116 as introduced.)

WESCO

Committee Vote: yeas 11, nays 0.

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