



January 11, 2022

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## HOUSE BILL No. 1116

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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.

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### Wesco, O'Brien

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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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HB 1116—LS 7032/DI 149





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

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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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