



February 20, 2018

ENGROSSED HOUSE BILL No. 1253

DIGEST OF HB 1253 (Updated February 19, 2018 11:17 am - DI 102)

Citations Affected: IC 3-6; IC 3-7; IC 3-10.

Synopsis: Voter list maintenance. Adds a requirement that the circuit court clerk permanently retain the minutes of all meetings of the county election board. Requires the county voter registration office to scan a paper document that creates, amends, or cancels an individual's voter registration record and attach the scanned image to the voter's file in the computerized list. Codifies current administrative procedures ("confidence factors") used by the Indiana election division to determine which potentially duplicate voter registration records to provide to county voter registration offices to assist the county in determining whether a voter of the county has registered more recently in another state. Requires the county voter registration office to retain a voter's paper registration records associated with the address at which the voter is registered to vote until all of the following are satisfied: (1) The voter's registration at the address stated in the voter's registration application has been cancelled. (2) The general election immediately following the cancellation of the voter's registration has occurred. (3) Twenty-four months have elapsed following the general election.

Effective: Upon passage; July 1, 2018.

**Richardson, Saunders, Hatfield,
Moseley**

(SENATE SPONSOR — WALKER)

January 11, 2018, read first time and referred to Committee on Elections and Apportionment.

January 25, 2018, amended, reported — Do Pass.

January 30, 2018, read second time, ordered engrossed. Engrossed.

January 31, 2018, read third time, passed. Yeas 91, nays 0.

SENATE ACTION

February 1, 2018, read first time and referred to Committee on Elections.

February 19, 2018, amended, reported favorably — Do Pass.

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February 20, 2018

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1253

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 3-6-5-13 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2018]: Sec. 13. **(a)** Each county election board
3 shall keep minutes of all meetings of the board, including a written
4 record of the aye and nay vote of each member on all questions coming
5 before the board.

6 **(b) The circuit court clerk shall permanently retain the board**
7 **minutes.**

8 SECTION 2. IC 3-7-33-8 IS ADDED TO THE INDIANA CODE
9 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: **Sec. 8. Upon receiving a paper document that**
11 **creates, amends, or cancels the voter registration record of an**
12 **individual in the computerized list maintained under IC 3-7-26.3,**
13 **the county voter registration office shall scan the paper document**
14 **and attach the scanned image to the voter's file in the computerized**
15 **list. This section requires the scanning of a voter registration**
16 **application that is subsequently rejected.**

17 SECTION 3. IC 3-7-38.2-5, AS AMENDED BY P.L.74-2017,

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1 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 5. (a) To assist in performing voter list
3 maintenance under this chapter, the NVRA official shall submit the
4 names of all registered voters in Indiana to the United States Postal
5 Service National Change of Address Service. The submission under
6 this chapter shall be compiled from the county voter registration
7 information submitted to the election division under IC 3-7-26.3.

8 (b) This subsection does not require the NVRA official to request
9 voter registration data from a state listed in this subsection if the
10 NVRA official will be receiving voter registration data from that state
11 under the memorandum of understanding described in subsection (d).
12 To assist in performing voter list maintenance under this chapter, not
13 later than December 31 of each calendar year the NVRA official shall
14 request that the chief state election official who is responsible for the
15 coordination of state responsibilities under NVRA in each of the
16 following states provide a list of the registered voters in that state:

- 17 (1) Florida.
- 18 (2) Illinois.
- 19 (3) Kentucky.
- 20 (4) Michigan.
- 21 (5) Ohio.

22 (c) The NVRA official shall request a list of registered voters from
23 any other state in which the NVRA official determines there is a
24 reasonable possibility that a significant number of individuals who
25 have registered to vote in Indiana may also be registered to vote in that
26 state.

27 (d) The NVRA official shall execute a memorandum of
28 understanding with the Kansas Secretary of State. Notwithstanding any
29 limitation under IC 3-7-26.4 regarding the availability of certain
30 information from the computerized list, on January 15 of each year, the
31 NVRA official shall provide data from the statewide voter registration
32 list without cost to the Kansas Secretary of State to permit the
33 comparison of voter registration data in the statewide voter registration
34 list with registration data from all other states participating in this
35 memorandum of understanding and to identify any cases in which a
36 voter cast a ballot in more than one (1) state during the same election.
37 Not later than thirty (30) days following the receipt of information
38 under this subsection indicating that a voter of Indiana may also be
39 registered to vote in another state, the NVRA official shall provide the
40 appropriate county voter registration office with the name of and any
41 other information obtained under this subsection concerning that voter,
42 if **both of the following apply:**

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1 (1) The first name, last name, and date of birth of the Indiana
 2 voter is identical to the first name, last name, and date of birth of
 3 the voter registered in the other state.

4 (2) **A comparison of the records indicates that there is a**
 5 **confidence factor that the records are for the same individual**
 6 **resulting from the accumulation of at least seventy-five (75)**
 7 **points based on the following criteria:**

8 (A) **Full Social Security number: 40 points.**

9 (B) **Last four (4) digits of Social Security number: 10**
 10 **points.**

11 (C) **Indiana driver's license or identification card number:**
 12 **50 points.**

13 (D) **Date of birth: 25 points.**

14 (E) **Last Name: 15 points.**

15 (F) **First Name: 15 points.**

16 (G) **Middle Name: 5 points.**

17 (H) **Suffix: 5 points.**

18 (I) **Street Address 1: 10 points.**

19 (J) **Zip Code (first five (5) digits): 5 points.**

20 (e) The county voter registration office shall determine whether the
 21 individual:

22 (1) identified in the report provided by the NVRA official under
 23 ~~this~~ subsection (d) is the same individual who is a registered voter
 24 of the county; and

25 (2) registered to vote in another state on a date following the date
 26 that voter registered in Indiana.

27 ~~(e)~~ (f) If the county voter registration office determines that the
 28 voter is described by subsection ~~(d)~~; (e), the county voter registration
 29 office shall cancel the voter registration of that voter.

30 SECTION 4. IC 3-10-1-31.1, AS AMENDED BY P.L.74-2017,
 31 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2018]: Sec. 31.1. (a) This section applies only to election
 33 materials for elections held after December 31, 2003.

34 (b) The inspector of each precinct shall deliver the bags required by
 35 section 30(a) and 30(c) of this chapter in good condition, together with
 36 poll lists, tally sheets, and other forms, to the circuit court clerk when
 37 making returns.

38 (c) Except for unused ballots disposed of under IC 3-11-3-31 or
 39 affidavits received by the county election board under IC 3-14-5-2 for
 40 delivery to the foreman of a grand jury, the circuit court clerk shall seal
 41 the ballots (including provisional ballots) and other material (including
 42 election material related to provisional ballots) during the time allowed



1 to file a verified petition or cross-petition for a recount of votes or to
 2 contest the election. Except as provided in subsection (d) and
 3 notwithstanding any other provision of state law, after the recount or
 4 contest filing period, the election material, including election material
 5 related to provisional ballots (except for ballots and provisional ballots,
 6 which remain confidential) shall be made available for copying and
 7 inspection under IC 5-14-3. The circuit court clerk shall carefully
 8 preserve the sealed ballots and other material for twenty-two (22)
 9 months, as required by 52 U.S.C. 20701, after which the sealed ballots
 10 and other material are subject to IC 5-15-6 unless an order issued
 11 under:

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

13 (2) 52 U.S.C. 10301;

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

15 (d) If a petition for a recount or contest is filed, the material for that
 16 election remains confidential until completion of the recount or contest.

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

28 (f) In addition to the poll lists described in subsection (e), the county
 29 voter registration office shall use the affidavits described by
 30 IC 3-10-10-7, IC 3-10-11-4, and IC 3-10-12-3.4 to update the
 31 registration records of the county as soon as the affidavits are delivered
 32 to the county voter registration office.

33 **(g) The county voter registration office shall retain a voter's**
 34 **paper registration records associated with the address at which the**
 35 **voter is registered to vote until all of the following are satisfied:**

36 **(1) The voter's registration at the address stated in the voter's**
 37 **registration application has been cancelled.**

38 **(2) The general election immediately following the**
 39 **cancellation of the voter's registration under subdivision (1)**
 40 **has occurred.**

41 **(3) Twenty-four (24) months have elapsed following the**
 42 **general election described in subdivision (2).**



1 ~~(g)~~ **(h)** This subsection does not apply to ballots, including
 2 provisional ballots. Notwithstanding subsection (c), if a county voter
 3 registration office determines that the inspection and copying of
 4 precinct election material would reveal the political parties, candidates,
 5 and public questions for which an individual cast an absentee ballot,
 6 the county voter registration office shall keep confidential only that part
 7 of the election material necessary to protect the secrecy of the voter's
 8 ballot. In addition, the county voter registration office shall keep
 9 confidential information contained in material related to provisional
 10 ballots that identifies an individual, except for the individual's name,
 11 address, and birth date.

12 ~~(h)~~ **(i)** After the expiration of the period described in subsection (c)
 13 or (d), the ballots may be destroyed in the manner provided by
 14 IC 3-11-3-31 or transferred to a state educational institution as
 15 provided by IC 3-12-2-12.

16 ~~(i)~~ **(j)** This subsection applies to a detachable recording unit or
 17 compartment used to record a ballot cast on a direct record electronic
 18 voting system. After the time allowed to file a verified petition or
 19 cross-petition for a recount of votes or to contest the election, the
 20 circuit court clerk shall transfer the data contained in the unit or
 21 compartment to a disc or other recording medium. After transferring
 22 the data, the clerk may clear or erase the unit or compartment. The
 23 circuit court clerk shall carefully preserve the disc or medium used to
 24 record the data for twenty-two (22) months, as required by 52 U.S.C.
 25 20701, after which time the disc or medium may be erased or
 26 destroyed, subject to IC 5-15-6, unless an order requiring the continued
 27 preservation of the disc or medium is issued under the following:

28 (1) IC 3-12-6-19.

29 (2) IC 3-12-11-16.

30 (3) 52 U.S.C. 10301.

31 **SECTION 5. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1253, 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 14.

Page 3, delete lines 28 through 42.

Delete pages 4 through 6.

Page 7, delete lines 1 through 30.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1253 as introduced.)

RICHARDSON

Committee Vote: yeas 11, nays 0.

 COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1253, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-6-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. (a) Each county election board shall keep minutes of all meetings of the board, including a written record of the aye and nay vote of each member on all questions coming before the board.

(b) The circuit court clerk shall permanently retain the board minutes.

SECTION 2. IC 3-7-33-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **Upon receiving a paper document that creates, amends, or cancels the voter registration record of an individual in the computerized list maintained under IC 3-7-26.3, the county voter registration office shall scan the paper document and attach the scanned image to the voter's file in the computerized**

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list. This section requires the scanning of a voter registration application that is subsequently rejected."

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 4. IC 3-10-1-31.1, AS AMENDED BY P.L.74-2017, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 31.1. (a) This section applies only to election materials for elections held after December 31, 2003.

(b) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

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

- (1) IC 3-12-6-19 or IC 3-12-11-16; or
- (2) 52 U.S.C. 10301;

requires the continued preservation of the ballots or other material.

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

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



prescribed by subsections (c) and (d).

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

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

- (1) The voter's registration at the address stated in the voter's registration application has been cancelled.**
- (2) The general election immediately following the cancellation of the voter's registration under subdivision (1) has occurred.**
- (3) Twenty-four (24) months have elapsed following the general election described in subdivision (2).**

~~(g)~~ **(h)** This subsection does not apply to ballots, including provisional ballots. Notwithstanding subsection (c), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot. In addition, the county voter registration office shall keep confidential information contained in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date.

~~(h)~~ **(i)** After the expiration of the period described in subsection (c) or (d), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

~~(i)~~ **(j)** This subsection applies to a detachable recording unit or compartment used to record a ballot cast on a direct record electronic voting system. After the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election, the circuit court clerk shall transfer the data contained in the unit or compartment to a disc or other recording medium. After transferring the data, the clerk may clear or erase the unit or compartment. The circuit court clerk shall carefully preserve the disc or medium used to record the data for twenty-two (22) months, as required by 52 U.S.C. 20701, after which time the disc or medium may be erased or destroyed, subject to IC 5-15-6, unless an order requiring the continued



preservation of the disc or medium is issued under the following:

- (1) IC 3-12-6-19.
- (2) IC 3-12-11-16.
- (3) 52 U.S.C. 10301."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1253 as printed January 26, 2018.)

WALKER, Chairperson

Committee Vote: Yeas 8, Nays 0.

