

SENATE BILL No. 170

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-19.8; IC 3-11-14-2; IC 3-14-3.

Synopsis: Various elections matters. Defines "election worker" and makes it a Level 6 felony to take certain actions: (1) for the purpose of influencing an election worker; (2) to obstruct or interfere with an election worker; or (3) that injure an election worker. 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.

Effective: Upon passage.

Walker G

January 8, 2024, read first time and referred to Committee on Elections.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 170

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 3-5-2-19.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 19.8. "Election worker" means an**
4 **individual who:**
5 **(1) serves as:**
6 **(A) the secretary of state;**
7 **(B) an employee of the election division;**
8 **(C) a member of the commission;**
9 **(D) a precinct election officer, including an individual who**
10 **serves as a precinct election officer at a vote center using**
11 **a different title under IC 3-6-6-5.5;**
12 **(E) a member of a county election board;**
13 **(F) a member of a county board of elections and**
14 **registration;**
15 **(G) a member of a board of registration established under**
16 **IC 3-7-12;**
17 **(H) a circuit court clerk;**



- 1 **(I) an employee of the office of a circuit court clerk;**
 2 **(J) a member of a town election board;**
 3 **(K) an individual who serves under IC 3-6-6-39;**
 4 **(L) a challenger or pollbook holder under IC 3-6-7;**
 5 **(M) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10; or**
 6 **(N) an individual appointed under IC 3-11.5-4:**
 7 **(i) to an absentee voter board;**
 8 **(ii) as an absentee ballot counter; or**
 9 **(iii) as a courier; or**
 10 **(2) either:**
 11 **(A) works in exchange for compensation; or**
 12 **(B) volunteers;**
 13 **at a precinct or vote center under the supervision of one (1) or**
 14 **more of the individuals listed in subdivision (1)(A) through**
 15 **(1)(N).**

16 SECTION 2. IC 3-11-14-2, AS AMENDED BY P.L.115-2022,
 17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 2. (a) Except as provided in subsections (c)
 19 and (f), a county election board may use an approved electronic voting
 20 system:

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

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

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

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

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

34 **This subsection does not apply to a voting system used by a voter**
 35 **casting an absentee ballot with the absentee voter board under**
 36 **IC 3-11-10-25.** This subsection does not prohibit a county election
 37 board from having maintenance performed on an electronic voting
 38 system purchased, leased, or otherwise acquired by the county before
 39 January 1, 2020.

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

- 42 (1) The name or code of the election as provided by the voting



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



1 **casting an absentee ballot with the absentee voter board under**
 2 **IC 3-11-10-25.**

3 SECTION 3. IC 3-14-3-4, AS AMENDED BY P.L.158-2013,
 4 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 4. (a) A person who:

6 (1) knowingly obstructs or interferes with an election ~~officer~~
 7 **worker** in the discharge of the ~~officer's~~ **election worker's** duty;

8 or

9 (2) knowingly obstructs or interferes with a voter within the
 10 chute;

11 commits a Level 6 felony.

12 (b) A person who knowingly injures an election ~~officer~~ **worker** or
 13 a voter:

14 (1) in the exercise of the ~~officer's~~ **election worker's** or voter's
 15 rights or duties; or

16 (2) because the ~~officer~~ **election worker** or voter has exercised the
 17 ~~officer's~~ **election worker's** or voter's rights or duties;

18 commits a Level 6 felony.

19 (c) A person called as a witness to testify against another for a
 20 violation of this section is a competent witness to prove the offense
 21 even though the person may have been a party to the violation. The
 22 person shall be compelled to testify as other witnesses. However, the
 23 person's evidence may not be used against the person in a prosecution
 24 growing out of matters about which the person testifies, and the person
 25 is not liable to indictment or information for the offense.

26 SECTION 4. IC 3-14-3-18, AS AMENDED BY P.L.158-2013,
 27 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 18. (a) As used in this section, "candidate"
 29 includes an individual whom the person knows is considering
 30 becoming a candidate.

31 (b) A person who, for the purpose of influencing a voter, **an election**
 32 **worker**, or a candidate, does any of the following commits a Level 6
 33 felony:

34 (1) Seeks to enforce the payment of a debt by force or threat of
 35 force.

36 (2) Ejects or threatens to eject the voter, **election worker**, or
 37 candidate from a house the voter, **election worker**, or candidate
 38 occupies.

39 (3) Begins a criminal prosecution.

40 (4) Damages the business or trade of the voter, **election worker**,
 41 or candidate.

42 (5) Communicates a threat to commit a forcible felony (as defined



1 in IC 35-31.5-2-138) against a voter, **an election worker**, or a
2 candidate with the intent that the voter, **election worker**, or
3 candidate:
4 (A) engage in conduct against the voter's, **election worker's**,
5 or candidate's will; or
6 (B) be placed in fear of retaliation for a prior lawful act as a
7 voter, **an election worker**, or a candidate.
8 **SECTION 5. An emergency is declared for this act.**

