



February 21, 2014

ENGROSSED SENATE BILL No. 185

DIGEST OF SB 185 (Updated February 19, 2014 6:20 pm - DI 75)

Citations Affected: IC 3-10; IC 3-11; IC 3-12.

Synopsis: Initials on ballots at vote centers. Permits a vote center county that uses electronic poll books to print on the back of a ballot card using a printer separate from the electronic poll list, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the system (instead of the poll clerks manually initialing the back of each ballot card).

Effective: Upon passage; April 1, 2014.

Yoder, Banks, Arnold J

(HOUSE SPONSORS — OBER, CULVER, WESCO)

January 8, 2014, read first time and referred to Committee on Elections.

January 27, 2014, amended, reported favorably — Do Pass.

January 30, 2014, read second time, ordered engrossed.

January 31, 2014, engrossed.

February 3, 2014, read third time, passed. Yeas 47, nays 1.

HOUSE ACTION

February 10, 2014, read first time and referred to Committee on Elections and Apportionment.

February 20, 2014, amended, reported — Do Pass.

ES 185—LS 6275/DI 102



February 21, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED SENATE BILL No. 185

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 3-10-1-24, AS AMENDED BY P.L.271-2013,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 24. (a) A voter who desires to vote must give
4 the voter's name and political party to the poll clerks of the precinct on
5 primary election day. **In a vote center county using an electronic poll
6 list, two (2) election officers who are not members of the same
7 political party must be present when a voter signs in on the
8 electronic poll list.** The poll clerks shall require the voter to write the
9 following on the poll list or to provide the following information for
10 entry into the electronic poll list:
11 (1) The voter's name.
12 (2) Except as provided in subsection (d), the voter's current
13 residence address.
14 (3) The name of the voter's party.
15 (b) The poll clerks shall:
16 (1) ask the voter to provide or update the voter's voter

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- 1 identification number;
- 2 (2) tell the voter the number the voter may use as a voter
- 3 identification number; and
- 4 (3) explain to the voter that the voter is not required to provide a
- 5 voter identification number at the polls.
- 6 (c) If the voter is unable to sign the voter's name, the voter must sign
- 7 the poll list by mark, which must be witnessed by one (1) of the poll
- 8 clerks or assistant poll clerks acting under IC 3-6-6, who shall place the
- 9 poll clerk's or assistant poll clerk's initials after or under the mark.
- 10 (d) The electronic poll list (or each line on a poll list sheet provided
- 11 to take a voter's current residence address) must include a box under
- 12 the heading "Address Unchanged" so that the voter may check the box
- 13 instead of writing the voter's current address on the poll list, or if an
- 14 electronic poll list is used, the poll clerk may check the box after
- 15 stating to the voter the address shown on the electronic poll list and
- 16 receiving an oral affirmation from the voter that the voter's residence
- 17 address shown on the poll list is the voter's current residence address
- 18 instead of writing the voter's current residence address on the poll list
- 19 or reentering the address in the electronic poll list.
- 20 (e) If the voter makes:
- 21 (1) a written affirmation on the poll list that the voter resides at an
- 22 address within the precinct but not at the address shown on the
- 23 poll list for the precinct; or
- 24 (2) an oral affirmation of a change of address under IC 3-7-39-7;
- 25 the county election board shall direct the county voter registration
- 26 office to transfer the individual's voter registration record to the address
- 27 within the precinct indicated by the voter.
- 28 SECTION 2. IC 3-11-3-23 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) The cards
- 30 required by section 22 of this chapter must contain instructions to the
- 31 voters as to what must be done to:
- 32 (1) obtain ballots for voting;
- 33 (2) prepare ballots for voting; and
- 34 (3) obtain a new ballot in place of one accidentally defaced,
- 35 mutilated, or spoiled.
- 36 (b) The cards must contain, in underlined type, the following:
- 37 (1) That it is a crime to violate Indiana election laws.
- 38 (2) That the voter should examine the ballot to determine if it
- 39 contains **whether the back of the ballot has:**
- 40 (A) the initials of the poll clerks in ink; ~~or on the back of the~~
- 41 ~~ballot.~~
- 42 (B) the printed initials of the poll clerks, in a vote center



- 1 **county using an electronic poll list and a printer separate**
 2 **from the electronic poll list that prints on the back of each**
 3 **ballot card, immediately before the ballot card is delivered**
 4 **to the voter, the printed initials of the poll clerks captured**
 5 **through the electronic signature pad or tablet at the time**
 6 **the poll clerks log into the electronic poll book system.**
- 7 (3) That the voter should examine the ballot to determine if the
 8 ballot has any mark (other than the initials of the poll clerks)
 9 before voting.
- 10 (4) That the voter should not make any mark on the ballot except
 11 a voting mark in the manner provided by IC 3-12-1 because a
 12 mark other than a voting mark may void the ballot.
- 13 (5) That the voter should return the ballot to the poll clerks and
 14 request another ballot if:
- 15 (A) the poll clerks' initials have not been properly placed on
 16 the ballot;
- 17 (B) the ballot has a mark (other than the initials of the poll
 18 clerks) before the voter places a voting mark on the ballot; or
- 19 (C) the voter has improperly marked the ballot.
- 20 (c) The cards must also set out copies of IC 3-14-2-16,
 21 IC 3-14-2-17, IC 3-14-3-10, IC 3-14-3-13, IC 3-14-3-15, IC 3-14-3-16,
 22 and IC 3-14-4-9.
- 23 SECTION 3. IC 3-11-8-10.3, AS AMENDED BY SEA 24-2014,
 24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 APRIL 1, 2014]: Sec. 10.3. (a) As used in this section, "electronic poll
 26 list" refers to a poll list that is maintained in a computer data base.
- 27 (b) An electronic poll list must satisfy all of the following:
- 28 (1) An electronic poll list must be programmed so that the
 29 coordinated action of two (2) election officers who are not
 30 members of the same political party is necessary to access the
 31 electronic poll list.
- 32 (2) An electronic poll list may not be connected to a voting
 33 system.
- 34 (3) An electronic poll list may not permit access to voter
 35 information other than:
- 36 (A) information provided on the certified list of voters
 37 prepared under IC 3-7-29-1; or
- 38 (B) information concerning any of the following received or
 39 issued after the electronic poll list has been downloaded by the
 40 county election board under IC 3-7-29-6:
- 41 (i) The county's receipt of an absentee ballot from the voter.
- 42 (ii) The county's receipt of additional documentation



- 1 provided by the voter to the county voter registration office.
 2 (iii) The county's issuance of a certificate of error.
 3 (4) The information contained on an electronic poll list must be
 4 encrypted and placed on a dedicated, private server to secure
 5 connectivity between a precinct polling place or satellite absentee
 6 office and the county election board. The electronic poll book
 7 must have the capability of:
 8 (A) storing (in external or internal memory) a local version of
 9 the data base; and
 10 (B) producing a list of audit records that reflect all of the
 11 idiosyncrasies of the system, including in-process audit
 12 records that set forth all transactions.
 13 (5) The electronic poll list must permit a poll clerk to enter
 14 information regarding an individual who has appeared to vote to
 15 verify whether the individual is eligible to vote, and if so, whether
 16 the voter has:
 17 (A) already cast a ballot at the election;
 18 (B) returned an absentee ballot; or
 19 (C) submitted any additional documentation required under
 20 IC 3-7-33-4.5.
 21 (6) After the voter has been provided with a ballot, the electronic
 22 poll list must permit a poll clerk to enter information indicating
 23 that the voter has voted at the election.
 24 (7) The electronic poll list must transmit the information in
 25 subdivision (6) to the county election board so that the board may
 26 transmit the information immediately to every other polling place
 27 or satellite absentee office in the county in which an electronic
 28 poll list is being used.
 29 (8) The electronic poll list must permit reports to be:
 30 (A) generated by a county election board for a watcher
 31 appointed under IC 3-6-8 at any time during election day; and
 32 (B) electronically transmitted by the county election board to
 33 a political party or independent candidate who has appointed
 34 a watcher under IC 3-6-8.
 35 (9) On each day after absentee ballots are cast before an absentee
 36 voter board in the circuit court clerk's office, a satellite office, or
 37 a vote center, and after election day, the electronic poll list must
 38 permit voter history to be quickly and accurately uploaded into
 39 the computerized list.
 40 (10) The electronic poll list must be able to display an electronic
 41 image of the signature of a voter taken from the voter's
 42 registration application, if available.



- 1 (11) The electronic poll list must be used with a signature pad,
 2 tablet, or other signature capturing device that permits the voter
 3 to make an electronic signature for comparison with the signature
 4 displayed under subdivision (10). An image of the electronic
 5 signature made by the voter on the signature pad, tablet, or other
 6 signature capturing device must be retained and identified as the
 7 signature of the voter for the period required for retention under
 8 IC 3-10-1-31.1.
- 9 (12) The electronic poll list must include a bar code reader or
 10 tablet that:
- 11 (A) permits a voter who presents an Indiana driver's license or
 - 12 a state identification card issued under IC 9-24-16 to scan the
 - 13 license or card through the bar code reader or tablet; and
 - 14 (B) has the capability to display the voter's registration record
 - 15 upon processing the information contained within the bar code
 - 16 on the license or card.
- 17 **(13) A printer separate from the electronic poll list used in a**
 18 **vote center county may be programmed to print on the back**
 19 **of a ballot card, immediately before the ballot card is**
 20 **delivered to the voter, the printed initials of the poll clerks**
 21 **captured through the electronic signature pad or tablet at the**
 22 **time the poll clerks log into the electronic poll book system.**
- 23 ~~(13)~~ (14) The electronic poll list must be compatible with:
- 24 (A) any hardware attached to the poll book, such as signature
 - 25 pads, bar code scanners, and network cards;
 - 26 (B) the statewide voter registration system; and
 - 27 (C) any software system used to prepare voter information to
 - 28 be included on the electronic poll list.
- 29 ~~(14)~~ (15) The electronic poll list must have the ability to be used
 30 in conformity with this title for:
- 31 (A) any type of election conducted in Indiana; or
 - 32 (B) any combination of elections held concurrently with a
 - 33 general election, municipal election, primary election, or
 - 34 special election.
- 35 ~~(15)~~ (16) The procedures for setting up, using, and shutting down
 36 an electronic poll list must:
- 37 (A) be reasonably easy for a precinct election officer to learn,
 - 38 understand, and perform; and
 - 39 (B) not require a significant amount of training in addition to
 - 40 the training required by IC 3-6-6-40.
- 41 ~~(16)~~ (17) The electronic poll list must enable a precinct election
 42 officer to verify that the electronic poll list:



- 1 (A) has been set up correctly;
 2 (B) is working correctly so as to verify the eligibility of the
 3 voter;
 4 (C) is correctly recording that a voter has voted; and
 5 (D) has been shut down correctly.
 6 ~~(17)~~ **(18)** The electronic poll list must include the following
 7 documentation:
 8 (A) Plainly worded, complete, and detailed instructions
 9 sufficient for a precinct election officer to set up, use, and shut
 10 down the electronic poll list.
 11 (B) Training materials that:
 12 (i) may be in written or video form; and
 13 (ii) must be in a format suitable for use at a polling place,
 14 such as simple "how to" guides.
 15 (C) Failsafe data recovery procedures for information included
 16 in the electronic poll list.
 17 (D) Usability tests:
 18 (i) that are conducted by the manufacturer of the electronic
 19 poll list using individuals who are representative of the
 20 general public;
 21 (ii) that include the setting up, using, and shutting down of
 22 the electronic poll list; and
 23 (iii) that report their results using the ANSI/INCITS -354
 24 Common Industry Format (CIF) for Usability Test Reports
 25 approved by the American National Standards Institute
 26 (ANSI) on December 12, 2001.
 27 (E) A clear model of the electronic poll list system architecture
 28 and the following documentation:
 29 (i) End user documentation.
 30 (ii) System-level documentation.
 31 (iii) Developer documentation.
 32 (F) Detailed information concerning:
 33 (i) electronic poll list consumables; and
 34 (ii) the vendor's supply chain for those consumables.
 35 (G) Vendor internal quality assurance procedures and any
 36 internal or external test data and reports available to the
 37 vendor concerning the electronic poll list.
 38 (H) Repair and maintenance policies for the electronic poll
 39 list.
 40 (I) As of the date of the vendor's application for approval of
 41 the electronic poll list by the secretary of state as required by
 42 IC 3-11-18.1-12, the following:



- 1 (i) A list of customers who are using or have previously used
2 the vendor's electronic poll list.
- 3 (ii) A description of any known anomalies involving the
4 functioning of the electronic poll list, including how those
5 anomalies were resolved.
- 6 ~~(18)~~ **(19)** The electronic poll list and any hardware attached to the
7 poll book must be designed to prevent injury or damage to any
8 individual or the hardware, including fire and electrical hazards.
- 9 ~~(19)~~ **(20)** The electronic poll list must demonstrate that it correctly
10 processes all activity regarding each voter registration record
11 included on the list, including the use, alteration, storage, and
12 transmittal of information that is part of the record. Compliance
13 with this subdivision requires the mapping of the data life cycle
14 of the voter registration record as processed by the electronic poll
15 list.
- 16 ~~(20)~~ **(21)** The electronic poll list must successfully perform in
17 accordance with all representations concerning functionality,
18 usability, security, accessibility, and sustainability made in the
19 vendor's application for approval of the electronic poll list by the
20 secretary of state as required by IC 3-11-18.1-12.
- 21 ~~(21)~~ **(22)** The electronic poll list must have the capacity to
22 transmit all information generated by the voter or poll clerk as
23 part of the process of casting a ballot, including the time and date
24 stamp indicating when the voter voted, and the electronic
25 signature of the voter, for retention on the dedicated private server
26 maintained by the county election board for the period required
27 by Indiana and federal law.
- 28 ~~(22)~~ **(23)** The electronic poll list must:
- 29 (A) permit a voter to sign the poll list even when there is a
30 temporary interruption in connectivity to the Internet; and
- 31 (B) provide for the uploading of each signature and its
32 assignment to the voter's registration record.
- 33 SECTION 4. IC 3-11-8-25.1, AS AMENDED BY P.L.219-2013,
34 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e),
36 a voter who desires to vote an official ballot at an election shall provide
37 proof of identification.
- 38 (b) Except as provided in subsection (e), before the voter proceeds
39 to vote in the election, a precinct election officer shall ask the voter to
40 provide proof of identification. One (1) of each of the precinct election
41 officers nominated by each county chairman of a major political party
42 of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter



1 to provide proof of identification. The voter shall produce the proof of
 2 identification to each precinct officer requesting the proof of
 3 identification before being permitted to sign the poll list.

4 (c) If:

5 (1) the voter is unable or declines to present the proof of
 6 identification; or

7 (2) a member of the precinct election board determines that the
 8 proof of identification provided by the voter does not qualify as
 9 proof of identification under IC 3-5-2-40.5;

10 a member of the precinct election board shall challenge the voter as
 11 prescribed by this chapter.

12 (d) If the voter executes a challenged voter's affidavit under section
 13 22.1 of this chapter, the voter may:

14 (1) sign the poll list; and

15 (2) receive a provisional ballot.

16 (e) A voter who votes in person at a precinct polling place that is
 17 located at a state licensed care facility where the voter resides is not
 18 required to provide proof of identification before voting in an election.

19 (f) After a voter has passed the challengers or has been sworn in, the
 20 voter shall be instructed by a member of the precinct election board to
 21 proceed to the location where the poll clerks are stationed. **In a vote
 22 center county using an electronic poll list, two (2) election officers
 23 who are not members of the same political party must be present
 24 when a voter signs in on the electronic poll list.** The voter shall
 25 announce the voter's name to the poll clerks or assistant poll clerks. A
 26 poll clerk, an assistant poll clerk, or a member of the precinct election
 27 board shall require the voter to write the following on the poll list or to
 28 provide the following information for entry into the electronic poll list:

29 (1) The voter's name.

30 (2) Except as provided in subsection (k), the voter's current
 31 residence address.

32 (g) The poll clerk, an assistant poll clerk, or a member of the
 33 precinct election board shall:

34 (1) ask the voter to provide or update the voter's voter
 35 identification number;

36 (2) tell the voter the number the voter may use as a voter
 37 identification number; and

38 (3) explain to the voter that the voter is not required to provide or
 39 update a voter identification number at the polls.

40 (h) The poll clerk, an assistant poll clerk, or a member of the
 41 precinct election board shall ask the voter to provide proof of
 42 identification.



1 (i) In case of doubt concerning a voter's identity, the precinct
 2 election board shall compare the voter's signature with the signature on
 3 the affidavit of registration or any certified copy of the signature
 4 provided under IC 3-7-29 or enter the information into the electronic
 5 poll list. If the board determines that the voter's signature is authentic,
 6 the voter may then vote. If either poll clerk doubts the voter's identity
 7 following comparison of the signatures, the poll clerk shall challenge
 8 the voter in the manner prescribed by section 21 of this chapter.

9 (j) If, in a precinct governed by subsection (g):

10 (1) the poll clerk does not execute a challenger's affidavit; or

11 (2) the voter executes a challenged voter's affidavit under section
 12 22.1 of this chapter or executed the affidavit before signing the
 13 poll list;

14 the voter may then vote.

15 (k) The electronic poll list (or each line on a poll list sheet provided
 16 to take a voter's current address) must include a box under the heading
 17 "Address Unchanged" so that the voter may check the box instead of
 18 writing the voter's current address on the poll list, or if an electronic
 19 poll list is used, the poll clerk may check the box after stating to the
 20 voter the address shown on the electronic poll list and receiving an oral
 21 affirmation from the voter that the voter's residence address shown on
 22 the poll list is the voter's current residence address instead of writing
 23 the voter's current residence address on the poll list or reentering the
 24 address in the electronic poll list.

25 (l) If the voter indicates that the voter's current residence is located
 26 within another county in Indiana, the voter is considered to have
 27 directed the county voter registration office of the county where the
 28 precinct is located to cancel the voter registration record within the
 29 county. The precinct election board shall provide the voter with a voter
 30 registration application for the voter to complete and file with the
 31 county voter registration office of the county where the voter's current
 32 residence address is located.

33 (m) If the voter indicates that the voter's current residence is located
 34 outside Indiana, the voter is considered to have directed the county
 35 voter registration office of the county where the precinct is located to
 36 cancel the voter registration record within the county.

37 SECTION 5. IC 3-11-10-27 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) This section
 39 does not apply to a ballot mailed to a voter under this chapter.

40 (b) Subject to IC 3-5-4-9, before a ballot is voted under section 25
 41 or 26 of this chapter before an absentee voter board, it must bear the
 42 circuit court clerk's official seal and signature or facsimile signature



- 1 and be initialed by:
- 2 (1) the absentee voter board visiting the voter under section 25(b)
- 3 of this chapter (except in a county subject to subsection (c)); or
- 4 (2) the county election board or the board's designated
- 5 representatives under IC 3-11-4-19 if the ballot is cast at the
- 6 office of the circuit court clerk under section 26 of this chapter.
- 7 (c) A county election board may adopt a resolution providing that
- 8 the absentee ballots to be voted before an absentee voter board visiting
- 9 the voter under section 25(b) of this chapter must be initialed by the
- 10 county election board or the board's representatives under IC 3-11-4-19
- 11 and not by the absentee voter board visiting the voter. A resolution
- 12 adopted under this subsection remains in effect until rescinded by the
- 13 county election board. The election board may not rescind the
- 14 resolution during the final sixty (60) days before an election.
- 15 (d) The initials must be:
- 16 (1) in ink on the back of the ballot, in the person's ordinary
- 17 handwriting or printing, and without a distinguishing mark of any
- 18 kind; or
- 19 (2) **in a vote center county using an electronic poll list:**
- 20 (A) **printed on the back of the ballot by a printer separate**
- 21 **from the electronic poll list, immediately before the ballot**
- 22 **is delivered to the voter; and**
- 23 (B) **the initials of the county election board or the board's**
- 24 **representatives captured through the electronic signature**
- 25 **pad or tablet at the time the county election board or the**
- 26 **board's representatives log into the electronic poll book**
- 27 **system.**
- 28 (e) No other initialing of the absentee ballot is necessary.
- 29 SECTION 6. IC 3-11-13-19 IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) **Except as**
- 31 **provided in subsection (b),** each circuit court clerk shall print or
- 32 stamp the precinct number or designation and a line for each poll
- 33 clerk's initials on both a ballot card and the ballot card's secrecy
- 34 envelope before the election.
- 35 (b) **In a vote center county using an electronic poll list, the**
- 36 **circuit court clerk shall not print or stamp the information**
- 37 **required by subsection (a) if the precinct number or designation**
- 38 **and the printed initials of the poll clerks captured through the**
- 39 **electronic signature pad or tablet at the time the poll clerks log into**
- 40 **the electronic poll book system are printed by a printer separate**
- 41 **from the electronic poll list on the back of each ballot card**
- 42 **immediately before the ballot card is delivered to the voter.**



1 SECTION 7. IC 3-11-13-28 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) This section
 3 does not apply to a ballot card voted by absentee ballot.

4 (b) **Except as provided in subsection (c),** the two (2) poll clerks of
 5 each precinct shall place their initials in ink on the back of each ballot
 6 card at the time the card is issued to a voter. The initials must be in the
 7 poll clerks' ordinary handwriting or printing and without a
 8 distinguishing mark of any kind.

9 (c) **In a vote center county using an electronic poll list and a
 10 printer separate from the electronic poll list, the printed initials of
 11 the poll clerks captured through the electronic signature pad or
 12 tablet at the time the poll clerks log into the electronic poll book
 13 system may be printed by a printer separate from the electronic
 14 poll list on the back of each ballot card immediately before the
 15 ballot card is delivered to the voter.**

16 (d) Except as provided in IC 3-12-1-12, a ballot card is not valid
 17 unless, **immediately before the ballot card is delivered to the voter:**

18 (1) **the ballot card** is initialed by both poll clerks; **or**

19 (2) **the initials of both poll clerks are printed on the back of
 20 the ballot card in accordance with subsection (c).**

21 SECTION 8. IC 3-11-13-29, AS AMENDED BY P.L.164-2006,
 22 SECTION 116, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) In addition to the
 24 instructions printed on the ballot card or ballot labels, instructions to
 25 voters shall be posted in each voting booth or placed on the marking
 26 device. Each voter shall be instructed by both judges, on request, on
 27 how to operate the voting device before the voter enters the voting
 28 booth.

29 (b) The instructions posted in the voting booth or placed on the
 30 marking device must state the following:

31 (1) That the voter should examine the ballot card to determine if
 32 ~~it contains~~ **whether the back of the ballot card has:**

33 (A) the initials of the poll clerks in ink; ~~or on the back of the~~
 34 card.

35 (B) **the printed initials of the poll clerks, in a vote center
 36 county using an electronic poll list and a printer separate
 37 from the electronic poll list that prints on the back of each
 38 ballot card, immediately before the ballot card is delivered
 39 to the voter, the printed initials of the poll clerks captured
 40 through the electronic signature pad or tablet at the time
 41 the poll clerks log into the electronic poll book system.**

42 (2) That the voter should not make an unnecessary mark on the



- 1 ballot card because the mark may void the card.
- 2 (3) That the voter should examine the ballot card to determine if
- 3 the card has any mark (other than the initials of the poll clerks)
- 4 before voting.
- 5 (4) That the voter should return the ballot card to the poll clerks
- 6 and request another ballot card if:
- 7 (A) the poll clerks' initials have not been properly placed on
- 8 the card;
- 9 (B) the card has a mark (other than the initials of the poll
- 10 clerks) before the voter places a voting mark on the ballot; or
- 11 (C) the voter has improperly marked the card.
- 12 (5) That the voter should examine the ballot card after voting to
- 13 determine that all marks made on the card to indicate the voter's
- 14 selections have been completely marked.
- 15 (c) As provided by 42 U.S.C. 15481, a voter casting an optical scan
- 16 ballot card under this section must be:
- 17 (1) permitted to verify in a private and independent manner the
- 18 votes selected by the voter before the ballot is cast and counted;
- 19 (2) provided the opportunity to change the ballot or correct any
- 20 error in a private and independent manner before the ballot is cast
- 21 and counted, including the opportunity to receive a replacement
- 22 ballot if the voter is otherwise unable to change or correct the
- 23 ballot; and
- 24 (3) notified before the ballot is cast regarding the effect of casting
- 25 multiple votes for the office and provided an opportunity to
- 26 correct the ballot before the ballot is cast and counted.
- 27 SECTION 9. IC 3-11-18.1-4, AS AMENDED BY P.L.258-2013,
- 28 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 UPON PASSAGE]: Sec. 4. The plan required by section 3 of this
- 30 chapter must include at least the following:
- 31 (1) The total number of vote centers to be established.
- 32 (2) The location of each vote center.
- 33 (3) The effective date of the order.
- 34 (4) The following information according to the computerized list
- 35 (as defined in IC 3-7-26.3-2) as of the date of the order:
- 36 (A) The total number of voters within the county.
- 37 (B) The number of active voters within the county.
- 38 (C) The number of inactive voters within the county.
- 39 (5) For each vote center designated under subdivision (2), a list
- 40 of the precincts whose polls will be located at the vote center
- 41 consistent with section 13 of this chapter for an election that is not
- 42 being held in each precinct of the county.



- 1 (6) For each vote center designated under subdivision (2), the
 2 number of precinct election boards that will be appointed to
 3 administer an election at the vote center.
 4 (7) For each precinct election board designated under subdivision
 5 (6), the number and name of each precinct the precinct election
 6 board will administer consistent with section 13 of this chapter for
 7 an election that is not being held in each precinct of the county.
 8 (8) For each vote center designated under subdivision (2), the
 9 number and title of the precinct election officers who will be
 10 appointed to serve at the vote center.
 11 (9) For each vote center designated under subdivision (2):
 12 (A) the number and type of ballot variations that will be
 13 provided at the vote center; and
 14 (B) whether these ballots will be:
 15 (i) delivered to the vote center before the opening of the
 16 polls; or
 17 (ii) printed on demand for a voter's use.
 18 (10) A detailed description of any hardware, firmware, or
 19 software used:
 20 (A) to create an electronic poll list for each precinct whose
 21 polls are to be located at a vote center; or
 22 (B) to establish a secure electronic connection between the
 23 county election board and the precinct election officials
 24 administering a vote center.
 25 (11) A description of the equipment and procedures to be used to
 26 ensure that information concerning a voter entered into any
 27 electronic poll list used by precinct election officers at a vote
 28 center is immediately accessible to:
 29 (A) the county election board; and
 30 (B) the electronic poll lists used by precinct election officers
 31 at all other vote centers in the county.
 32 (12) For each precinct designated under subdivision (5), the
 33 number of electronic poll lists to be provided for the precinct.
 34 **(13) This subdivision applies to a county in which ballot cards**
 35 **are used at a vote center. For each vote center designated**
 36 **under subdivision (2), whether each ballot card printed will**
 37 **have the printed initials of the poll clerks captured through**
 38 **the electronic signature pad or tablet at the time the poll**
 39 **clerks log into the electronic poll book system printed on the**
 40 **back of the ballot card immediately before the ballot card is**
 41 **delivered to a voter.**
 42 ~~(13)~~ (14) The security and contingency plans to be implemented



1 by the county to do all of the following:
 2 (A) Prevent a disruption of the vote center process.
 3 (B) Ensure that the election is properly conducted if a
 4 disruption occurs.
 5 (C) Prevent access to an electronic poll list without the
 6 coordinated action of two (2) precinct election officers who are
 7 not members of the same political party.
 8 ~~(14)~~ **(15)** A certification that the vote center complies with the
 9 accessibility requirements applicable to polling places under
 10 IC 3-11-8.
 11 ~~(15)~~ **(16)** A sketch depicting the planned layout of the vote center,
 12 indicating the location of:
 13 (A) equipment; and
 14 (B) precinct election officers;
 15 within the vote center.
 16 ~~(16)~~ **(17)** The total number and locations of satellite offices to be
 17 established under IC 3-11-10-26.3 at vote center locations
 18 designated under subdivision (2) to allow voters to cast absentee
 19 ballots in accordance with IC 3-11. However, a plan must provide
 20 for at least one (1) vote center to be established as a satellite
 21 office under IC 3-11-10-26.3 on the two (2) Saturdays
 22 immediately preceding an election day.
 23 ~~(17)~~ **(18)** The method and timing of providing voter data to
 24 persons who are entitled to receive the data under this title. Data
 25 shall be provided to all persons entitled to the data without
 26 unreasonable delay.
 27 ~~(18)~~ **(19)** That the county election board shall adopt a resolution
 28 under IC 3-11.5-5-1 or IC 3-11.5-6-1 to make the central counting
 29 of absentee ballots applicable to the county (if the board has not
 30 already done so).
 31 SECTION 10. IC 3-12-1-2 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section
 33 does not apply to absentee ballots.
 34 (b) The whole ballot may not be counted, subject to section 12 of
 35 this chapter, if the ballot is not endorsed **or printed** with the initials of
 36 the poll clerks **in accordance with state law**.
 37 SECTION 11. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 185, 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 3, line 1, after "list" insert "**and a printer separate from the electronic poll list**".

Page 3, line 3, delete "initials used by the poll clerks to" and insert "**printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks**".

Page 5, line 15, delete "The" and insert "**A printer separate from the**".

Page 5, line 18, delete "initials used by the poll clerks to" and insert "**printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks**".

Page 9, between lines 34 and 35, begin a new paragraph and insert:
"SECTION 5. IC 3-11-10-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) This section does not apply to a ballot mailed to a voter under this chapter.

(b) Subject to IC 3-5-4-9, before a ballot is voted under section 25 or 26 of this chapter before an absentee voter board, it must bear the circuit court clerk's official seal and signature or facsimile signature and be initialed by:

- (1) the absentee voter board visiting the voter under section 25(b) of this chapter (except in a county subject to subsection (c)); or
- (2) the county election board or the board's designated representatives under IC 3-11-4-19 if the ballot is cast at the office of the circuit court clerk under section 26 of this chapter.

(c) A county election board may adopt a resolution providing that the absentee ballots to be voted before an absentee voter board visiting the voter under section 25(b) of this chapter must be initialed by the county election board or the board's representatives under IC 3-11-4-19 and not by the absentee voter board visiting the voter. A resolution adopted under this subsection remains in effect until rescinded by the county election board. The election board may not rescind the resolution during the final sixty (60) days before an election.

(d) The initials must be:

- (1) in ink on the back of the ballot, in the person's ordinary handwriting or printing, and without a distinguishing mark of any kind; **or**
- (2) **in a vote center county using an electronic poll list:**



(A) printed on the back of the ballot by a printer separate from the electronic poll list, immediately before the ballot is delivered to the voter; and

(B) the initials of the county election board or the board's representatives captured through the electronic signature pad or tablet at the time the county election board or the board's representatives log into the electronic poll book system.

(e) No other initialing of the absentee ballot is necessary."

Page 10, line 2, delete "initials used by the poll clerks to" and insert **"printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks"**.

Page 10, line 3, after "printed" insert **"by a printer separate from the electronic poll list"**.

Page 10, line 13, after "list" delete "," and insert **"and a printer separate from the electronic poll list,"**.

Page 10, line 14, delete "initials used by the poll clerks to" and insert **"printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks"**.

Page 10, line 15, after "printed" insert **"by a printer separate from the electronic poll list"**.

Page 10, line 37, after "list" insert **"and a printer separate from the electronic poll list"**.

Page 10, line 39, delete "initials used by the poll clerks to" and insert **"printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks"**.

Page 12, line 36, delete "initials used by the poll clerks to" and insert **"printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks"**.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 185 as introduced.)

ZAKAS, Chairperson

Committee Vote: Yeas 6, Nays 0.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 185, 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 3, delete lines 23 through 42, begin a new paragraph and insert:

"SECTION 3. IC 3-11-8-10.3, AS AMENDED BY SEA 24-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2014]: Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base.

(b) An electronic poll list must satisfy all of the following:

(1) An electronic poll list must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll list.

(2) An electronic poll list may not be connected to a voting system.

(3) An electronic poll list may not permit access to voter information other than:

(A) information provided on the certified list of voters prepared under IC 3-7-29-1; or

(B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:

(i) The county's receipt of an absentee ballot from the voter.

(ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.

(iii) The county's issuance of a certificate of error.

(4) The information contained on an electronic poll list must be encrypted and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:

(A) storing (in external or internal memory) a local version of the data base; and

(B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.

(5) The electronic poll list must permit a poll clerk to enter information regarding an individual who has appeared to vote to



verify whether the individual is eligible to vote, and if so, whether the voter has:

- (A) already cast a ballot at the election;
 - (B) returned an absentee ballot; or
 - (C) submitted any additional documentation required under IC 3-7-33-4.5.
- (6) After the voter has been provided with a ballot, the electronic poll list must permit a poll clerk to enter information indicating that the voter has voted at the election.
- (7) The electronic poll list must transmit the information in subdivision (6) to the county election board so that the board may transmit the information immediately to every other polling place or satellite absentee office in the county in which an electronic poll list is being used.
- (8) The electronic poll list must permit reports to be:
- (A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and
 - (B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.
- (9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll list must permit voter history to be quickly and accurately uploaded into the computerized list.
- (10) The electronic poll list must be able to display an electronic image of the signature of a voter taken from the voter's registration application, if available.
- (11) The electronic poll list must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.
- (12) The electronic poll list must include a bar code reader or tablet that:
- (A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and
 - (B) has the capability to display the voter's registration record



upon processing the information contained within the bar code on the license or card.

(13) A printer separate from the electronic poll list used in a vote center county may be programmed to print on the back of a ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.

~~(13)~~ **(14)** The electronic poll list must be compatible with:

- (A) any hardware attached to the poll book, such as signature pads, bar code scanners, and network cards;
- (B) the statewide voter registration system; and
- (C) any software system used to prepare voter information to be included on the electronic poll list.

~~(14)~~ **(15)** The electronic poll list must have the ability to be used in conformity with this title for:

- (A) any type of election conducted in Indiana; or
- (B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

~~(15)~~ **(16)** The procedures for setting up, using, and shutting down an electronic poll list must:

- (A) be reasonably easy for a precinct election officer to learn, understand, and perform; and
- (B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.

~~(16)~~ **(17)** The electronic poll list must enable a precinct election officer to verify that the electronic poll list:

- (A) has been set up correctly;
- (B) is working correctly so as to verify the eligibility of the voter;
- (C) is correctly recording that a voter has voted; and
- (D) has been shut down correctly.

~~(17)~~ **(18)** The electronic poll list must include the following documentation:

- (A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll list.
- (B) Training materials that:
 - (i) may be in written or video form; and
 - (ii) must be in a format suitable for use at a polling place, such as simple "how to" guides.



(C) Failsafe data recovery procedures for information included in the electronic poll list.

(D) Usability tests:

(i) that are conducted by the manufacturer of the electronic poll list using individuals who are representative of the general public;

(ii) that include the setting up, using, and shutting down of the electronic poll list; and

(iii) that report their results using the ANSI/INCITS -354 Common Industry Format (CIF) for Usability Test Reports approved by the American National Standards Institute (ANSI) on December 12, 2001.

(E) A clear model of the electronic poll list system architecture and the following documentation:

(i) End user documentation.

(ii) System-level documentation.

(iii) Developer documentation.

(F) Detailed information concerning:

(i) electronic poll list consumables; and

(ii) the vendor's supply chain for those consumables.

(G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll list.

(H) Repair and maintenance policies for the electronic poll list.

(I) As of the date of the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12, the following:

(i) A list of customers who are using or have previously used the vendor's electronic poll list.

(ii) A description of any known anomalies involving the functioning of the electronic poll list, including how those anomalies were resolved.

~~(18)~~ **(19)** The electronic poll list and any hardware attached to the poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.

~~(19)~~ **(20)** The electronic poll list must demonstrate that it correctly processes all activity regarding each voter registration record included on the list, including the use, alteration, storage, and transmittal of information that is part of the record. Compliance with this subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll



list.

~~(20)~~ **(21)** The electronic poll list must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12.

~~(21)~~ **(22)** The electronic poll list must have the capacity to transmit all information generated by the voter or poll clerk as part of the process of casting a ballot, including the time and date stamp indicating when the voter voted, and the electronic signature of the voter, for retention on the dedicated private server maintained by the county election board for the period required by Indiana and federal law.

~~(22)~~ **(23)** The electronic poll list must:

(A) permit a voter to sign the poll list even when there is a temporary interruption in connectivity to the Internet; and

(B) provide for the uploading of each signature and its assignment to the voter's registration record."

Delete pages 4 through 6.

Page 7, delete lines 1 through 33.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 185 as printed January 28, 2014.)

SMITH M, Chair

Committee Vote: yeas 13, nays 0.

