

SENATE BILL No. 262

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-12-16.

Synopsis: Audit of election systems. Requires the secretary of state to enter into a contract with an independent forensic imaging company to conduct a complete canvass and a full forensic audit of the 2023 municipal general election and the 2024 general election in 10 randomly selected Indiana counties.

Effective: Upon passage.

Ford Jon

January 11, 2023, read first time and referred to Committee on Elections.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 262

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 3-12-16 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
- 3 PASSAGE]:
- 4 **Chapter 16. Forensic Audit of 2023 Municipal General Election**
- 5 **and 2024 General Election**
- 6 **Sec. 1. As used in this chapter, "election" refers to each of the**
- 7 **following elections:**
- 8 **(1) The 2023 municipal general election.**
- 9 **(2) The 2024 general election.**
- 10 **Sec. 2. As used in this chapter, "election system component"**
- 11 **includes any of the following:**
- 12 **(1) Voting machines.**
- 13 **(2) Routers.**
- 14 **(3) Servers.**
- 15 **(4) Central logs.**
- 16 **(5) USB drives.**
- 17 **(6) Backup drives.**



1 **(7) Electronic pollbooks.**

2 **(8) All other electronic equipment involved in processing or**
 3 **tabulation of ballots.**

4 **(9) Any other components of voting systems used in Indiana**
 5 **as determined by the secretary of state.**

6 **Sec. 3. (a) Before July 1, 2023, the secretary of state shall enter**
 7 **into contracts to conduct a complete canvass of each election and**
 8 **a full forensic audit of all election system components used in each**
 9 **of the elections.**

10 **(b) A person with whom the secretary of state enters into a**
 11 **contract under this chapter must be an independent, unaffiliated**
 12 **forensic imaging company that is not located in Indiana. The**
 13 **secretary of state may not enter into a contract under this chapter**
 14 **with any of the following:**

15 **(1) A person that is a vendor of any voting system used in**
 16 **Indiana or a person affiliated with such a vendor.**

17 **(2) VSTOP.**

18 **(3) Pro V&V.**

19 **(4) SLI Compliance.**

20 **Sec. 4. (a) The audit must occur in ten (10) Indiana counties,**
 21 **randomly selected. The identity of the counties selected for the**
 22 **audit of an election may not be disclosed until after the date of that**
 23 **election.**

24 **(b) An audit under this chapter must be a full, post-election**
 25 **audit of all election system components used in the election in each**
 26 **county selected for the audit.**

27 **(c) An audit under this chapter must do the following:**

28 **(1) Acquire forensic images of all election system components,**
 29 **including any 3G to 5G modems installed with the serial**
 30 **numbers or other documentation for each component.**

31 **(2) Audit election system components.**

32 **(3) Determine whether election system components comply**
 33 **with all Indiana laws.**

34 **(4) Investigate all election system components for network**
 35 **connectivity and activity before, during, and after the election**
 36 **to verify that no election system components were connected**
 37 **to any network during the election.**

38 **(5) Verify that all election system component related**
 39 **passwords were available to an authorized auditor and to the**
 40 **secretary of state.**

41 **(6) Determine that only software certified by the secretary of**
 42 **state was loaded on any computer used for counting or**



- 1 **accumulating vote totals.**
 2 **(7) Determine that, before and after use each day:**
 3 **(A) all relevant election system components were sealed**
 4 **with locks or seals with unique serial numbers; and**
 5 **(B) all election workers followed proper chain of custody**
 6 **procedures during the election, including a careful**
 7 **tracking of the serial numbers used to seal the relevant**
 8 **election system components at the end of each period of**
 9 **voting.**
 10 **(8) Determine that the election system components were tested**
 11 **three (3) times:**
 12 **(A) one (1) time before the election;**
 13 **(B) one (1) time during the election; and**
 14 **(C) one (1) time immediately after the election;**
 15 **and that documentation for each test is complete.**
 16 **(9) Determine that background checks were done for all**
 17 **persons that prepared, tested, or serviced election system**
 18 **components, and that documentation for these checks is**
 19 **complete.**
 20 **(10) Determine that all servicing of any election system**
 21 **components, beginning within sixty (60) days before use and**
 22 **for thirty (30) days after use, is supported by full**
 23 **documentation regarding the servicing. The documentation**
 24 **must include all of the following information:**
 25 **(A) What servicing was done.**
 26 **(B) Why the servicing was done.**
 27 **(C) When the servicing was done.**
 28 **(D) Who performed the servicing.**
 29 **For purposes of this subdivision, any election system**
 30 **component programming modifications, additions, or**
 31 **deletions (including those done wirelessly) are considered**
 32 **servicing.**
 33 **(11) Determine that, consistent with Indiana law, poll**
 34 **watchers were allowed to watch any and all election system**
 35 **component activities, during and after election day, through**
 36 **the completion of the vote tabulation. The identity of each poll**
 37 **watcher must be documented.**
 38 **Sec. 5. A report of each audit must be submitted to each of the**
 39 **following before January 1, 2026:**
 40 **(1) The secretary of state.**
 41 **(2) The attorney general.**
 42 **(3) The chair of each of the senate and house committees with**



1 **jurisdiction over election matters.**
2 **Sec. 6. This chapter expires July 1, 2026.**
3 **SECTION 2. An emergency is declared for this act.**

