

# SENATE BILL No. 380

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2-16.1; IC 3-6-5-36.

**Synopsis:** Election board incident response plan. Provides that a county election board (board) shall adopt a county election incident response plan (response plan) that includes at least the following: (1) A plan for the physical security of all voting systems, electronic poll books, and any other election equipment under the control of the board. (2) A response plan to any natural disaster that occurs in the county and affects the ability of the board to conduct an election in the county. (3) A response plan to any medical or manmade emergency occurrence that prevents a person from voting in person at a polling place. (4) A response plan to any cybersecurity incident that affects the circuit court clerk, board, board of registration, or any county election voter registration system. (5) Any other matters the board considers necessary. Provides that a response plan or any amendment to a response plan: (1) must be adopted by a majority vote of the board; and (2) shall be filed with the election division not later than noon three days after it is adopted by the board. Provides that not later than noon on January 31 of each year, the board shall file its current plan with the election division. Provides that a plan, an amendment to a plan, and any documents used in consideration of drafting a plan or amendment are confidential.

**Effective:** July 1, 2020.

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**Ford J.D.**

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January 13, 2020, read first time and referred to Committee on Elections.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## SENATE BILL No. 380

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 3-5-2-16.1 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2020]: **Sec. 16.1. "County election incident response plan" refers**  
4 **to a plan described under IC 3-6-5-36.**

5 SECTION 2. IC 3-6-5-36 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2020]: **Sec. 36. (a) A county election board shall adopt a county**  
8 **election incident response plan.**

9 **(b) A county election incident response plan must include at**  
10 **least the following:**

11 **(1) A plan for the physical security of:**  
12 **(A) all voting systems;**  
13 **(B) all electronic poll books; and**  
14 **(C) any other election equipment under the control of the**  
15 **county election board;**  
16 **including a copy of any resolution to establish a security**  
17 **protocol under IC 3-11-15-46.**



- 1           **(2) A response plan to any natural disaster that occurs in the**  
2           **county and affects the ability of the county election board to**  
3           **conduct an election in the county.**
- 4           **(3) A response plan to any medical or manmade emergency**  
5           **occurrence that prevents a person from voting in person at a**  
6           **polling place.**
- 7           **(4) A response plan to any cybersecurity incident that affects:**  
8               **(A) the circuit court clerk;**  
9               **(B) the county election board;**  
10              **(C) the board of registration; or**  
11              **(D) any county election or voter registration system.**
- 12           **(5) Any other matters that the county election board considers**  
13           **necessary.**
- 14           **(c) A county election incident response plan must be adopted by**  
15           **a majority vote of the entire membership of the county election**  
16           **board.**
- 17           **(d) A county election board shall file a county election incident**  
18           **response plan adopted under subsection (c) with the election**  
19           **division not later than noon three (3) days after the plan is adopted.**  
20           **A plan takes effect immediately upon filing with the election**  
21           **division.**
- 22           **(e) A county election board may amend a county election**  
23           **incident response plan at any time by a majority vote of the entire**  
24           **membership of the board.**
- 25           **(f) A county election board shall file an amendment to a county**  
26           **election incident response plan with the election division not later**  
27           **than noon three (3) days after the amendment is adopted. An**  
28           **amendment takes effect immediately upon filing with the election**  
29           **division.**
- 30           **(g) The following are confidential:**
- 31               **(1) A county election incident response plan.**  
32               **(2) An amendment to a plan.**  
33               **(3) A document used in consideration of drafting a plan or an**  
34               **amendment.**
- 35           **(h) Not later than noon on January 31 of each year, a county**  
36           **election board shall file a copy of the current adopted county**  
37           **election incident response plan with the election division.**

