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# HOUSE BILL No. 1116

Proposed Changes to January 26, 2023 printing by AM111610

## DIGEST OF PROPOSED AMENDMENT

Document storage fee. Removes language increasing a document storage fee from \$5 to \$8 after June 30, 2023.

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 3-5-10-7, AS AMENDED BY THE TECHNICAL
- 2 CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS
- 3 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
- 4 PASSAGE]: Sec. 7. (a) Subject to section 8 of this chapter, a
- 5 redistricting authority shall redistrict election districts ~~according to~~ **at**
- 6 the following ~~schedule:~~ **times:**
- 7 (1) If the census event is a federal decennial census, the
- 8 following:
- 9 (A) For a county executive or county fiscal body, only
- 10 during the first year after the federal decennial census is
- 11 conducted.
- 12 (B) For a school corporation, only during the first year after
- 13 the federal decennial census is conducted.
- 14 (C) For a municipality that conducts its municipal elections
- 15 in an ~~odd numbered~~ **odd-numbered** year, only during the
- 16 second year after the federal decennial census is conducted.
- 17 (D) For a municipality that conducts its municipal elections
- 18 in:
- 19 (i) an ~~even numbered~~ **even-numbered** year; or
- 20 (†) (ii) both an ~~even numbered~~ **even-numbered** year

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1 and an ~~even~~ **odd numbered odd-numbered** year;  
 2 only during the first year after the federal decennial census  
 3 is conducted.

4 ~~However, a body described in clauses (A) through (D) that has~~  
 5 ~~not completed the redistricting on March 1, 2022, has until~~  
 6 ~~December 31, 2022, to redistrict the election districts from the~~  
 7 ~~2020 decennial census.~~

8 (2) For a census event other than a federal decennial census, only  
 9 during the first year after the year the census event becomes  
 10 effective with respect to the political subdivision, as provided in  
 11 IC 1-1-3.5-3.

12 (3) Whenever a county adopts an order declaring a county  
 13 boundary to be changed under IC 36-2-1-2 that affects the  
 14 boundaries of the political subdivision.

15 (4) Whenever required to assign annexed territory to a district,  
 16 subject to the provisions of IC 36-4-3.

17 (5) Whenever the boundary of the political subdivision is  
 18 changed.

19 (6) As provided in the order of a court that has found the current  
 20 redistricting plan unconstitutional or otherwise unlawful.

21 (b) A redistricting authority may not redistrict at a time other than  
 22 is provided in subsection (a).

23 SECTION 2. IC 3-5-10-7.3 IS ADDED TO THE INDIANA CODE  
 24 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 25 **UPON PASSAGE]: Sec. 7.3. (a) Notwithstanding section 7 of this**  
 26 **chapter, a municipal legislative body that has not completed the**  
 27 **redistricting of its legislative body election districts before January**  
 28 **1, 2023, shall, before May 15, 2023, adopt an ordinance to do one**  
 29 **(1) of the following:**

30 **(1) Redistrict the legislative body election districts based on**  
 31 **the 2020 decennial census.**

32 **(2) Certify, as provided in section 8 of this chapter, that the**  
 33 **legislative body election districts in effect before January 1,**  
 34 **2023, comply with the legislative body's applicable statute**  
 35 **and other applicable law.**

36 **(b) This section expires January 1, 2024.**

37 SECTION 3. IC 3-5-10-12 IS ADDED TO THE INDIANA CODE  
 38 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 39 **JANUARY 1, 2024]: Sec. 12. (a) This section applies if a**  
 40 **redistricting authority fails to do either of the following:**

41 **(1) Redistrict at the times required by section 7 of this**  
 42 **chapter.**

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1           (2) Certify, under section 8 of this chapter, that the existing  
2           districts continue to satisfy all the requirements of the  
3           applicable statute and other applicable law.

4           (b) Upon the petition of an individual who is a voter of a  
5           political subdivision whose redistricting authority is described in  
6           subsection (a), the secretary of state, or a designee of the secretary  
7           of state, shall hold a public hearing in the political subdivision to  
8           take public testimony regarding the districts for the political  
9           subdivision.

10          (c) After the public hearing under subsection (b), the secretary  
11          of state shall issue an order to do one (1) of the following:

- 12           (1) Adopt a redistricting plan for the political subdivision.  
13           (2) Certify that the existing districts continue to satisfy all the  
14           requirements of the applicable statute and other applicable  
15           law.

16          (d) The districts of a redistricting plan adopted under  
17          subsection (c) must satisfy all the requirements of the applicable  
18          statute and other applicable law.

19          (e) A redistricting plan adopted under subsection (c) must  
20          include in the order a map of the district boundaries as adopted or  
21          recertified.

22          (f) The secretary of state shall file a copy of an order adopted  
23          under subsection (c) not later than thirty (30) days after the date  
24          of the order with each of the following:

- 25           (1) The redistricting authority.  
26           (2) The executive of the political subdivision.  
27           (3) The circuit court clerk of the county that contains the  
28           greatest population of the political subdivision.

29          (g) The districts established or recertified under subsection (c):  
30           (1) take effect when filed with the circuit court clerk of the  
31           county that contains the greatest population of the political  
32           subdivision, or as otherwise provided in the order; and  
33           (2) are the districts for the political subdivision until changed  
34           as provided in this chapter.

35          SECTION 4. IC 3-7-12-22 IS AMENDED TO READ AS  
36          FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) In a county  
37          where the circuit court clerk serves as voter registration officer, the  
38          clerk is entitled to per diem compensation **under subsection (b) or (c).**

39          (b) **This subsection applies to the circuit court clerk of a**  
40          **county described in subsection (a) that contains not more than one**  
41          **hundred thousand (100,000) registered voters. The county shall**  
42          **pay at least the following to the circuit court clerk of the county:**



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- 1 (1) Two thousand dollars (\$2,000) not later than July 1 of  
 2 each year in which a primary election is held.
- 3 (2) Two thousand dollars (\$2,000) not later than December  
 4 31 of each year in which a general election is held.
- 5 (c) This subsection applies to the circuit court clerk of a county  
 6 described in subsection (a) that contains more than one hundred  
 7 thousand (100,000) registered voters. The county shall pay at least  
 8 the following to the circuit court clerk of the county:
- 9 (1) Two thousand five hundred dollars (\$2,500) not later  
 10 than July 1 of each year in which a primary election is held.
- 11 (2) Two thousand five hundred dollars (\$2,500) not later  
 12 than December 31 of each year in which a general election is  
 13 held.
- 14 (d) The circuit court clerk of a county described in subsection  
 15 (a) is not entitled to per diem compensation under this section  
 16 during a year in which a primary or general election is not held.
- 17 (e) The per diem shall be paid out of the general fund of the  
 18 county. <> in the same manner as election expenses are paid.
- 19 SECTION 5. IC 3-7-13-4 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) A person who is:
- 21 (1) convicted of a crime; and
- 22 (2) imprisoned following conviction;
- 23 is deprived of the right of suffrage by the general assembly pursuant to  
 24 Article 2, Section 8 of the Constitution of the State of Indiana.
- 25 (b) **Except as provided in section 6.5 of this chapter**, a person  
 26 described in subsection (a) is ineligible to register under this article  
 27 during the period that the person is:
- 28 (1) imprisoned; or
- 29 (2) otherwise subject to lawful detention.
- 30 SECTION 6. IC 3-7-13-6 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) This section  
 32 applies to a person who is:
- 33 (1) otherwise qualified to register under this article; and
- 34 (2) not imprisoned or subject to lawful detention.
- 35 (b) **Except as provided in section 6.5 of this chapter**, a person  
 36 described in subsection (a) who is:
- 37 (1) on probation;
- 38 (2) on parole;
- 39 (3) subject to home detention under IC 35-38-2.5; or
- 40 (4) placed in a community corrections program under  
 41 IC 35-38-2.6;
- 42 is eligible to register and to vote.

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1 SECTION 7. IC 3-7-13-6.5 IS ADDED TO THE INDIANA CODE  
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2023]: **Sec. 6.5. (a) This section applies to a person who commits  
 4 an offense under IC 3-14-2 after June 30, 2023.**

5 **(b) Notwithstanding sections 4, 5, and 6 of this chapter, a  
 6 person who is convicted of a felony under IC 3-14-2 is deprived of  
 7 the right of suffrage by the general assembly for a period of ten  
 8 (10) years following the date of conviction, pursuant to Article 2,  
 9 Section 8 of the Constitution of the State of Indiana.**

10 **(c) A person described in subsection (b) is not:**

11 **(1) authorized to vote; or**

12 **(2) eligible to register under this article;**

13 **during the period within which the person is deprived of the right  
 14 of suffrage, even if the person is no longer in prison or otherwise  
 15 subject to lawful detention.**

16 **(d) The reduction of a felony to a misdemeanor does not affect  
 17 the operation of subsections (b) and (c).**

18 **(e) The right of suffrage is immediately restored to a person  
 19 described in subsection (b) whose conviction is reversed on appeal  
 20 or on postconviction review at the earlier of the following:**

21 **(1) At the time the prosecuting attorney states on the record  
 22 that the charges that gave rise to the conviction will not be  
 23 refiled.**

24 **(2) Ninety (90) days after the final disposition of the appeal  
 25 or the postconviction proceeding.**

26 **(f) A person described in subsection (b) who is otherwise  
 27 qualified to register under this article is eligible to register after the  
 28 expiration of the period within which the person is deprived of the  
 29 right of suffrage.**

30 SECTION 8. IC 3-7-46-1, AS AMENDED BY P.L.128-2015,  
 31 SECTION 140, IS AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2023]: Sec. 1. As permitted under 52 U.S.C.  
 33 20507(a)(3)(B) and in the manner required under 52 U.S.C. 21083, a  
 34 county voter registration office shall remove from the official list of  
 35 registered voters the name of a voter who is disfranchised under:

36 **(1) this chapter; or**

37 **(2) IC 3-7-13-6.5;**

38 **due to a criminal conviction.**

39 SECTION 9. IC 3-11-3-11, AS AMENDED BY P.L.193-2021,  
 40 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2023]: Sec. 11. (a) Except as provided in subsection (b), the  
 42 county election board shall deliver the following to each inspector or

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- 1 the inspector's representative:
- 2 (1) The supplies provided for the inspector's precinct by the
- 3 election division.
- 4 (2) The ~~sample ballots, the~~ ballot labels, if any, and all poll lists,
- 5 registration lists, and other supplies considered necessary to
- 6 conduct the election in the inspector's precinct.
- 7 (3) The ballots printed under the direction of the county election
- 8 board as follows:
- 9 (A) In those precincts where ballot card voting systems are
- 10 to be used, the number of ballots at least equal to one
- 11 hundred percent (100%) of the number of voters in the
- 12 inspector's precinct, according to the poll list.
- 13 (B) In those precincts where electronic voting systems are
- 14 to be used, the number of ballots that will be required to be
- 15 printed and furnished to the precincts for emergency
- 16 purposes only.
- 17 (C) Provisional ballots in the number considered necessary
- 18 by the county election board.
- 19 (4) Twenty (20) ink pens suitable for printing the names of
- 20 write-in candidates on the ballot or ballot envelope.
- 21 (5) Copies of the voter's bill of rights for posting as required by
- 22 52 U.S.C. 21082.
- 23 (6) Copies of the instructions for a provisional voter required by
- 24 52 U.S.C. 21082 and IC 3-11.7-2-2. The county election board
- 25 shall provide at least the number of copies of the instructions as
- 26 the number of provisional ballots provided under subdivision
- 27 (3).
- 28 (7) Copies of the notice for posting as required by IC 3-7-29-1(f).
- 29 (8) The blank voter registration applications required to be
- 30 provided under IC 3-7-48-7(b).
- 31 **(9) A sample ballot or an electronic form of the sample**
- 32 **ballot, if required under IC 3-11-11-1.7, IC 3-11-13-9, or**
- 33 **IC 3-11-14-7.**
- 34 (b) This subsection applies to a county that:
- 35 (1) has adopted an order under IC 3-7-29-6(a)(1); or
- 36 (2) is a vote center county under IC 3-11-18.1.
- 37 The county election board shall deliver and install the hardware,
- 38 firmware, and software necessary to use an electronic poll book in each
- 39 precinct or vote center.
- 40 SECTION 10. IC 3-11-3-25, AS AMENDED BY P.L.128-2015,
- 41 SECTION 155, IS AMENDED TO READ AS FOLLOWS
- 42 [EFFECTIVE JULY 1, 2023]: Sec. 25. **(a) This subsection applies**

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1 **when the county election board provides a precinct with a printed**  
 2 **sample ballot under section 11 of this chapter.** As required by 52  
 3 U.S.C. 21082, the inspector of each precinct shall post the samples of  
 4 each of the state and local ballots provided by the county election board  
 5 under this article in and about the polls. The sample ballots shall be  
 6 printed on different paper than the genuine ballots.

7 **(b) An electronic device that is not an electronic poll book may**  
 8 **be used at a precinct or vote center to display a sample ballot. For**  
 9 **purposes of certification of voting systems under this article, an**  
 10 **electronic device, the only function of which is the display of**  
 11 **sample ballots, is not considered to be a voting system or part of a**  
 12 **voting system.**

13 **(c) This subsection applies when the county election board**  
 14 **provides a precinct with an electronic form of the sample ballot**  
 15 **under section 11 of this chapter. The inspector of the precinct, or**  
 16 **a person under the direction of the inspector, shall post a notice in**  
 17 **and about the polls that the sample ballot for the precinct is**  
 18 **available for review on an electronic device. The sample ballot**  
 19 **must be made available for public inspection throughout election**  
 20 **day.**

21 **(d) This subsection applies to a county using vote centers when**  
 22 **the county election board provides the vote center with an**  
 23 **electronic form of the sample ballot under section 11 of this**  
 24 **chapter. The inspector of the vote center, or a person under the**  
 25 **direction of the inspector, shall post a notice in and about the polls**  
 26 **that the sample ballots for each precinct in the county are available**  
 27 **for review on an electronic device. The sample ballots must be**  
 28 **made available for public inspection throughout election day.**

29 SECTION 11. IC 3-11-11-1.3 IS ADDED TO THE INDIANA  
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2023]: **Sec. 1.3. For purposes of this chapter,**  
 32 **an electronic device that is not an electronic poll book may be used**  
 33 **at a precinct or vote center to display a sample ballot. For purposes**  
 34 **of certification of voting systems under this article, an electronic**  
 35 **device, the only function of which is the display of sample ballots,**  
 36 **is not considered to be a voting system or part of a voting system.**

37 SECTION 12. IC 3-11-11-1.7, AS AMENDED BY THE  
 38 TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL  
 39 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2023]: **Sec. 1.7. (a) Each county election board shall provide**  
 41 **an adequate number of sample ballots for each precinct of the county.**  
 42 **The county election board shall arrange the sample ballots in the form**

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1 of a diagram showing:  
 2 (1) the political party and independent tickets;  
 3 (2) the offices to be filled;  
 4 (3) the names of the candidates; and  
 5 (4) the public questions;  
 6 in the same order in which they will occur on the official ballots printed  
 7 under the jurisdiction of the election division and the county election  
 8 board. However, if presidential electors are to be voted for at an  
 9 election, then the ballot of each party or independent ticket must be in  
 10 the form prescribed by IC 3-10-4-1.

11 **(b) Each county election board shall provide either or both of**  
 12 **the following for each precinct in the county:**

- 13 **(1) An adequate number of sample ballots.**
- 14 **(2) An electronic form of the sample ballot arranged under**  
 15 **subsection (a), if the county election board requires display**  
 16 **of sample ballots using an electronic device under section 1.3**  
 17 **of this chapter.**

18 ~~(b)~~ **(c)** This subsection applies to a county having a population of  
 19 more than four hundred thousand (400,000) ~~but~~ **and** less than seven  
 20 hundred thousand (700,000). At least ten (10) days before an election,  
 21 each county election board shall duplicate, distribute, and cause to be  
 22 posted copies of official sample ballots:

- 23 (1) received from the election division; and
  - 24 (2) prepared by the county election board;
- 25 to schools, fire stations, county courthouses, and other public buildings  
 26 in the county.

27 SECTION 13. IC 3-11-11-1.9, AS AMENDED BY P.L.278-2019,  
 28 SECTION 101, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2023]: Sec. 1.9. (a) Before the opening of the  
 30 polls, the precinct election board shall compare the ballots with the  
 31 sample ballots and determine whether the names, numbers, and letters  
 32 are in agreement. The board then shall certify that the ballots and the  
 33 sample ballots are in agreement. Forms shall be provided for  
 34 certification, and the certification shall be filed with the election  
 35 returns.

36 **(b) This subsection applies when the county election board**  
 37 **provides a precinct with a printed sample ballot under section 1.7**  
 38 **of this chapter.** The inspector of each precinct, or a person under the  
 39 direction of the inspector, shall post sample ballots near the entrance  
 40 of the chute for the precinct. The ballots must be available for public  
 41 inspection throughout election day.

42 **(c) This subsection applies when the county election board**

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1 provides a precinct with an electronic form of the sample ballot  
 2 under section 1.7 of this chapter. The inspector of the precinct, or  
 3 a person under the direction of the inspector, shall post a notice  
 4 near the entrance of the chute for the precinct that the sample  
 5 ballot for the precinct is available for review on an electronic  
 6 device. The sample ballot must be made available for public  
 7 inspection throughout election day.

8 (c) (d) This subsection applies to a county using vote centers. Not  
 9 later than the first date that a voter may cast a ballot at a vote center,  
 10 the county election board shall do both of the following:

- 11 (1) Make the comparison between the sample ballots, regular  
 12 official ballots, and provisional ballots described in subsection  
 13 (a).
- 14 (2) Certify that the ballots are in agreement.

15 A copy of the certification shall be entered into the minutes of the  
 16 county election board.

17 (d) (e) This subsection applies to a county using vote centers. The  
 18 county election board shall do both of the following:

- 19 (1) Have copies of each sample ballot for each precinct available  
 20 for inspection by a voter at each vote center.
- 21 (2) Post a notice in the vote center stating that sample ballots are  
 22 available for inspection upon request by the voter.

23 (f) This subsection applies to a county using vote centers when  
 24 the county election board provides the vote center with an  
 25 electronic form of the sample ballot under section 1.7 of this  
 26 chapter. The inspector of the vote center, or a person under the  
 27 direction of the inspector, shall post a notice near the entrance of  
 28 the chute for the vote center that the sample ballots for each  
 29 precinct in the county are available for review on an electronic  
 30 device. The sample ballots must be made available for public  
 31 inspection throughout election day.

32 SECTION 14. IC 3-11-11-2, AS AMENDED BY P.L.221-2005,  
 33 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2023]: Sec. 2. (a) On the morning of election day, the precinct  
 35 election officers shall meet at the polls at least one (1) hour before the  
 36 time for opening the polls. The inspector then shall have:

- 37 (1) the boundaries of the chute designated;
- 38 (2) the ~~sample ballots and~~ instruction cards **and either the:**  
 39 (A) **sample ballots; or**  
 40 (B) **notice under section 1.9(c) or 1.9(f) of this chapter;**  
 41 posted; and
- 42 (3) everything put in readiness for the commencement of voting

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- 1 at the opening of the polls.
- 2 (b) At the opening of the polls, the inspector and judges shall see
- 3 that there are no ballots in the ballot box before the voting begins. After
- 4 the inspection of the box, the inspector shall:
- 5 (1) securely lock the box;
- 6 (2) give one (1) key to the judge of the opposite political party;
- 7 and
- 8 (3) retain one (1) key.
- 9 (c) Once securely locked, the ballot box may not be opened again
- 10 until after the polls have been closed and the precinct election board is
- 11 ready to immediately proceed with the counting, except as otherwise
- 12 provided for central counting.
- 13 (d) The voting booths or compartments must be of a size and
- 14 design to permit a voter to mark ballots in secret.

15 SECTION 15. IC 3-11-13-9, AS AMENDED BY P.L.190-2011,  
 16 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2023]: Sec. 9. (a) The public officials charged with the duty  
 18 of providing ballot cards or ballot labels shall also provide **either or**  
 19 **both of the following:**

- 20 (1) Sample ballots.
- 21 (2) **An electronic form of the sample ballot arranged under**
- 22 **subsection (b), if the county election board requires display**
- 23 **of sample ballots using an electronic device under section**
- 24 **10.5 of this chapter.**
- 25 (b) A sample ballot must be:
- 26 (1) a copy of the official ballot cards or ballot labels;
- 27 (2) arranged in the form of a diagram showing the front of the
- 28 marking device as it will appear at the election; and
- 29 (3) altered so marks on the sample ballot cannot be counted as
- 30 votes.

31 SECTION 16. IC 3-11-13-10 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) **This subsection**  
 33 **applies when the county election board provides a precinct with a**  
 34 **printed sample ballot under section 9 of this chapter.** The  
 35 appropriate precinct election officers shall post sample ballots near the  
 36 entrance to the polls on election day and see that they are available to  
 37 public inspection throughout the day.

38 (b) **This subsection applies when the county election board**  
 39 **provides a precinct with an electronic form of the sample ballot**  
 40 **under section 9 of this chapter. The inspector of the precinct, or a**  
 41 **person under the direction of the inspector, shall post a notice near**  
 42 **the entrance of the chute for the precinct that the sample ballot for**

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1 the precinct is available for review on an electronic device. The  
 2 sample ballot must be made available for public inspection  
 3 throughout election day.

4 (c) This subsection applies to a county using vote centers when  
 5 the county election board provides the vote center with an  
 6 electronic form of the sample ballot under section 9 of this chapter.  
 7 The inspector of the vote center, or a person under the direction of  
 8 the inspector, shall post a notice near the entrance of the chute for  
 9 the vote center that the sample ballots for each precinct in the  
 10 county are available for review on an electronic device. The sample  
 11 ballots must be made available for public inspection throughout  
 12 election day.

13 SECTION 17. IC 3-11-13-10.5 IS ADDED TO THE INDIANA  
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2023]: **Sec. 10.5. For purposes of this**  
 16 **chapter, an electronic device that is not an electronic poll book may**  
 17 **be used at a precinct or vote center to display a sample ballot. For**  
 18 **purposes of certification of voting systems under this article, an**  
 19 **electronic device, the only function of which is the display of**  
 20 **sample ballots, is not considered to be a voting system or part of a**  
 21 **voting system.**

22 SECTION 18. IC 3-11-13-27, AS AMENDED BY P.L.278-2019,  
 23 SECTION 107, IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2023]: **Sec. 27. (a)** After the delivery of a ballot  
 25 card voting system to a precinct, the precinct election board may meet  
 26 at the polls on the same day and open the package containing the  
 27 sample ballot cards, to determine whether the system is ready for use  
 28 in accordance with section 16 of this chapter. If a ballot card voting  
 29 system is not in compliance with that section, the board shall  
 30 immediately label, set and adjust, and place the system in order or have  
 31 it done.

32 (b) While acting under subsection (a), the precinct election board  
 33 may restrict access to parts of the room where marking devices and  
 34 other election material are being handled to safeguard this material.

35 (c) On the morning of election day, the precinct election officers  
 36 shall meet at the polls at least one (1) hour before the time for opening  
 37 the polls. The inspector then shall have:

- 38 (1) the boundaries of the chute designated;  
 39 (2) the ~~sample ballots and~~ instruction cards **and either the:**  
 40 (A) **sample ballots; or**  
 41 (B) **notice under section 10(b) or 10(c) of this chapter;**  
 42 posted; and

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- 1 (3) everything put in readiness for the commencement of voting
- 2 at the opening of the polls.
- 3 (d) Before the opening of the polls, the precinct election officers
- 4 shall do the following:
- 5 (1) Compare the ballot cards used in the marking device with the
- 6 sample ballots furnished and determine whether the names,
- 7 numbers, and letters are in agreement.
- 8 (2) Determine that the system records that zero (0) votes have
- 9 been cast for each candidate and on each public question.
- 10 (3) Assure that the system is otherwise in perfect order.
- 11 (e) The officers then shall certify that:
- 12 (1) the marking device and the sample ballots are in agreement;
- 13 (2) the system records zero (0) votes cast; and
- 14 (3) the system appears to be in perfect order.
- 15 Forms shall be provided for certification, and the certification shall be
- 16 filed with the election returns.
- 17 (f) This subsection applies to a county using vote centers. Not later
- 18 than the first date that a voter may cast a ballot at a vote center, the
- 19 county election board shall do both of the following:
- 20 (1) Make the comparison between the sample ballots, regular
- 21 official ballots, and provisional ballots as provided in subsection
- 22 (d).
- 23 (2) Certify that the ballots are in agreement.
- 24 A copy of the certification shall be entered into the minutes of the
- 25 county election board.
- 26 (g) This subsection applies to a county using vote centers. The
- 27 county election board shall do both of the following:
- 28 (1) Have copies of each sample ballot for each precinct available
- 29 for inspection by a voter at each vote center.
- 30 (2) Post a notice in the vote center stating that sample ballots are
- 31 available for inspection upon request by the voter.
- 32 SECTION 19. IC 3-11-14-7, AS AMENDED BY P.L.194-2013,
- 33 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2023]: Sec. 7. (a) ~~Each county election board shall provide the~~
- 35 ~~number of sample ballots the county election board considers adequate~~
- 36 ~~for each precinct of the county.~~ The county election board shall
- 37 arrange ~~the~~  ~~the~~ sample ballots in the form of a diagram showing the
- 38 entire front of an electronic voting system as it will appear on the
- 39 official ballots printed under the jurisdiction of the county election
- 40 board. However, if presidential electors are to be voted for at an
- 41 election, then the ballot label of each political party or independent
- 42 ticket must be in the form prescribed by IC 3-10-4-1.

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1 (b) Each county election board shall provide either or both of  
2 the following for each precinct of the county:

3 ↔ (1) The number of sample ballots the county election board  
4 considers adequate for each precinct.

5 (2) An electronic form of the sample ballot arranged under  
6 subsection (a), if the county election board requires display  
7 of sample ballots using an electronic device under section  
8 18.5 of this chapter.

9 SECTION 20. IC 3-11-14-18 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18. (a) This subsection  
11 applies when the county election board provides a precinct with a  
12 printed sample ballot under section 7 of this chapter. The inspector  
13 of each precinct, or a person under the direction of the inspector, shall  
14 post sample ballots near the entrance of the chute for the precinct. The  
15 ballots must be available for public inspection throughout election day.

16 (b) This subsection applies when the county election board  
17 provides a precinct with an electronic form of the sample ballot  
18 under section 7 of this chapter. The inspector of the precinct, or a  
19 person under the direction of the inspector, shall post a notice near  
20 the entrance of the chute for the precinct that the sample ballot for  
21 the precinct is available for review on an electronic device. The  
22 sample ballot must be made available for public inspection  
23 throughout election day.

24 (c) This subsection applies to a county using vote centers when  
25 the county election board provides the vote center with an  
26 electronic form of the sample ballot under section 7 of this chapter.  
27 The inspector of the vote center, or a person under the direction of  
28 the inspector, shall post a notice near the entrance of the chute for  
29 the vote center that the sample ballots for each precinct in the  
30 county are available for review on an electronic device. The sample  
31 ballots must be made available for public inspection throughout  
32 election day.

33 SECTION 21. IC 3-11-14-18.5 IS ADDED TO THE INDIANA  
34 CODE AS A NEW SECTION TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 2023]: Sec. 18.5. For purposes of this  
36 chapter, an electronic device that is not an electronic poll book may  
37 be used at a precinct or vote center to display a sample ballot. For  
38 purposes of certification of voting systems under this article, an  
39 electronic device, the only function of which is the display of  
40 sample ballots, is not considered to be a voting system or part of a  
41 voting system.

42 SECTION 22. IC 3-11-15-59, AS AMENDED BY P.L.193-2021,

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1 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2023]: Sec. 59. (a) Whenever a county wishes to dispose of a  
3 voting system unit or an electronic poll book unit, the county election  
4 board must first file a plan with the election division. The plan must  
5 state all of the following:

6 (1) The serial number of each unit to be disposed of by the  
7 county.

8 (2) The method to be used for disposal of the equipment,  
9 including sale, transfer, or destruction of the equipment and the  
10 details about how the equipment will be disposed of. **For**  
11 **purposes of this subdivision, a disposal method of an**  
12 **electronic poll book unit may include the deletion of any**  
13 **electronic poll book software on the unit and the repurposing**  
14 **of the unit as an electronic device to display an electronic**  
15 **form of a sample ballot under IC 3-11-3-25, IC 3-11-11-1.3,**  
16 **IC 3-11-13-10.5, and IC 3-11-14-18.5.**

17 (3) That the disposal will occur in compliance with federal and  
18 state laws requiring the retention of election materials until the  
19 expiration of the period specified by those laws.

20 (4) The details regarding the person that will dispose of the  
21 equipment.

22 (b) If the election division approves the proposed plan, the election  
23 division shall notify:

24 (1) the county election board, which may then dispose of the  
25 equipment; and

26 (2) the voting system technical oversight program (VSTOP)  
27 (established by IC 3-11-16-2).

28 (c) A county may not dispose of a voting system unit or an  
29 electronic poll book unit by selling, transferring, or otherwise  
30 surrendering ownership to a person to which a voting system vendor is  
31 prohibited to sell, lease, or transfer possession of a voting system under  
32 section 60 of this chapter, except to the vendor from whom the county  
33 acquired the voting system unit or electronic poll book.

34 (d) A plan filed with the election division under this section is  
35 confidential.

36 SECTION 23. IC 3-14-2-19, AS AMENDED BY P.L.158-2013,  
37 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2023]: Sec. 19. (a) A person who knowingly:

39 (1) forges or falsely makes the official endorsement of a ballot;  
40 or

41 (2) prints or circulates an imitation ballot;

42 commits a Level 6 felony.

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1 (b) This section does not prohibit the:  
 2 (1) printing or circulation of a sample ballot or a reproduction of  
 3 an official ballot if the sample or reproduction complies with  
 4 IC 3-9-3-2.5 and the printing or circulation does not violate  
 5 IC 3-14-1-2; or  
 6 (2) displaying of a sample ballot under IC 3-11-3-25,  
 7 IC 3-11-11-1.3, IC 3-11-13-10.5, or IC 3-11-14-18.5.  
 8 ~~SECTION 24. IC 33-37-5-20, AS AMENDED BY P.L.38-2021,~~  
 9 ~~SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~  
 10 ~~JULY 1, 2023]: Sec. 20. (a) This section applies to all civil, criminal,~~  
 11 ~~infraction, and ordinance violation actions.~~  
 12 ~~— (b) After June 30, 2015, and before July 1, 2023, the clerk shall~~  
 13 ~~collect a document storage fee of five dollars (\$5). after June 30, 2015.~~  
 14 ~~— (c) After June 30, 2023, the clerk shall collect a document~~  
 15 ~~storage fee of eight dollars (\$8).~~  
 16 > SECTION 2<5>[4]. An emergency is declared for this act.

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