
SENATE BILL No. 113

AM011302 has been incorporated into introduced printing.

Synopsis: Preservation of election material.

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Introduced

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

SENATE BILL No. 113

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 3-10-1-31.1, AS AMENDED BY P.L.153-2024,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2026 (RETROACTIVE)]: Sec. 31.1. (a) The inspector
4 of each precinct shall deliver the bags required by section 30(a) and
5 30(c) of this chapter in good condition, together with poll lists, tally
6 sheets, and other forms, to the circuit court clerk when making returns.
7 (b) Except for unused ballots disposed of under IC 3-11-3-31 or
8 the copies of the affidavits received by the county election board under
9 IC 3-14-5-2 for delivery to the prosecuting attorney, the circuit court
10 clerk shall seal the ballots (including provisional ballots) and other
11 material (including election material related to provisional ballots)
12 during the time allowed to file a verified petition or cross-petition for
13 a recount of votes or to contest the election. Except as provided in
14 subsection (c) and notwithstanding any other provision of state law,
15 after the recount or contest filing period, the election material,

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1 including election material related to provisional ballots (except for
2 ballots and provisional ballots, which remain confidential) shall be
3 made available for copying and inspection under IC 5-14-3. The circuit
4 court clerk shall carefully preserve the sealed ballots and other material
5 for ~~twenty-two (22)~~ **sixty (60)** months, as required by 52 U.S.C. 20701,
6 after which the sealed ballots and other material are subject to
7 IC 5-15-6 unless an order issued under:

- 8 (1) IC 3-12-6-19 or IC 3-12-11-16; or
- 9 (2) 52 U.S.C. 10301;

10 requires the continued preservation of the ballots or other material.

11 (c) If a petition for a recount or contest is filed, the material for
12 that election remains confidential until completion of the recount or
13 contest.

14 (d) Upon delivery of the poll lists, the county voter registration
15 office shall unseal the envelopes containing the poll lists, inspect the
16 poll lists, and update the registration records of the county. The county
17 voter registration office shall use the poll lists and information on
18 affidavits executed under IC 3-10-10, IC 3-10-11, or IC 3-10-12 to
19 update the registration record to include the voter's voter identification
20 number if the voter's voter identification number is not already
21 included in the registration record. Upon completion of the inspection,
22 the poll list and affidavits shall be preserved with the ballots and other
23 materials in the manner prescribed by subsection (b) for the period
24 prescribed by subsections (b) and (c).

25 (e) In addition to the poll lists described in subsection (d), the
26 county voter registration office shall use the affidavits described by
27 IC 3-10-10-7, IC 3-10-11-4, and IC 3-10-12-3.4 to update the
28 registration records of the county as soon as the affidavits are delivered
29 to the county voter registration office.

30 (f) The county voter registration office shall retain a voter's paper
31 registration records associated with the address at which the voter is
32 registered to vote until all of the following are satisfied:

- 33 (1) The voter's registration at the address stated in the voter's
34 registration application has been canceled.
- 35 (2) The general election immediately following the cancellation
36 of the voter's registration under subdivision (1) has occurred.
- 37 (3) Twenty-four (24) months have elapsed following the general
38 election described in subdivision (2).

39 (g) This subsection does not apply to ballots, including provisional
40 ballots. Notwithstanding subsection (b), if a county voter registration
41 office determines that the inspection and copying of precinct election



1 material would reveal the political parties, candidates, and public
2 questions for which an individual cast an absentee ballot, the county
3 voter registration office shall keep confidential only that part of the
4 election material necessary to protect the secrecy of the voter's ballot.
5 In addition, the county voter registration office shall keep confidential
6 information contained in material related to provisional ballots that
7 identifies an individual, except for the individual's name, address, and
8 birth date.

9 (h) After the expiration of the period described in subsection (b)
10 or (c), the ballots may be destroyed in the manner provided by
11 IC 3-11-3-31 or transferred to a state educational institution as
12 provided by IC 3-12-2-12.

13 (i) This subsection applies to a detachable recording unit or
14 compartment used to record a ballot cast on a direct record electronic
15 voting system. After the time allowed to file a verified petition or
16 cross-petition for a recount of votes or to contest the election, the
17 circuit court clerk shall transfer the data contained in the unit or
18 compartment to a disc or other recording medium. After transferring
19 the data, the clerk may clear or erase the unit or compartment. The
20 circuit court clerk shall carefully preserve the disc or medium used to
21 record the data for ~~twenty-two (22)~~ **sixty (60)** months, as required by
22 52 U.S.C. 20701, after which time the disc or medium may be erased
23 or destroyed, subject to IC 5-15-6, unless an order requiring the
24 continued preservation of the disc or medium is issued under the
25 following:

- 26 (1) IC 3-12-6-19.
- 27 (2) IC 3-12-11-16.
- 28 (3) 52 U.S.C. 10301.

29 (j) This subsection applies to a county using an electronic poll
30 book. After each election, the county shall save all data recorded on the
31 electronic poll book and any information stored on the dedicated,
32 private server required under IC 3-11-8-10.3(b)(4). The circuit court
33 clerk shall carefully preserve the disc or medium used to record the
34 data for ~~twenty-two (22)~~ **sixty (60)** months, as required by 52 U.S.C.
35 20701, after which time the data may be erased or destroyed, subject
36 to IC 5-15-6, unless an order requiring the continued preservation of
37 the data is issued under the following:

- 38 (1) IC 3-12-6-19.
- 39 (2) IC 3-12-11-16.
- 40 (3) 52 U.S.C. 10301.

41 (k) This section does not prohibit county election officials from



1 performing post-election audits, as authorized by statute.

2 (l) This section does not prohibit county election officials from

3 performing a duty under IC 3-11.7.

4 **SECTION 2. An emergency is declared for this act.**

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