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SENATE BILL No. 113

Proposed Changes to introduced printing by AM011302

DIGEST OF PROPOSED AMENDMENT

Retroactive effective date. Changes the effective date from July 1, 2026, to January 1, 2026.

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 ~~JULY~~JANUARY 1, 2026 (RETROACTIVE)]: Sec. 31.1. (a) The
4 inspector of each precinct shall deliver the bags required by section
5 30(a) and 30(c) of this chapter in good condition, together with poll
6 lists, tally sheets, and other forms, to the circuit court clerk when
7 making returns.
8 (b) Except for unused ballots disposed of under IC 3-11-3-31 or
9 the copies of the affidavits received by the county election board under
10 IC 3-14-5-2 for delivery to the prosecuting attorney, the circuit court
11 clerk shall seal the ballots (including provisional ballots) and other
12 material (including election material related to provisional ballots)
13 during the time allowed to file a verified petition or cross-petition for
14 a recount of votes or to contest the election. Except as provided in
15 subsection (c) and notwithstanding any other provision of state law,
16 after the recount or contest filing period, the election material,
17 including election material related to provisional ballots (except for
18 ballots and provisional ballots, which remain confidential) shall be
19 made available for copying and inspection under IC 5-14-3. The circuit
20 court clerk shall carefully preserve the sealed ballots and other material
21 for ~~twenty-two (22)~~ sixty (60) months, as required by 52 U.S.C. 20701,

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1 after which the sealed ballots and other material are subject to
2 IC 5-15-6 unless an order issued under:

3 (1) IC 3-12-6-19 or IC 3-12-11-16; or
4 (2) 52 U.S.C. 10301;

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

6 (c) If a petition for a recount or contest is filed, the material for
7 that election remains confidential until completion of the recount or
8 contest.

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

28 (1) The voter's registration at the address stated in the voter's
29 registration application has been canceled.
30 (2) The general election immediately following the cancellation
31 of the voter's registration under subdivision (1) has occurred.
32 (3) Twenty-four (24) months have elapsed following the general
33 election described in subdivision (2).

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1 identifies an individual, except for the individual's name, address, and
 2 birth date.

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

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

20 (1) IC 3-12-6-19.
 21 (2) IC 3-12-11-16.
 22 (3) 52 U.S.C. 10301.

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

32 (1) IC 3-12-6-19.
 33 (2) IC 3-12-11-16.
 34 (3) 52 U.S.C. 10301.

35 (k) This section does not prohibit county election officials from
 36 performing post-election audits, as authorized by statute.

37 (l) This section does not prohibit county election officials from
 38 performing a duty under IC 3-11.7.
 39 SECTION 2. An emergency is declared for this act.

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