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

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

requires the continued preservation of the ballots or other material.

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

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

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

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

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

(g) This subsection does not apply to ballots, including provisional ballots. Notwithstanding subsection (b), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot. In addition, the county voter registration office shall keep confidential information contained in material related to provisional ballots that



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

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

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

(1) IC 3-12-6-19.

(2) IC 3-12-11-16.

(3) 52 U.S.C. 10301.

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

(1) IC 3-12-6-19.

(2) IC 3-12-11-16.

(3) 52 U.S.C. 10301.

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

(l) This section does not prohibit county election officials from performing a duty under IC 3-11.7. [

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

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