
SENATE BILL No. 113

AM011304 has been incorporated into January 13, 2026 printing.

Synopsis: Preservation of election material.

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SB 113—LS 6325/DI 144



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January 13, 2026

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.

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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,
16 including election material related to provisional ballots (except for
17 ballots and provisional ballots, which remain confidential) shall be

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1 made available for copying and inspection under IC 5-14-3. The circuit
 2 court clerk shall carefully preserve the sealed ballots and other material
 3 for ~~twenty-two (22)~~ **thirty-four (34)** months, as required by ~~52 U.S.C.~~
 4 ~~20701~~, after which the sealed ballots and other material are subject to
 5 IC 5-15-6 unless an order issued under:

- 6 (1) IC 3-12-6-19 or IC 3-12-11-16; or
 7 (2) 52 U.S.C. 10301;

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

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

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

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

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

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

37 (g) This subsection does not apply to ballots, including provisional
 38 ballots. Notwithstanding subsection (b), if a county voter registration
 39 office determines that the inspection and copying of precinct election
 40 material would reveal the political parties, candidates, and public
 41 questions for which an individual cast an absentee ballot, the county

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1 voter registration office shall keep confidential only that part of the
 2 election material necessary to protect the secrecy of the voter's ballot.
 3 In addition, the county voter registration office shall keep confidential
 4 information contained in material related to provisional ballots that
 5 identifies an individual, except for the individual's name, address, and
 6 birth date.

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

11 (i) This subsection applies to a detachable recording unit or
 12 compartment used to record a ballot cast on a direct record electronic
 13 voting system. After the time allowed to file a verified petition or
 14 cross-petition for a recount of votes or to contest the election, the
 15 circuit court clerk shall transfer the data contained in the unit or
 16 compartment to a disc or other recording medium. After transferring
 17 the data, the clerk may clear or erase the unit or compartment. The
 18 circuit court clerk shall carefully preserve the disc or medium used to
 19 record the data for ~~twenty-two (22)~~ **thirty-four (34)** months, as
 20 ~~required by 52 U.S.C. 20701~~, after which time the disc or medium may
 21 be erased or destroyed, subject to IC 5-15-6, unless an order requiring
 22 the continued preservation of the disc or medium is issued under the
 23 following:

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

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

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

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

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

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1 performing a duty under IC 3-11.7.
2 SECTION 2. **An emergency is declared for this act.**

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