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SENATE BILL No. 113

Proposed Changes to January 13, 2026 printing by AM011304

DIGEST OF PROPOSED AMENDMENT

Preservation of election material. Extends the period within which certain election material must be preserved from 22 months to 34 months (instead of 60 months required under the bill).

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
18 made available for copying and inspection under IC 5-14-3. The circuit
19 court clerk shall carefully preserve the sealed ballots and other material
20 for ~~twenty-two (22)~~~~<sixty>~~ [thirty-four] (~~<60>~~[34]) months, as

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1 required by 52 U.S.C. 20701, after which the sealed ballots and other
2 material are subject to 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.

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

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

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).

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

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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>~~ **[thirty-four]** (~~<60>~~ **[34]**)
16 months, as required by 52 U.S.C. 20701, after which time the disc or
17 medium may be erased or destroyed, subject to IC 5-15-6, unless an
18 order requiring the continued preservation of the disc or medium is
19 issued under the 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>~~ **[thirty-four]** (~~<60>~~ **[34]**) months, as
29 required by 52 U.S.C. 20701, after which time the data may be erased
30 or destroyed, subject to IC 5-15-6, unless an order requiring the
31 continued preservation of 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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