

PROPOSED AMENDMENT

SB 233 # 2

DIGEST

Marketing voting systems and electronic poll books. Allows the promotion or advertisement of a voting system, an electronic poll book, or a change or improvement to a voting system or an electronic poll book, if a completed application for certification or approval has been filed. Increases from \$300,000 to \$500,000 a maximum civil penalty that may be imposed on a voting system or an electronic poll book vendor.

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:

3 "SECTION 1. IC 3-5-2.1-62.5 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]: **Sec. 62.5. "Market" means the**
6 **physical display or demonstration of a voting system, an electronic**
7 **poll book, or a component of a voting system or an electronic poll**
8 **book. Except as provided in IC 3-11-7.5-26, the term does not**
9 **include promoting or advertising a voting system or electronic poll**
10 **book through a written, electronic, or verbal communication in the**
11 **manner permitted under IC 3-11-15-49(d) and IC 3-11-18.1-12(j)."**

12 Page 8, after line 42, begin a new paragraph and insert:

13 "SECTION 5. IC 3-11-15-49, AS AMENDED BY P.L.71-2019,
14 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: Sec. 49. (a) Except as provided in subsection (b),
16 ~~or~~ (c), **or (d)**, before a vendor markets, sells, leases, installs, or permits
17 the implementation of a voting system in Indiana, the commission must
18 have approved the vendor's application for the approval of the voting
19 system.

20 (b) A vendor may display or demonstrate a voting system that has
21 not been approved by the commission for use in Indiana, if the vendor
22 complies with all the following requirements:

23 (1) The display or demonstration occurs at a conference of
24 election officials sponsored by:

25 (A) a state agency; or

26 (B) an association of circuit court clerks or voter registration

- 1 officers.
- 2 (2) The vendor files a notice with the election division at least
- 3 seven (7) days before the scheduled starting date of a conference
- 4 referred to in subdivision (1) setting forth the following:
- 5 (A) The name of the vendor and each vendor representative
- 6 scheduled to display or demonstrate the voting system.
- 7 (B) The address and telephone number of the vendor.
- 8 (C) The model name and number of the voting system,
- 9 including the hardware, firmware, and software version
- 10 number for the voting system.
- 11 (D) The name and manufacturer of the voting system.
- 12 (E) The date and location of the display or demonstration of
- 13 the voting system.
- 14 (3) The vendor displays the voting system with a notice that:
- 15 (A) is in at least 16 point type size;
- 16 (B) is posted on the face of the voting system; and
- 17 (C) states that the voting system is "Not Approved for Use in
- 18 Indiana".
- 19 (4) The vendor ensures that each communication concerning the
- 20 voting system that is available or made at a conference referred to
- 21 in subdivision (1) includes a statement that the voting system is
- 22 "Not Approved for Use in Indiana". A printed communication
- 23 must include the statement in a type size that is at least as large as
- 24 the largest type size used in the communication.
- 25 (c) Notwithstanding subsection (b), a vendor may display or
- 26 demonstrate an electronic voting system which includes a voter
- 27 verifiable paper audit trail if the vendor demonstrates the system only
- 28 to a county which is currently using an electronic voting system
- 29 provided by that vendor which does not include a voter verifiable paper
- 30 audit trail.
- 31 **(d) A vendor that has filed a completed application for:**
- 32 **(1) certification of a voting system; or**
- 33 **(2) approval of an improvement or change to a voting system;**
- 34 **may promote or advertise the voting system, improvement, or**
- 35 **change through a written, electronic, or verbal communication.**
- 36 SECTION 6. IC 3-11-17-3, AS ADDED BY P.L.221-2005,
- 37 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 UPON PASSAGE]: Sec. 3. If the secretary of state determines that a
- 39 vendor is subject to a civil penalty under section 2 of this chapter, the
- 40 secretary of state may assess a civil penalty. The civil penalty assessed

1 under this section may not exceed ~~three five~~ hundred thousand dollars
 2 (~~\$300,000~~), **(\$500,000)**, plus any investigative costs incurred and
 3 documented by the secretary of state.

4 SECTION 7. IC 3-11-18.1-12, AS AMENDED BY P.L.227-2023,
 5 SECTION 112, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Notwithstanding section
 7 1 of this chapter, this section applies to an electronic poll book to be
 8 used in:

9 (1) a precinct polling place, office of the circuit court clerk, or a
 10 satellite office in accordance with IC 3-7-29-6; or

11 (2) a vote center under this chapter.

12 (b) Notwithstanding any other law, the electronic poll book used
 13 must satisfy all of the following:

14 (1) The electronic poll book must comply with IC 3-11-8-10.3.

15 (2) The electronic poll book must be approved by the secretary of
 16 state in accordance with this section.

17 (3) Except with prior written authorization by the VSTOP, the
 18 electronic poll book must have been delivered to the county
 19 election board not less than sixty (60) days before an election at
 20 which the electronic poll book is used.

21 (c) A person who wishes to market, sell, lease, or provide an
 22 electronic poll book for use in an election in Indiana must first file an
 23 application for certification with the election division on a form
 24 prescribed by the secretary of state. Except as provided in subsection
 25 (i) **or (j)**, a person may not market, sell, lease, or provide an electronic
 26 poll book for use in an election in Indiana until the secretary of state
 27 has approved the application for certification under this section. The
 28 application must state that the vendor has complied, and will continue
 29 to comply, with subsection (d) following certification of the electronic
 30 poll book. Each application for certification of an electronic poll book
 31 must be accompanied by a fee of one thousand five hundred dollars
 32 (\$1,500). However, this fee does not apply to an application for a de
 33 minimis change. All fees collected under this section shall be deposited
 34 with the treasurer of state in the voting system technical oversight
 35 program account established by IC 3-11-17-6.

36 (d) The person seeking certification of an electronic poll book shall
 37 conduct a background check at least once each year on each individual
 38 employed or contracted by the vendor who has access to the electronic
 39 poll book to determine if the individual has been convicted of a felony.
 40 An individual described by this subsection who has been convicted of

1 a felony may not have access to an electronic poll book in the
2 individual's capacity as an employee or contractor of the vendor.

3 (e) The secretary of state shall refer the application to the person or
4 entity conducting the VSTOP.

5 (f) The VSTOP shall examine the electronic poll book with its
6 accompanying documentation and file a report with the secretary of
7 state indicating all of the following:

8 (1) Whether the electronic poll book would operate in compliance
9 with this title.

10 (2) Whether VSTOP has reviewed tests conducted by an approved
11 voting system testing laboratory.

12 (3) Whether VSTOP has conducted a field test.

13 (4) Whether the electronic poll book complies with additional
14 requirements for the electronic poll book application for
15 certification and acceptance testing, as described in the Indiana
16 Electronic Poll Book Certification Test Protocol approved by the
17 secretary of state (as in effect January 1, 2023).

18 (5) Any recommendations regarding the acquisition or use of the
19 electronic poll book.

20 (6) Whether documentation of the escrow of the electronic poll
21 book's software, firmware, source codes, and executable images
22 with an escrow agent approved by the election division has been
23 received by VSTOP.

24 (7) Whether VSTOP recommends that the secretary of state
25 approve the electronic poll book under this section, including any
26 recommended restrictions that should be placed on the secretary
27 of state's approval.

28 (g) After the report required by subsection (f) is filed, the secretary
29 of state may approve the application for certification permitting the
30 electronic poll book to be used in an election in Indiana.

31 (h) A certification under this section expires on December 31 of the
32 year following the date of its issuance, unless earlier revoked by the
33 secretary of state upon a written finding of good cause for the
34 revocation, including a violation of IC 3-11-17-7(b).

35 (i) A person may display or demonstrate an electronic poll book that
36 has not been certified under this section if the person complies with all
37 the following requirements:

38 (1) The display or demonstration occurs at a conference of
39 election officials sponsored by:

40 (A) a state agency; or

- 1 (B) an association of circuit court clerks or voter registration
 2 officers.
- 3 (2) The person files a notice with the election division at least
 4 seven (7) days before the scheduled starting date of a conference
 5 referred to in subdivision (1) setting forth the following:
- 6 (A) The name of the person and each representative scheduled
 7 to display or demonstrate the electronic poll book.
 8 (B) The address and telephone number of the person.
 9 (C) The model name of the electronic poll book.
 10 (D) The name and manufacturer of the electronic poll book.
 11 (E) The date and location of the display or demonstration of
 12 the electronic poll book.
- 13 (3) The person displays the electronic poll book with a notice that:
 14 (A) is at least 16 point type size;
 15 (B) is posted on the surface of the electronic poll book; and
 16 (C) states that the electronic poll book is "Not Approved for
 17 Use in Indiana".
- 18 (4) The person ensures that each communication concerning the
 19 electronic poll book that is available or made at a conference
 20 referred to in subdivision (1) includes a statement that the
 21 electronic poll book is "Not Approved for Use in Indiana". A
 22 printed communication must include the statement in a type size
 23 that is at least as large as the largest type size used in the
 24 communication.
- 25 **(j) A person that has filed an application for:**
 26 **(1) certification of an electronic poll book; or**
 27 **(2) approval of an improvement or change to an electronic**
 28 **poll book;**
 29 **may promote or advertise the electronic poll book, improvement,**
 30 **or change through a written, electronic, or verbal**
 31 **communication."**
- 32 Renumber all SECTIONS consecutively.
 (Reference is to SB 233 as printed January 21, 2026.)