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## SENATE BILL No. 233

AM023301 has been incorporated into January 21, 2026 printing.

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**Synopsis:** Powers and duties of the election commission.

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January 21, 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.

## SENATE BILL No. 233

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

10 SECTION 2. IC 3-9-1-12, AS AMENDED BY P.L.225-2011,  
11 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 UPON PASSAGE]: Sec. 12. (a) A committee **whose statement of**  
13 **organization has been filed with a county election board** may  
14 disband at any time in the manner prescribed by this section.

15 (b) **The commission or** A county election board may  
16 administratively disband a committee in the manner prescribed by this  
17 section.

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- (1) A candidate's committee for state office.
  - (2) A candidate's committee for legislative office.
  - (3) A legislative caucus committee.
  - (4) A political action committee that has filed a statement or report with the election division.
  - (5) A regular party committee that has filed a statement or report with the election division.

10           **(d) (c)** A county election board has exclusive jurisdiction to  
11 disband any of the following:

- (1) A candidate's committee for a local office.
  - (2) A candidate's committee for a school board office.
  - (3) A political action committee that has filed a statement or report with the election board, unless the political action committee has also filed a report with the election division.
  - (4) A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.

20 (e) (d) The commission or A county election board may  
21 administratively disband a committee in the following manner:

- (1) Not later than the last Friday of January of each year, the ~~election division~~ or county election board shall review the list of committees that have filed statements of organization with the ~~division~~ or board under this article.

26 (2) If the ~~election division~~ or county election board determines  
27 both of the following, the ~~election division~~ or county election  
28 board may begin a proceeding before the ~~commission~~ or board  
29 to administratively disband the committee:

- (A) The committee has not filed any report of expenditures during the previous three (3) calendar years.
  - (B) The committee last reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000), if the committee filed a report under this article.

(3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission or board may issue an order administratively dissolving the committee if the commission or board makes the following findings:

- (A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise

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function as a committee.

(B) According to the best evidence available to the commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

(5) If the commission or board:

(A) administratively dissolves a committee under subdivision (4); and

(B) finds that the prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust;

the commission or board may also waive the outstanding civil penalty previously imposed by the commission or board against the committee.

(6) The election division shall arrange for the publication in the Indiana Register of an order administratively disbanding a committee. A county election board shall publish a notice under IC 5-3-1 stating that the board has disbanded a committee under this subsection. The notice must state the date of the order and the name of the committee, but the board is not required to publish the text of the order.

(7) An order issued under this subsection takes effect immediately upon its adoption, unless otherwise specified in the order.

¶ (e) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:

(1) Give written notification of the dissolution and transfer a surplus of contributions less expenditures to any one (1) or a combination of the following:

(A) One (1) or more regular party committees.

(B) One (1) or more candidate's committees.

(C) The election division.

(D) An organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

(E) Contributors to the committee, on a pro rata basis.

(2) Use the surplus in any other manner permitted under IC 3-9-3-4.

(g) (f) Except as provided in subsection (e) (d) concerning the waiver of civil penalties, a dissolution or transfer of funds does not relieve the committee or the committee's members from any:

(1) civil liability, including the liability of the committee's chairman or treasurer for the payment of any debts incurred by



1 or on behalf of the committee; or  
2 (2) criminal liability.

3 SECTION 3. IC 3-9-1-12.5 IS ADDED TO THE INDIANA CODE  
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]: Sec. 12.5. (a) A committee whose statement of  
6 organization has been filed with the election division may disband  
7 at any time in the manner prescribed by this section.

**(b) The commission may administratively disband a committee in the manner prescribed by this section.**

- (1) A candidate's committee for state office.**
  - (2) A candidate's committee for legislative office.**
  - (3) A legislative caucus committee.**
  - (4) A political action committee that has filed a statement or report with the election division.**
  - (5) A regular party committee that has filed a statement or report with the election division.**

18 ~~Proposed Rule 1.10~~ ~~Proposed Rule 1.10~~  
19 **(d) The commission may administratively disband a committee**  
20 **in the following manner:**

- (1) Not later than the last Friday of January of each year, the election division shall review the list of committees that have filed statements of organization with the division under this article.**

**(2) If the election division determines the following, the election division may begin a proceeding before the commission to administratively disband the committee:**

- (A) The committee has not filed a report of expenditures during the previous calendar year.
  - (B) The committee has never filed a report of expenditures or the last report filed by the committee reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000).
  - (C) The election division has attempted to contact the committee:

- (i) by United States mail during the previous calendar year to provide notice of upcoming deadlines to file a report of expenditures, but the communication has been returned by the United States Postal Service due to an unknown or insufficient address; or
  - (ii) by electronic mail, if the committee provided an

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electronic mail address to the election division, but the electronic mail was returned as undeliverable.

(3) The election division shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission may issue an order administratively dissolving the committee if the commission makes the following findings:

**(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.**

**(B) According to the best evidence available to the commission, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person or impair the prosecution of any violation of criminal law.**

**(5) If the commission:**

(A) administratively dissolves a committee under subdivision (4); and

**(B) finds that the prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust;**

the commission may also waive the outstanding civil penalty previously imposed by the commission against the committee.

**(6) The election division shall arrange for the publication in the Indiana Register of an order administratively disbanding a committee.**

(7) An order issued under this subsection takes effect immediately upon its adoption, unless otherwise specified in the order.

(e) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:

**(1) Give written notification of the dissolution and transfer a surplus of contributions less expenditures to any one (1) or a combination of the following:**

(A) One (1) or more regular party committees.

(B) One (1) or more candidate's committees.

(C) The election division.

(D) An organization exempt from federal income taxation under Section 501 of the Internal Revenue

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## Code.

**(E) Contributors to the committee, on a pro rata basis.**

**(2) Use the surplus in any other manner permitted under IC 3-9-3-4.**

(f) Except as provided in subsection (d) concerning the waiver of civil penalties, a dissolution or transfer of funds does not relieve the committee or the committee's members from any:

**(1) civil liability, including the liability of the committee's chairman or treasurer for the payment of any debts incurred by the half of the committee.**

by or on behalf of the  
(2) criminal liability

(1) Fails to file with the election division a report in the manner required under IC 3-9-5.

(2) Fails to file a statement of organization required under IC 3-9-1

(3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee.

(4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive contributions on the committee's behalf

(5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4

(6) Makes a contribution in the name of another person

(7) Accepts a contribution made by one (1) person in the name of another person.

(8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.

authorized by this article.

(9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.

(10) Wrongfully uses campaign contributions in violation of

(10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.  
(11) Violates IC 3-9-2-12.

(12) Fails to designate

(12) Fails to designate a contribution as required by IC 3-9-2-5(c).

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1 (13) Violates IC 3-9-3-5.  
2 (14) Serves as a treasurer of a committee in violation of any of  
3 the following:  
4 (A) IC 3-9-1-13(1).  
5 (B) IC 3-9-1-13(2).  
6 (C) IC 3-9-1-18.  
7 (15) Fails to comply with section 4(d) of this chapter.  
8 (16) Violates IC 3-9-3-2.5 by making a communication that  
9 contains a disclaimer that is not presented in a clear and  
10 conspicuous manner required by IC 3-9-3-2.5(d) and  
11 IC 3-9-3-2.5(e). This subdivision does not apply to a person  
12 whose sole act is, in the normal course of business, participating  
13 in the preparation, printing, distribution, or broadcast of the  
14 communication containing the disclaimer.  
15 (b) This subsection applies to a person who is subject to a civil  
16 penalty under subsection (a)(1) or (a)(2) for filing a defective report or  
17 statement. If the commission determines that a person failed to file the  
18 amended report or statement of organization not later than noon five (5)  
19 days after being given notice under section 14 of this chapter, the  
20 commission **may shall** assess a civil penalty. The penalty is ten dollars  
21 (\$10) for each day the report is late after the expiration of the five (5)  
22 day period, not to exceed one hundred dollars (\$100) plus any  
23 investigative costs incurred and documented by the election division.  
24 The civil penalty limit under this subsection applies to each report  
25 separately.  
26 (c) This subsection applies to a person who is subject to a civil  
27 penalty under subsection (a)(1) or (a)(2) for a delinquent report or  
28 statement. If the commission determines that a person failed to file the  
29 report or statement of organization by the deadline prescribed under  
30 this article, the commission shall assess a civil penalty. The penalty is  
31 fifty dollars (\$50) for each day the report or statement is late, with the  
32 afternoon of the final date for filing the report or statement being  
33 calculated as the first day. The civil penalty under this subsection may  
34 not exceed one thousand dollars (\$1,000) plus any investigative costs  
35 incurred and documented by the election division. The civil penalty  
36 limit under this subsection applies to each report separately.  
37 (d) This subsection applies to a person who is subject to a civil  
38 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or  
39 (a)(10). If the commission determines that a person is subject to a civil  
40 penalty under subsection (a), the commission **may shall** assess a civil  
41 penalty of **not more than** one thousand dollars (\$1,000), plus any  
42 investigative costs incurred and documented by the election division.

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16 (g) This subsection applies to a person who is subject to a civil  
17 penalty under subsection (a)(12). If the commission determines that a  
18 corporation or a labor organization has failed to designate a  
19 contribution in violation of IC 3-9-2-5(c), the commission shall assess  
20 a civil penalty equal to the greater of the following, plus any  
21 investigative costs incurred and documented by the election division:

- 22 (1) Two (2) times the amount of the contributions undesignated.  
23 (2) One thousand dollars (\$1,000).

24 (h) This subsection applies to a person who is subject to a civil  
25 penalty under subsection (a)(13). If the commission determines, by  
26 unanimous vote of the entire membership of the commission, that a  
27 person has violated IC 3-9-3-5, the commission ~~may~~ shall assess a civil  
28 penalty of ~~not more than~~ five hundred dollars (\$500), plus any  
29 investigative costs incurred and documented by the election division.

38 (j) This subsection applies to a person who is subject to a civil  
39 penalty under subsection (a)(15). The commission ~~may~~ shall assess a  
40 civil penalty ~~equal to the costs incurred by the election division for the~~  
41 ~~manual entry of the data contained in the report or statement, plus any~~  
42 ~~investigative costs incurred and documented by the election division.~~

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1                   **of five hundred dollars (\$500).**

2                   (k) This subsection applies to a person who is subject to a civil  
 3                   penalty under subsection (a)(16). If the commission determines that a  
 4                   person is subject to a civil penalty under subsection (a)(16), the  
 5                   commission ~~may~~ shall assess a civil penalty of ~~not more than~~ one  
 6                   thousand dollars (\$1,000) for each communication circulated or  
 7                   published (but not for each of the copies of the communication actually  
 8                   circulated or published), plus any investigative costs incurred and  
 9                   documented by the election division.

10                  (l) All civil penalties collected under this section shall be  
 11                  deposited with the treasurer of state in the campaign finance  
 12                  enforcement account.

13                  (m) Proceedings of the commission under this section are subject  
 14                  to IC 4-21.5.

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

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

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

27                   (A) a state agency; or

28                   (B) an association of circuit court clerks or voter  
 29                   registration officers.

30                  (2) The vendor files a notice with the election division at least  
 31                  seven (7) days before the scheduled starting date of a conference  
 32                  referred to in subdivision (1) setting forth the following:

33                   (A) The name of the vendor and each vendor representative  
 34                   scheduled to display or demonstrate the voting system.

35                   (B) The address and telephone number of the vendor.

36                   (C) The model name and number of the voting system,  
 37                   including the hardware, firmware, and software version  
 38                   number for the voting system.

39                   (D) The name and manufacturer of the voting system.

40                   (E) The date and location of the display or demonstration of  
 41                   the voting system.

42                  (3) The vendor displays the voting system with a notice that:

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1 (A) is in at least 16 point type size;  
2 (B) is posted on the face of the voting system; and  
3 (C) states that the voting system is "Not Approved for Use  
4 in Indiana".

5 (4) The vendor ensures that each communication concerning the  
6 voting system that is available or made at a conference referred  
7 to in subdivision (1) includes a statement that the voting system  
8 is "Not Approved for Use in Indiana". A printed communication  
9 must include the statement in a type size that is at least as large  
10 as the largest type size used in the communication.

17 (d) A vendor that has filed an application for:

18                   **(1) certification of a voting system; or**  
19                   **(2) approval of an improvement or change to a voting**  
20                   **system;**

21 may promote or advertise the voting system, improvement, or  
22 change through a written, electronic, or verbal communication.

23 SECTION 6. IC 3-11-17-3, AS ADDED BY P.L.221-2005,  
24 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 UPON PASSAGE]: Sec. 3. If the secretary of state determines that a  
26 vendor is subject to a civil penalty under section 2 of this chapter, the  
27 secretary of state may assess a civil penalty. The civil penalty assessed  
28 under this section may not exceed ~~three~~ **five** hundred thousand dollars  
29 (\$300,000); **(\$500,000)**, plus any investigative costs incurred and  
30 documented by the secretary of state.

31 SECTION 7. IC 3-11-18.1-12, AS AMENDED BY P.L.227-2023,  
32 SECTION 112, IS AMENDED TO READ AS FOLLOWS  
33 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Notwithstanding section  
34 1 of this chapter, this section applies to an electronic poll book to be  
35 used in:

36 (1) a precinct polling place, office of the circuit court clerk, or a  
37 satellite office in accordance with IC 3-7-29-6; or  
38 (2) a vote center under this chapter.

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

41 (1) The electronic poll book must comply with IC 3-11-8-10.3.  
42 (2) The electronic poll book must be approved by the secretary

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1 of state in accordance with this section.  
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3 (3) Except with prior written authorization by the VSTOP, the  
4 electronic poll book must have been delivered to the county  
5 election board not less than sixty (60) days before an election at  
which the electronic poll book is used.

6 (c) A person who wishes to market, sell, lease, or provide an  
7 electronic poll book for use in an election in Indiana must first file an  
8 application for certification with the election division on a form  
9 prescribed by the secretary of state. Except as provided in subsection  
10 (i) or (j), a person may not market, sell, lease, or provide an electronic  
11 poll book for use in an election in Indiana until the secretary of state  
12 has approved the application for certification under this section. The  
13 application must state that the vendor has complied, and will continue  
14 to comply, with subsection (d) following certification of the electronic  
15 poll book. Each application for certification of an electronic poll book  
16 must be accompanied by a fee of one thousand five hundred dollars  
17 (\$1,500). However, this fee does not apply to an application for a de  
18 minimis change. All fees collected under this section shall be deposited  
19 with the treasurer of state in the voting system technical oversight  
20 program account established by IC 3-11-17-6.

21 (d) The person seeking certification of an electronic poll book  
22 shall conduct a background check at least once each year on each  
23 individual employed or contracted by the vendor who has access to the  
24 electronic poll book to determine if the individual has been convicted  
25 of a felony. An individual described by this subsection who has been  
26 convicted of a felony may not have access to an electronic poll book in  
27 the individual's capacity as an employee or contractor of the vendor.

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

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

- 33 (1) Whether the electronic poll book would operate in  
34 compliance with this title.  
35 (2) Whether VSTOP has reviewed tests conducted by an  
36 approved voting system testing laboratory.  
37 (3) Whether VSTOP has conducted a field test.  
38 (4) Whether the electronic poll book complies with additional  
39 requirements for the electronic poll book application for  
40 certification and acceptance testing, as described in the Indiana  
41 Electronic Poll Book Certification Test Protocol approved by the  
42 secretary of state (as in effect January 1, 2023).



1 (5) Any recommendations regarding the acquisition or use of the  
2 electronic poll book.  
3 (6) Whether documentation of the escrow of the electronic poll  
4 book's software, firmware, source codes, and executable images  
5 with an escrow agent approved by the election division has been  
6 received by VSTOP.  
7 (7) Whether VSTOP recommends that the secretary of state  
8 approve the electronic poll book under this section, including  
9 any recommended restrictions that should be placed on the  
10 secretary of state's approval.

11 (g) After the report required by subsection (f) is filed, the secretary  
12 of state may approve the application for certification permitting the  
13 electronic poll book to be used in an election in Indiana.  
14 (h) A certification under this section expires on December 31 of  
15 the year following the date of its issuance, unless earlier revoked by the  
16 secretary of state upon a written finding of good cause for the  
17 revocation, including a violation of IC 3-11-17-7(b).  
18 (i) A person may display or demonstrate an electronic poll book  
19 that has not been certified under this section if the person complies  
20 with all the following requirements:  
21 (1) The display or demonstration occurs at a conference of  
22 election officials sponsored by:  
23 (A) a state agency; or  
24 (B) an association of circuit court clerks or voter  
25 registration officers.  
26 (2) The person files a notice with the election division at least  
27 seven (7) days before the scheduled starting date of a conference  
28 referred to in subdivision (1) setting forth the following:  
29 (A) The name of the person and each representative  
30 scheduled to display or demonstrate the electronic poll  
31 book.  
32 (B) The address and telephone number of the person.  
33 (C) The model name of the electronic poll book.  
34 (D) The name and manufacturer of the electronic poll book.  
35 (E) The date and location of the display or demonstration of  
36 the electronic poll book.  
37 (3) The person displays the electronic poll book with a notice  
38 that:  
39 (A) is at least 16 point type size;  
40 (B) is posted on the surface of the electronic poll book; and  
41 (C) states that the electronic poll book is "Not Approved for  
42 Use in Indiana".

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(4) The person ensures that each communication concerning the electronic poll book that is available or made at a conference referred to in subdivision (1) includes a statement that the electronic poll book is "Not Approved for Use in Indiana". A printed communication must include the statement in a type size that is at least as large as the largest type size used in the communication.

14 SECTION 6. An emergency is declared for this act.

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