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SENATE BILL No. 233

Proposed Changes to January 21, 2026 printing by AM023301

DIGEST OF PROPOSED AMENDMENT

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 an 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.

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

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(c) The commission has exclusive jurisdiction to disband any of the following:

- (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.

(d) (c) A county election board has exclusive jurisdiction to 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.

(e) (d) The commission or A county election board may 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 ~~election division~~ or board under this article.

(2) If the ~~election division~~ or county election board determines both of the following, the ~~election division~~ or county election board may begin a proceeding before the ~~commission~~ or board 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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- 1 function as a committee.
- 2 (B) According to the best evidence available to the ~~commission~~ ↔ [
- 3 ~~commission or board~~, the dissolution of the committee will
- 4 not impair any contract or impede the collection of a debt or
- 5 judgment by any person.
- 6 (5) If the ~~commission or board~~:
- 7 (A) administratively dissolves a committee under
- 8 subdivision (4); and
- 9 (B) finds that the prudent use of public resources makes
- 10 further efforts to collect any outstanding civil penalty
- 11 imposed against the committee wasteful or unjust;
- 12 the ~~commission or board~~ may also waive the outstanding civil
- 13 penalty previously imposed by the ~~commission or board~~ against
- 14 the committee.
- 15 (6) ~~The election division shall arrange for the publication in the~~
- 16 ~~Indiana Register of an order administratively disbanding a~~
- 17 ~~committee.~~ A county election board shall publish a notice under
- 18 IC 5-3-1 stating that the board has disbanded a committee under
- 19 this subsection. The notice must state the date of the order and
- 20 the name of the committee, but the board is not required to
- 21 publish the text of the order.
- 22 (7) An order issued under this subsection takes effect
- 23 immediately upon its adoption, unless otherwise specified in the
- 24 order.
- 25 ~~(f)~~ (e) If the chairman or treasurer of a committee wishes to
- 26 disband the committee, the committee must do either of the following:
- 27 (1) Give written notification of the dissolution and transfer a
- 28 surplus of contributions less expenditures to any one (1) or a
- 29 combination of the following:
- 30 (A) One (1) or more regular party committees.
- 31 (B) One (1) or more candidate's committees.
- 32 (C) The election division.
- 33 (D) An organization exempt from federal income taxation
- 34 under Section 501 of the Internal Revenue Code.
- 35 (E) Contributors to the committee, on a pro rata basis.
- 36 (2) Use the surplus in any other manner permitted under
- 37 IC 3-9-3-4.
- 38 ~~(g)~~ (f) Except as provided in subsection ~~(e)~~ (d) concerning the
- 39 waiver of civil penalties, a dissolution or transfer of funds does not
- 40 relieve the committee or the committee's members from any:
- 41 (1) civil liability, including the liability of the committee's
- 42 chairman or treasurer for the payment of any debts incurred by

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or on behalf of the committee; or

(2) criminal liability.

SECTION ~~3~~ [3]. IC 3-9-1-12.5 IS ADDED TO THE INDIANA
CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: **Sec. 12.5. (a) A committee whose
statement of organization has been filed with the election division
may disband 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.**

**(c) The commission has exclusive jurisdiction to disband any
of the following:**

(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.**

**(d) The commission may administratively disband a committee
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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- 1 electronic mail address to the election division, but
2 the electronic mail was returned as undeliverable.
- 3 (3) The election division shall provide notice of the
4 proceeding by certified mail to the last known address of the
5 chairman and treasurer of the committee.
- 6 (4) The commission may issue an order administratively
7 dissolving the committee if the commission makes the
8 following findings:
- 9 (A) There is no evidence that the committee continues to
10 receive contributions, make expenditures, or otherwise
11 function as a committee.
- 12 (B) According to the best evidence available to the
13 commission, the dissolution of the committee will not
14 impair any contract or impede the collection of a debt or
15 judgment by any person or impair the prosecution of
16 any violation of criminal law.
- 17 (5) If the commission:
- 18 (A) administratively dissolves a committee under
19 subdivision (4); and
- 20 (B) finds that the prudent use of public resources makes
21 further efforts to collect any outstanding civil penalty
22 imposed against the committee wasteful or unjust;
- 23 the commission may also waive the outstanding civil penalty
24 previously imposed by the commission against the
25 committee.
- 26 (6) The election division shall arrange for the publication in
27 the Indiana Register of an order administratively disbanding
28 a committee.
- 29 (7) An order issued under this subsection takes effect
30 immediately upon its adoption, unless otherwise specified in
31 the order.
- 32 (e) If the chairman or treasurer of a committee wishes to
33 disband the committee, the committee must do either of the
34 following:
- 35 (1) Give written notification of the dissolution and transfer
36 a surplus of contributions less expenditures to any one (1) or
37 a combination of the following:
- 38 (A) One (1) or more regular party committees.
- 39 (B) One (1) or more candidate's committees.
- 40 (C) The election division.
- 41 (D) An organization exempt from federal income
42 taxation under Section 501 of the Internal Revenue

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(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 or on behalf of the committee; or

(2) criminal liability.

SECTION ~~3~~⁴. IC 3-9-4-16, AS AMENDED BY P.L.225-2011, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:

(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.

(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 IC 3-9-3-4.

(11) Violates IC 3-9-2-12.

(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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(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the commission determines that a person is subject to a civil penalty under subsection (a)(5), the commission ~~may~~ **shall** assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the election division.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the commission determines that a candidate or the candidate's committee has violated IC 3-9-2-12, the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

(1) Two (2) times the amount of any contributions received.

(2) One thousand dollars (\$1,000).

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

(1) Two (2) times the amount of the contributions undesignated.

(2) One thousand dollars (\$1,000).

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

(i) This subsection applies to a person who is subject to a civil penalty under subsection (a)(14). If the commission determines, by unanimous vote of the entire membership of the commission, that a person has served as the treasurer of a committee in violation of any of the statutes listed in subsection (a)(14), the commission ~~may~~ **shall** assess a civil penalty of ~~not more than~~ five hundred dollars (\$500), plus any investigative costs incurred and documented by the election division.

(j) This subsection applies to a person who is subject to a civil penalty under subsection (a)(15). The commission ~~may~~ **shall** assess a civil penalty ~~equal to the costs incurred by the election division for the manual entry of the data contained in the report or statement; plus any 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 ~~49~~ [5. IC 3-11-15-49, AS AMENDED BY
16 P.L.71-2019, SECTION 25, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE UPON PASSAGE]: Sec. 49. (a) Except as provided in
18 subsection (b), or (c), or (d), before a vendor markets, sells, leases,
19 installs, or permits the implementation of a voting system in Indiana,
20 the commission must have approved the vendor's application for the
21 approval of the voting 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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(A) is in at least 16 point type size;
 (B) is posted on the face of the voting system; and
 (C) states that the voting system is "Not Approved for Use in Indiana".

(4) The vendor ensures that each communication concerning the voting system that is available or made at a conference referred to in subdivision (1) includes a statement that the voting system 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.

(c) Notwithstanding subsection (b), a vendor may display or demonstrate an electronic voting system which includes a voter verifiable paper audit trail if the vendor demonstrates the system only to a county which is currently using an electronic voting system provided by that vendor which does not include a voter verifiable paper audit trail.

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

(1) certification of a voting system; or

(2) approval of an improvement or change to a voting system;

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

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

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

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

(2) a vote center under this chapter.

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

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

(2) The electronic poll book must be approved by the secretary

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1 of state in accordance with this section.

2 (3) Except with prior written authorization by the VSTOP, the
 3 electronic poll book must have been delivered to the county
 4 election board not less than sixty (60) days before an election at
 5 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).

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

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

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

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

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

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

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

(A) a state agency; or

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

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

(A) The name of the person and each representative scheduled to display or demonstrate the electronic poll book.

(B) The address and telephone number of the person.

(C) The model name of the electronic poll book.

(D) The name and manufacturer of the electronic poll book.

(E) The date and location of the display or demonstration of the electronic poll book.

(3) The person displays the electronic poll book with a notice that:

(A) is at least 16 point type size;

(B) is posted on the surface of the electronic poll book; and

(C) states that the electronic poll book is "Not Approved for Use in Indiana".

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1 (4) The person ensures that each communication concerning the
2 electronic poll book that is available or made at a conference
3 referred to in subdivision (1) includes a statement that the
4 electronic poll book is "Not Approved for Use in Indiana". A
5 printed communication must include the statement in a type size
6 that is at least as large as the largest type size used in the
7 communication.
8 (j) A person that has filed an application for:
9 (1) certification of an electronic poll book; or
10 (2) approval of an improvement or change to an electronic
11 poll book;
12 may promote or advertise the electronic poll book, improvement,
13 or change through a written, electronic, or verbal communication.
14 SECTION 6]. An emergency is declared for this act.

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