

HOUSE BILL No. 1383

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-12-3.5.

Synopsis: Election audit procedures. Provides for the reconciliation of the number of votes cast with the number of voters who have received a ballot in a precinct or vote center using an electronic voting system. Authorizes the county election board to order an audit in precincts or vote centers under certain circumstances.

Effective: July 1, 2018.

Slager

January 16, 2018, read first time and referred to Committee on Elections and Apportionment.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1383

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 3-12-3.5-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. **(a)** This chapter
3 applies to each precinct where voting is by electronic voting system.
4 **(b) For purposes of this chapter, in a county designated as a vote**
5 **center county under IC 3-11-18.1, each vote center shall be treated**
6 **as if it were a single precinct.**
7 SECTION 2. IC 3-12-3.5-8, AS AMENDED BY P.L.169-2015,
8 SECTION 148, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) After each electronic voting
10 system has been secured and the paper vote total printouts obtained, the
11 inspector **and judges** shall ~~announce~~ **record** the total number of:
12 **(1)** votes cast on all electronic voting systems located within the
13 precinct **or vote center**, including any absentee ballots cast; **and**
14 **(2) voters who have received a ballot by signing in at the polls,**
15 **including absentee ballots returned according to the poll lists**
16 **for each precinct or vote center;**
17 to determine if the total number of votes cast on the electronic voting



1 systems differs from the number of voters shown to have received a
 2 ballot at the polls or returned an absentee ballot, according to the poll
 3 lists.

4 **(b) The inspector and judges shall record the information set
 5 forth in subsection (a) on a form prescribed under IC 3-5-4-8 and
 6 provided to each precinct or vote center under IC 3-11-3-10 by the
 7 county election board. The inspector and judges shall sign the form
 8 before delivering the certificates in accordance with section 4 of
 9 this chapter and return the form with the certificates.**

10 ~~(b)~~ (c) If the number of ballots received at the polls and returned as
 11 absentee ballots differs from the total number of voters shown on the
 12 poll lists, the inspector and ~~judge of the opposite party~~ **judges** shall
 13 report this fact in writing to the county election board together with the
 14 reasons for the discrepancy, if known, at the time that the inspector and
 15 ~~judge~~ **judges** return the precinct poll list to the board **on the form
 16 required under subsection (b).**

17 **(d) The county election board shall compile the information
 18 described in subsection (a) into a single document listing for each
 19 precinct and vote center the difference (if any) between the total
 20 number of votes cast and the number of voters who received a
 21 ballot at the polls or returned an absentee ballot according to the
 22 poll list, and the reasons for the discrepancy in each precinct or
 23 vote center, as set forth in the form required for the precinct or
 24 vote center under subsection (b). Not later than noon on the second
 25 Friday following the election, the county election board shall
 26 discuss and publish the document described in this subsection at a
 27 public hearing and immediately make the document available for
 28 inspection and copying by any voter of the county.**

29 ~~(c)~~ (e) If, in a precinct or vote center:

30 (1) the total number of votes cast; as ~~determined under subsection~~
 31 ~~(a)~~; and

32 (2) the number of voters who received a ballot at the polls or
 33 returned an absentee ballot according to the poll lists;

34 ~~differs differ~~ by five (5) or more, then the county election board ~~shall~~
 35 **may** order an audit of the votes cast in that precinct under this section.
 36 Before ordering an audit, the county election board shall recheck the
 37 computations reported by the inspector and judge under subsection ~~(b)~~.
 38 **(c).**

39 ~~(d)~~ (f) The county election board shall confirm that the votes cast in
 40 an election:

41 (1) for each candidate and each public question; and

42 (2) on a direct record electronic voting system in the precinct **or**



1 **vote center;**
2 were correctly counted.
3 ~~(e)~~ **(g)** The county election board shall conduct an audit by means
4 of tests and procedures that are approved by the commission and
5 independent of the provider of the direct record electronic voting
6 system being audited.
7 ~~(f)~~ **(h)** The county election board shall certify the results of the audit
8 not later than noon ~~thirteen (13)~~ **thirty (30)** days after the election. The
9 certification must be on the form prescribed by the election division.
10 One (1) copy shall be filed with the election returns, and one (1) copy
11 must be delivered to the election division.
12 ~~(g)~~ **(i)** Public notice of the time and place of an audit shall be given
13 at least forty-eight (48) hours before the audit. The notice shall be
14 published once in accordance with IC 5-3-1-4. However, if publication
15 in accordance with IC 5-3-1-4 will not allow the county election board
16 to certify the results of the audit within ~~thirteen (13)~~ **thirty (30)** days
17 after the election, notice shall be given by posting at or near the office
18 of the county election board.

