

SENATE BILL No. 82

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11.

Synopsis: Polling locations in schools. For a general, municipal, primary, school district, or special election conducted after December 31, 2023, prohibits an elementary school or a secondary school from being designated as a polling place, satellite office, or vote center. Allows a school corporation to request of the county executive, county election board, or circuit court clerk that an elementary school or a secondary school of the school corporation not be designated as a polling location, satellite office, or vote center before the prohibition goes into effect and requires a response to the request.

Effective: July 1, 2020.

Niemeyer

January 6, 2020, read first time and referred to Committee on Elections.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 82



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 3-11-8-3.1, AS AMENDED BY P.L.225-2011,
- 2 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2020]: Sec. 3.1. (a) A county executive shall designate the
- 4 polls for each precinct not less than twenty-nine (29) days before
- 5 election day. **For a general, municipal, primary, school district, or**
- 6 **special election conducted after December 31, 2023, an elementary**
- 7 **school (as defined in IC 20-18-2-4) or a secondary school (as**
- 8 **defined in IC 20-18-2-18(a)) may not be designated as a polling**
- 9 **place.**
- 10 (b) The designation of a polling place under this section remains in
- 11 effect until:
- 12 (1) the location of the polling place is altered by an order of the
- 13 county executive or county election board under this chapter; or
- 14 (2) a precinct establishment order issued under IC 3-11-1.5:
- 15 (A) designates a new polling place location; or
- 16 (B) combines the existing precinct with another precinct
- 17 established by the order.



1 (c) Before January 1 of a given year, a school corporation may
 2 request the county executive and the county election board to not
 3 designate an elementary school or a secondary school of the school
 4 corporation as a polling location. The county executive shall seek
 5 other locations for the polling location and respond back to the
 6 school corporation as to whether the school corporation's request
 7 can be granted. This subsection expires December 31, 2023.

8 SECTION 2. IC 3-11-8-4 IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) ~~School buildings~~, **Beginning**
 10 **January 1, 2024, this section does not apply to a school maintained**
 11 **by a school corporation or to a charter school.**

12 (b) Fire stations and all other public buildings shall be made
 13 available without charge to a county for holding an election. The
 14 county may not be required to sign any agreement assuming liability as
 15 a precondition for use of the public building.

16 SECTION 3. IC 3-11-10-26.3, AS AMENDED BY P.L.169-2015,
 17 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2020]: Sec. 26.3. (a) A county election board
 19 may adopt a resolution to authorize the circuit court clerk to establish
 20 satellite offices in the county where voters may cast absentee ballots
 21 before an absentee voter board.

22 (b) To be adopted under this section, a resolution must be adopted
 23 by the unanimous vote of the board's entire membership.

24 (c) A resolution adopted under this section must do the following:

25 (1) State the locations of the satellite offices.

26 (2) State the hours at which absentee voting may occur at the
 27 satellite offices.

28 (d) The resolution may contain other provisions the board considers
 29 useful.

30 (e) If a resolution is adopted under this section for a primary
 31 election, the locations of the satellite offices and the hours at which
 32 absentee voting may occur at the satellite offices established for the
 33 primary election must be used for the subsequent general or municipal
 34 election.

35 (f) If a resolution is adopted under this section, the procedure for
 36 casting an absentee ballot at a satellite office must, except as provided
 37 in this section, be substantially the same as the procedure for casting an
 38 absentee ballot in the office of the circuit court clerk under section 26
 39 of this chapter.

40 (g) A voter casting an absentee ballot under this section is entitled
 41 to cast the voter's ballot in accordance with IC 3-11-9.

42 (h) A satellite office established by a circuit court clerk under this



1 section must comply with the polling place accessibility requirements
2 of IC 3-11-8.

3 **(i) For a general, municipal, primary, school district, or special**
4 **election conducted after December 31, 2023, a resolution adopted**
5 **under this section may not authorize a circuit court clerk to**
6 **establish a satellite office in an elementary school (as defined in**
7 **IC 20-18-2-4) or a secondary school (as defined in**
8 **IC 20-18-2-18(a)).**

9 **(j)** A resolution adopted under this section expires January 1 of
10 the year immediately after the year in which the resolution is adopted.

11 **(k) Before January 1 of a given year, a school corporation may**
12 **request the county election board and the circuit court clerk to not**
13 **designate an elementary school or a secondary school of the school**
14 **corporation as a satellite office. The circuit court clerk and the**
15 **county election board shall seek other locations for the satellite**
16 **office and respond back to the school corporation as to whether the**
17 **school corporation's request can be granted. This subsection**
18 **expires December 31, 2023.**

19 SECTION 4. IC 3-11-18.1-4, AS AMENDED BY P.L.278-2019,
20 SECTION 115, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2020]: Sec. 4. **(a)** The plan required by section
22 3 of this chapter must include at least the following:

23 (1) The total number of vote centers to be established.

24 (2) The location of each vote center. **For a general, municipal,**
25 **primary, school district, or special election conducted after**
26 **December 31, 2023, a vote center may not be located in an**
27 **elementary school (as defined in IC 20-18-2-4) or a secondary**
28 **school (as defined in IC 20-18-2-18(a)).**

29 (3) The effective date of the order.

30 (4) The following information according to the computerized list
31 (as defined in IC 3-7-26.3-2) as of the date of the order:

32 (A) The total number of voters within the county.

33 (B) The number of active voters within the county.

34 (C) The number of inactive voters within the county.

35 (5) For each vote center designated under subdivision (2), the
36 number of precinct election boards that will be appointed to
37 administer an election at the vote center.

38 (6) For each precinct election board designated under subdivision
39 (5), the number and name of each precinct the precinct election
40 board will administer consistent with section 13 of this chapter for
41 an election that is not being held in each precinct of the county.

42 (7) For each vote center designated under subdivision (2), the



- 1 number and title of the precinct election officers who will be
2 appointed to serve at the vote center.
- 3 (8) For each vote center designated under subdivision (2):
4 (A) the number and type of ballot variations that will be
5 provided at the vote center; and
6 (B) whether these ballots will be:
7 (i) delivered to the vote center before the opening of the
8 polls; or
9 (ii) printed on demand for a voter's use.
- 10 (9) A detailed description of any hardware, firmware, or software
11 used:
12 (A) to create an electronic poll list for each precinct whose
13 polls are to be located at a vote center; or
14 (B) to manage data in an electronic poll book through a secure
15 electronic connection between the county election board and
16 the precinct election officials administering a vote center.
- 17 (10) A description of the equipment and procedures to be used to
18 ensure that information concerning a voter entered into any
19 electronic poll book used by precinct election officers at a vote
20 center is immediately accessible to:
21 (A) the county election board; and
22 (B) the electronic poll books used by precinct election officers
23 at all other vote centers in the county.
- 24 (11) This subdivision applies to a county in which ballot cards are
25 used at a vote center. For each vote center designated under
26 subdivision (2), whether each ballot card printed will have the
27 printed initials of the poll clerks captured through the electronic
28 signature pad or tablet at the time the poll clerks log into the
29 electronic poll book system printed on the back of the ballot card
30 immediately before the ballot card is delivered to a voter.
- 31 (12) The security and contingency plans to be implemented by the
32 county to do all of the following:
33 (A) Prevent a disruption of the vote center process.
34 (B) Ensure that the election is properly conducted if a
35 disruption occurs.
36 (C) Prevent access to an electronic poll book without the
37 coordinated action of two (2) precinct election officers who are
38 not members of the same political party.
- 39 (13) A certification that the vote center complies with the
40 accessibility requirements applicable to polling places under
41 IC 3-11-8.
- 42 (14) A sketch depicting the planned layout of the vote center,



1 indicating the location of:

2 (A) equipment; and

3 (B) precinct election officers;

4 within the vote center.

5 (15) The total number and locations of satellite offices to be
6 established under IC 3-11-10-26.3 at vote center locations
7 designated under subdivision (2) to allow voters to cast absentee
8 ballots in accordance with IC 3-11. However, a plan must provide
9 for at least one (1) vote center to be established as a satellite
10 office under IC 3-11-10-26.3 on the two (2) Saturdays
11 immediately preceding an election day.

12 (16) The method and timing of providing voter data to persons
13 who are entitled to receive the data under this title. Data shall be
14 provided to all persons entitled to the data without unreasonable
15 delay.

16 (17) In a county in which a majority of votes are cast on optical
17 scan ballot cards, any additional procedures to provide for
18 efficient and secure voting at each vote center, including ballot on
19 demand printing.

20 **(b) Before January 1 of a given year, a school corporation may**
21 **request the county executive and the county election board to not**
22 **designate an elementary school or a secondary school of the school**
23 **corporation as a vote center. The county executive shall seek other**
24 **locations for the vote center and respond back to the school**
25 **corporation as to whether the school corporation's request can be**
26 **granted. This subsection expires December 31, 2023.**

27 SECTION 5. IC 3-11-18.1-7, AS AMENDED BY P.L.278-2019,
28 SECTION 117, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2020]: Sec. 7. Before adopting an order
30 designating a county as a vote center county under this chapter, the
31 county election board must determine the following:

32 (1) That the secure electronic connection as described under
33 section ~~4(9)(B)~~ **4(a)(9)(B)** of this chapter is sufficient to prevent:

34 (A) any voter from voting more than once; and

35 (B) unauthorized access by any person to:

36 (i) the electronic poll lists for a precinct whose polls are to
37 be located at the vote center; or

38 (ii) the computerized list of voters of the county.

39 (2) That the planned design and location of the equipment and
40 precinct officers will provide the most efficient access for:

41 (A) voters to enter the polls, cast their ballots, and leave the
42 vote center; and



1 (B) precinct election officials, watchers, challengers, and
2 pollbook holders to exercise their rights and perform their
3 duties within the vote center.

