



February 24, 2020

**ENGROSSED  
SENATE BILL No. 179**

DIGEST OF SB 179 (Updated February 20, 2020 12:03 pm - DI 75)

**Citations Affected:** IC 3-5; IC 3-7; IC 3-11; IC 3-12.

**Synopsis:** Election cybersecurity. Requires counties to enter into an agreement with the secretary of state to use a threat intelligence and enterprise security company designated by the secretary of state for specified security purposes. Provides that this requirement expires January 1, 2023. Requires an employee or agent of a circuit court clerk, a county election board, or a board of registration to meet certain proficiency standards to be qualified to access the statewide voter registration system. Requires applicants for certification of voting systems and electronic poll books to include information regarding: (1) the batteries used in the voting system or electronic poll book, and any peripherals; (2) a planned replacement schedule for the batteries, and (3) plans to test batteries; and (4) plans for emergency replacement of batteries that fail on election day or during the 30 days before election day. Provides that the number of voting systems to be examined in a public test is based on the number of voting system units scheduled by the county election board to be used in the upcoming election. Requires a single list instead of two lists for testing by counties before elections  
(Continued next page)

**Effective:** Upon passage; July 1, 2020.

**Walker, Crane, Ford Jon, Grooms,  
Crider, Spartz**

(HOUSE SPONSORS — SULLIVAN, WESCO)

January 6, 2020, read first time and referred to Committee on Elections.  
January 27, 2020, amended, reported favorably — Do Pass.  
January 30, 2020, read second time, ordered engrossed. Engrossed.  
February 3, 2020, read third time, passed. Yeas 46, nays 1.

HOUSE ACTION

February 10, 2020, read first time and referred to Committee on Elections and Apportionment.  
February 24, 2020, amended, reported — Do Pass.

ES 179—LS 6611/DI 131



## Digest Continued

and sets forth selection requirements for testing. Provides that if a county uploads unofficial precinct election results to the statewide voter registration system before certification of the final results, the county must use a universal serial bus (USB) drive that contains anti-malware protection features or other approved data storage transfer methods. Provides that: (1) if a direct record electronic voting system contains a voter verifiable paper audit trail, the precinct election board is not required to print out the paper audit trail in preparing the certificates setting forth the number of votes cast for a candidate or on a public question in the precinct; and (2) the certificates set forth the official votes cast by the voters of the precinct. Provides that after December 31, 2020, an electronic poll book may not display whether a voter's registration record is in active or inactive status. Provides that in a recount or contest proceeding, the information set forth on the voter verifiable paper audit trail may be used as evidence for a recount commission or a court to determine the votes cast for a candidate or on a public question in the precinct. Permits the secretary of state to issue orders (rather than adopting administrative rules) to: (1) designate elections to be subject to a risk-limiting audit or procedure audits conducted after the election; and (2) to administer risk-limiting audits.



February 24, 2020

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.

## ENGROSSED SENATE BILL No. 179

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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 3-5-4-12 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: **Sec. 12. (a) Not later than July 1, 2020, each**  
4 **county shall enter into an agreement with the secretary of state to**  
5 **use a threat intelligence and enterprise security company**  
6 **designated by the secretary of state to provide hardware, software,**  
7 **and services to:**  
8 (1) **investigate cybersecurity attacks;**  
9 (2) **protect against malicious software; and**  
10 (3) **analyze information technology security risks.**  
11 (b) **The agreement to provide services to a county under this**  
12 **section:**  
13 (1) **has no effect on any threat intelligence and enterprise**  
14 **security service provided to the county by any other**  
15 **agreement with a provider or by any county employee or**  
16 **contractor; and**  
17 (2) **must be designed to complement any existing service**

ES 179—LS 6611/DI 131



1           **agreement or service used by the county;**  
 2 **when the county enters into the agreement. This section expires**  
 3 **January 1, 2023.**

4           SECTION 2. IC 3-7-26.3-35, AS ADDED BY P.L.71-2019,  
 5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 UPON PASSAGE]: Sec. 35. (a) ~~Not later than January 1, 2020~~, The  
 7 secretary of state shall issue an order establishing proficiency standards  
 8 for an individual employed by or acting under the authorization of a  
 9 county voter registration office, **a circuit court clerk, a county**  
 10 **election board, or a board of elections and registration** to be  
 11 qualified to access the computerized list.

12           (b) ~~After December 31, 2019~~, An individual described in subsection  
 13 (a) must have demonstrated to the satisfaction of the secretary of state  
 14 and the election division that the individual has been sufficiently  
 15 trained and demonstrated the individual's ability to properly access the  
 16 system and comply with all applicable laws governing the operation of  
 17 the list in order for the individual to access the computerized list.

18           (c) The county voter registration office, **circuit court clerk, county**  
 19 **election board, or board of elections and registration** may revoke  
 20 the authorization granted **by the office, clerk, or board** under  
 21 subsection (b) for good cause, and shall file a report of the revocation  
 22 with the secretary of state and the election division not later than seven  
 23 (7) days after the revocation is effective.

24           SECTION 3. IC 3-11-8-10.3, AS AMENDED BY P.L.71-2019,  
 25 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2020]: Sec. 10.3. (a) A reference to an electronic poll list in  
 27 a vote center plan adopted under IC 3-11-18.1 before July 1, 2014, is  
 28 considered to be a reference to an electronic poll book (as defined by  
 29 IC 3-5-2-20.5), unless otherwise expressly provided in the vote center  
 30 plan.

31           (b) An electronic poll book must satisfy all of the following:

32           (1) An electronic poll book must be programmed so that the  
 33 coordinated action of two (2) election officers who are not  
 34 members of the same political party is necessary to access the  
 35 electronic poll book.

36           (2) An electronic poll book may not be connected to a voting  
 37 system. However, the electronic poll book may be used in  
 38 conjunction with a voting system if both of the following apply:

39           (A) The electronic poll book contains a device that must be  
 40 physically removed from the electronic poll book by a person  
 41 and the device is inserted into the voting system, with no  
 42 hardware or software connection existing between the



- 1 electronic poll book and the voting system.
- 2 (B) All data on the device is erased when the device is
- 3 removed from the voting system and before the device is
- 4 reinserted into an electronic poll book.
- 5 (3) An electronic poll book may not permit access to voter
- 6 information other than:
- 7 (A) information provided on the certified list of voters
- 8 prepared under IC 3-7-29-1; or
- 9 (B) information concerning any of the following received or
- 10 issued after the electronic poll list has been downloaded by the
- 11 county election board under IC 3-7-29-6:
- 12 (i) The county's receipt of an absentee ballot from the voter.
- 13 (ii) The county's receipt of additional documentation
- 14 provided by the voter to the county voter registration office.
- 15 (iii) The county's issuance of a certificate of error.
- 16 **However, after December 31, 2020, an electronic poll book**
- 17 **may not display whether a voter's registration record is in**
- 18 **active or inactive status.**
- 19 (4) The information contained on an electronic poll book must be
- 20 secure and placed on a dedicated, private server to secure
- 21 connectivity between a precinct polling place or satellite absentee
- 22 office and the county election board. The electronic poll book
- 23 must have the capability of:
- 24 (A) storing (in external or internal memory) the current local
- 25 version of the electronic poll list; and
- 26 (B) producing a list of audit records that reflect all of the
- 27 idiosyncrasies of the system, including in-process audit
- 28 records that set forth all transactions.
- 29 (5) The electronic poll book must permit a poll clerk to enter
- 30 information regarding an individual who has appeared to vote to
- 31 verify whether the individual is eligible to vote, and if so, whether
- 32 the voter has:
- 33 (A) already received a ballot at the election;
- 34 (B) returned an absentee ballot; or
- 35 (C) submitted any additional documentation required under
- 36 IC 3-7-33-4.5.
- 37 (6) After the voter has been provided with a ballot, the electronic
- 38 poll book must permit a poll clerk to enter information indicating
- 39 that the voter has received a ballot.
- 40 (7) The electronic poll book must transmit the information in
- 41 subdivision (6) to the county server so that:
- 42 (A) the server may transmit the information immediately to



- 1 every other polling place or satellite absentee office in the  
2 county; or  
3 (B) the server makes the information immediately available to  
4 every other polling place or satellite office in the county.
- 5 (8) The electronic poll book must permit reports to be:  
6 (A) generated by a county election board for a watcher  
7 appointed under IC 3-6-8 at any time during election day; and  
8 (B) electronically transmitted by the county election board to  
9 a political party or independent candidate who has appointed  
10 a watcher under IC 3-6-8.
- 11 (9) On each day after absentee ballots are cast before an absentee  
12 voter board in the circuit court clerk's office, a satellite office, or  
13 a vote center, and after election day, the electronic poll book must  
14 permit voter history to be quickly and accurately uploaded into  
15 the computerized list (as defined in IC 3-7-26.3-2).
- 16 (10) The electronic poll book must be able to display an electronic  
17 image of the signature of a voter taken from:  
18 (A) the voter's registration application; or  
19 (B) a more recent signature of a voter from an absentee  
20 application, poll list, electronic poll book, or registration  
21 document.
- 22 (11) The electronic poll book must be used with a signature pad,  
23 tablet, or other signature capturing device that permits the voter  
24 to make an electronic signature for comparison with the signature  
25 displayed under subdivision (10). An image of the electronic  
26 signature made by the voter on the signature pad, tablet, or other  
27 signature capturing device must be retained and identified as the  
28 signature of the voter for the period required for retention under  
29 IC 3-10-1-31.1.
- 30 (12) The electronic poll book must include a bar code capturing  
31 device that:  
32 (A) permits a voter who presents an Indiana driver's license or  
33 a state identification card issued under IC 9-24-16 to scan the  
34 license or card through the bar code reader or tablet; and  
35 (B) has the capability to display the voter's registration record  
36 upon processing the information contained within the bar code  
37 on the license or card.
- 38 (13) A printer separate from the electronic poll book used in a  
39 vote center county may be programmed to print on the back of a  
40 ballot card, immediately before the ballot card is delivered to the  
41 voter, the printed initials of the poll clerks captured through the  
42 electronic signature pad or tablet at the time the poll clerks log



- 1 into the electronic poll book system.
- 2 (14) The electronic poll book must be compatible with:
- 3 (A) any hardware attached to the electronic poll book, such as
- 4 signature capturing devices, bar code capturing devices, and
- 5 network cards;
- 6 (B) the statewide voter registration system; and
- 7 (C) any software system used to prepare voter information to
- 8 be included on the electronic poll book.
- 9 (15) The electronic poll book must have the ability to be used in
- 10 conformity with this title for:
- 11 (A) any type of election conducted in Indiana; or
- 12 (B) any combination of elections held concurrently with a
- 13 general election, municipal election, primary election, or
- 14 special election.
- 15 (16) The procedures for setting up, using, and shutting down an
- 16 electronic poll book must be reasonably easy for a precinct
- 17 election officer to learn, understand, and perform. A vendor shall
- 18 provide sufficient training to election officials and poll workers
- 19 to completely familiarize them with the operations essential for
- 20 carrying out election activities. A vendor shall provide an
- 21 assessment of learning goals achieved by the training in
- 22 consultation with VSTOP (as described in IC 3-11-18.1-12).
- 23 (17) The electronic poll book must enable a precinct election
- 24 officer to verify that the electronic poll book:
- 25 (A) has been set up correctly;
- 26 (B) is working correctly so as to verify the eligibility of the
- 27 voter;
- 28 (C) is correctly recording that a voter received a ballot; and
- 29 (D) has been shut down correctly.
- 30 (18) The electronic poll book must include the following
- 31 documentation:
- 32 (A) Plainly worded, complete, and detailed instructions
- 33 sufficient for a precinct election officer to set up, use, and shut
- 34 down the electronic poll book.
- 35 (B) Training materials that:
- 36 (i) may be in written or video form; and
- 37 (ii) must be in a format suitable for use at a polling place,
- 38 such as simple "how to" guides.
- 39 (C) Failsafe data recovery procedures for information included
- 40 in the electronic poll book.
- 41 (D) Usability tests:
- 42 (i) that are conducted by the manufacturer of the electronic



- 1 poll book or an independent testing facility using individuals  
 2 who are representative of the general public;  
 3 (ii) that include the setting up, using, and shutting down of  
 4 the electronic poll book; and  
 5 (iii) that report their results using industry standard reporting  
 6 formats.
- 7 (E) A clear model of the electronic poll book system  
 8 architecture and the following documentation:  
 9 (i) End user documentation.  
 10 (ii) System-level and administrator level documentation.  
 11 (iii) Developer documentation.
- 12 (F) Detailed information concerning:  
 13 (i) electronic poll book consumables; and  
 14 (ii) the vendor's supply chain for those consumables.
- 15 (G) Vendor internal quality assurance procedures and any  
 16 internal or external test data and reports available to the  
 17 vendor concerning the electronic poll book.
- 18 (H) Repair and maintenance policies for the electronic poll  
 19 book.
- 20 (I) As of the date of the vendor's application for approval of  
 21 the electronic poll book by the secretary of state as required by  
 22 IC 3-11-18.1-12, the following:  
 23 (i) A list of customers who are using or have previously used  
 24 the vendor's electronic poll book.  
 25 (ii) A description of any known anomalies involving the  
 26 functioning of the electronic poll book, including how those  
 27 anomalies were resolved.
- 28 **(J) Information concerning batteries used in the electronic**  
 29 **poll book, including the following:**  
 30 **(i) A list of all batteries to be used in the electronic poll**  
 31 **book and any peripherals.**  
 32 **(ii) The expected life span of each battery.**  
 33 **(iii) A log documenting when each battery was installed**  
 34 **or subsequently replaced.**  
 35 **(iv) A schedule for the replacement of each battery not**  
 36 **later than thirty (30) days before the end of the expected**  
 37 **life span of each battery.**  
 38 **(v) Plans to test batteries before each election.**  
 39 **(vi) Plans for the emergency replacement of batteries**  
 40 **that fail on election day or during the thirty (30) days**  
 41 **before election day.**
- 42 (19) The electronic poll book and any hardware attached to the





- 1 electronic poll book must be designed to prevent injury or damage  
 2 to any individual or the hardware, including fire and electrical  
 3 hazards.
- 4 (20) The electronic poll book must demonstrate that it correctly  
 5 processes all activity regarding each voter registration record,  
 6 including the use, alteration, storage, receipt, and transmittal of  
 7 information that is part of the record. Compliance with this  
 8 subdivision requires the mapping of the data life cycle of the voter  
 9 registration record as processed by the electronic poll book.
- 10 (21) The electronic poll book must successfully perform in  
 11 accordance with all representations concerning functionality,  
 12 usability, security, accessibility, and sustainability made in the  
 13 vendor's application for approval of the electronic poll book by  
 14 the secretary of state as required by IC 3-11-18.1-12.
- 15 (22) The electronic poll book must have the capacity to transmit  
 16 all information generated by the voter or poll clerk as part of the  
 17 process of casting a ballot, including the time and date stamp  
 18 indicating when the voter signed the electronic poll book, and the  
 19 electronic signature of the voter, for retention on the dedicated  
 20 private server approved by the county election board for the  
 21 period required by Indiana and federal law.
- 22 (23) The electronic poll book must:
- 23 (A) permit a voter to check in and sign the electronic poll book  
 24 even when there is a temporary interruption in connectivity to  
 25 the Internet; and
- 26 (B) provide for the uploading of each signature so that the  
 27 signature may be assigned to the voter's registration record.
- 28 (c) The county election board is responsible for the care and custody  
 29 of all electronic poll books while not in use.
- 30 (d) The county election board is responsible for ensuring that all  
 31 electronic poll books are dedicated devices to be used only for their  
 32 intended purpose and for no other activity. Software that is not needed  
 33 for the essential purpose of running the electronic poll book may not be  
 34 installed on an electronic poll book.
- 35 SECTION 4. IC 3-11-13-22, AS AMENDED BY P.L.278-2019,  
 36 SECTION 106, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) This section applies to:
- 38 (1) a ballot card voting system; and  
 39 (2) a voting system that includes features of a ballot card voting  
 40 system and a direct record electronic voting system.
- 41 (b) Not later than seventy-four (74) days before election day, for  
 42 each county planning to use automatic tabulating machines at the next



1 election, VSTOP shall provide each county election board with ~~two (2)~~  
 2 ~~lists~~ **a randomly sorted list** of unique identification numbers for the  
 3 **inventory of** machines ~~to be tested by the county~~. ~~The number of~~  
 4 ~~machines selected in each list must be:~~ **in the county maintained**  
 5 **under IC 3-11-16-4. Starting at the top of the list, the county**  
 6 **election board shall select machines in the list in the order listed so**  
 7 **that:**

8 **(1) if a machine to be selected in the list is not scheduled to be**  
 9 **used in the upcoming election, the selection process will move**  
 10 **to the next machine in the order listed;**

11 **(2) each selected machine is scheduled to be used in the**  
 12 **upcoming election; and**

13 **(3) the number of machines selected is not less than five**  
 14 **percent (5%) of the machines in the county scheduled by the**  
 15 **county election board to be used in the upcoming election.**

16 ~~(1) approved by the division; and~~

17 ~~(2) not less than five percent (5%) of the machines in the county.~~

18 (c) The county election board shall test the machines ~~in the first list~~  
 19 **as** described in subsection (b) to ascertain that the machines will  
 20 correctly count the votes cast for straight party tickets, for all  
 21 candidates (including write-in candidates), and on all public questions.  
 22 If an individual attending the public test requests that additional  
 23 automatic tabulating machines be tested, then the county election board  
 24 shall **select and** test **additional** machines from the ~~second~~ list **in the**  
 25 **manner** described in subsection (b).

26 (d) If VSTOP does not provide the lists under subsection (b) not  
 27 later than sixty (60) days before the election, the county election board  
 28 shall establish and implement a procedure for random selection of not  
 29 less than five percent (5%) of the machines in the county **to be used in**  
 30 **the upcoming election**. The county election board shall then test the  
 31 machines selected as described in subsection (c).

32 (e) Not later than seven (7) days after conducting the test under  
 33 subsection (c), the county election board shall certify to the election  
 34 division that the test has been conducted in conformity with subsection  
 35 (c). The testing under subsection (c) must begin before absentee voting  
 36 begins in the office of the circuit court clerk under IC 3-11-10-26.

37 (f) Public notice of the time and place shall be given at least  
 38 forty-eight (48) hours before the test. The notice shall be published  
 39 once in accordance with IC 5-3-1-4.

40 (g) If a county election board determines that:

41 (1) a ballot:

42 (A) must be reprinted or corrected as provided by



1 IC 3-11-2-16 because of the omission of a candidate, political  
 2 party, or public question from the ballot; or  
 3 (B) is an absentee ballot that a voter is entitled to recast under  
 4 IC 3-11.5-4-2 because the absentee ballot includes a candidate  
 5 for election to office who:  
 6 (i) ceased to be a candidate; and  
 7 (ii) has been succeeded by a candidate selected under  
 8 IC 3-13-1 or IC 3-13-2; and  
 9 (2) ballots used in the test conducted under this section were not  
 10 reprinted or corrected to remove the omission of a candidate,  
 11 political party, or public question, or indicate the name of the  
 12 successor candidate;  
 13 the county election board shall conduct an additional public test  
 14 described in subsection (c) using the reprinted or corrected ballots.  
 15 Notice of the time and place of the additional test shall be given in  
 16 accordance with IC 5-14-1.5, but publication of the notice in  
 17 accordance with IC 5-3-1-4 is not required.  
 18 SECTION 5. IC 3-11-14.5-1, AS AMENDED BY P.L.278-2019,  
 19 SECTION 113, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Not later than  
 21 seventy-four (74) days before election day, for each county planning to  
 22 use an electronic voting system at the next election, VSTOP shall  
 23 provide each county election board with ~~two~~ (2) lists a **randomly**  
 24 **sorted list** of unique identification numbers for the **inventory of**  
 25 **machines to be tested by the county. The number of machines selected**  
 26 **in each list must be: in the county maintained under IC 3-11-16-4.**  
 27 **Starting at the top of the list, the county election board shall select**  
 28 **machines in the list in the order listed so that:**  
 29 **(1) if a machine to be selected in the list is not scheduled to be**  
 30 **used in the upcoming election, the selection process will move**  
 31 **to the next machine in the order listed;**  
 32 **(2) each selected machine is scheduled to be used in the**  
 33 **upcoming election; and**  
 34 **(3) the number of machines selected is not less than five**  
 35 **percent (5%) of the machines in the county scheduled by the**  
 36 **county election board to be used in the upcoming election.**  
 37 ~~(1) approved by the division; and~~  
 38 ~~(2) not less than five percent (5%) of the machines in the county.~~  
 39 (b) The county election board shall test the machines ~~in the first list~~  
 40 **as** described in subsection (a) to ascertain that the machines will  
 41 correctly count the votes cast for straight party tickets, for all  
 42 candidates (including write-in candidates), and on all public questions.



1 If an individual attending the public test requests that additional  
 2 electronic voting systems be tested, then the county election board shall  
 3 **select and test additional** machines from the ~~second~~ list **in the**  
 4 **manner** described in subsection (a).

5 (c) If VSTOP does not provide the lists under subsection (a) not  
 6 later than sixty (60) days before the election, the county election board  
 7 shall establish and implement a procedure for random selection of not  
 8 less than five percent (5%) of the machines in the county. The county  
 9 election board shall then test the machines selected **to be used in the**  
 10 **upcoming election** as described in subsection (b).

11 (d) The testing under subsection (b) must begin before absentee  
 12 voting starts in the office of the circuit court clerk under IC 3-11-10-26.

13 (e) If a county election board determines that:

14 (1) a ballot provided by an electronic voting system:

15 (A) must be corrected as provided by IC 3-11-2-16 because of  
 16 the omission of a candidate, political party, or public question  
 17 from the ballot; or

18 (B) is an absentee ballot that a voter is entitled to recast under  
 19 IC 3-11.5-4-2 because the absentee ballot includes a candidate  
 20 for election to office who:

21 (i) ceased to be a candidate; and

22 (ii) has been succeeded by a candidate selected under  
 23 IC 3-13-1 or IC 3-13-2; and

24 (2) machines used in the test conducted under this section did not  
 25 contain a ballot that was reprinted or corrected to remove the  
 26 omission of a candidate, political party, or public question, or  
 27 indicate the name of the successor candidate;

28 the county election board shall conduct an additional public test  
 29 described in subsection (b) using the machines previously tested and  
 30 containing the reprinted or corrected ballots.

31 SECTION 6. IC 3-11-15-7, AS AMENDED BY P.L.71-2019,  
 32 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2020]: Sec. 7. (a) Each application must be in writing, sworn  
 34 to or affirmed by the applicant, under the penalties of perjury, on a  
 35 form prescribed by the election division, and must satisfy the following  
 36 requirements:

37 (1) Provide the name and address of the vendor submitting the  
 38 application.

39 (2) Provide the telephone number of the vendor.

40 (3) Provide the name, address, and telephone number of the  
 41 individual representing the vendor regarding the application.

42 (4) Provide the model name and number of the submitted voting



- 1 system, stating the hardware, firmware, and software version  
 2 numbers of the system.
- 3 (5) State whether the voting system is a direct record electronic  
 4 voting system or an optical scan ballot card voting system.
- 5 (6) Provide a description of the voting system and its capabilities,  
 6 including the following:
- 7 (A) Photographs.  
 8 (B) Engineering drawings.  
 9 (C) Technical documentation.  
 10 (D) Fail-safe and emergency backup information.  
 11 (E) Environmental requirements for storage, transportation,  
 12 and operation.
- 13 (7) Include an agreement to pay for the total costs of the  
 14 examination.
- 15 (8) Provide documentation of the escrow of the voting system's  
 16 software, firmware, source codes, and executable images with an  
 17 escrow agent approved by the election division.
- 18 (9) Provide a functional description of any software components.
- 19 (10) Provide schematics or flowcharts identifying software and  
 20 data file relationships.
- 21 (11) Describe the type of maintenance offered by the vendor.
- 22 **(12) Provide information concerning batteries used in the**  
 23 **voting system, including the following:**
- 24 **(A) A list of all batteries to be used in the voting system**  
 25 **and any peripherals.**
- 26 **(B) The expected life span of each battery.**
- 27 **(C) A log documenting when each battery was installed or**  
 28 **subsequently replaced.**
- 29 **(D) A schedule for the replacement of each battery not**  
 30 **later than thirty (30) days before the end of the expected**  
 31 **life span of each battery.**
- 32 **(E) Plans to test batteries before each election.**
- 33 **(F) Plans for the emergency replacement of batteries that**  
 34 **fail on election day or during the thirty (30) days before**  
 35 **election day.**
- 36 ~~(12)~~ **(13)** Provide the names, addresses, and telephone numbers  
 37 of the vendor's maintenance providers.
- 38 ~~(13)~~ **(14)** Provide a description of the training courses offered by  
 39 the vendor for the voting system.
- 40 ~~(14)~~ **(15)** Provide user manuals, operator and system manuals, and  
 41 problem solving manuals.
- 42 ~~(15)~~ **(16)** Provide a statement of the current and future



- 1 interchangeability of all subcomponents of the voting system.  
 2 ~~(+6)~~ **(17)** Provide documentation from all independent testing  
 3 authorities that have examined the system.  
 4 ~~(+7)~~ **(18)** Provide documentation from all election jurisdictions  
 5 that have previously approved the system.  
 6 ~~(+8)~~ **(19)** State that the vendor has complied with, and will  
 7 continue to comply with, ~~IC 3-11-15-45(b)~~ **section 45(b) of this**  
 8 **chapter** following certification of the system.  
 9 ~~(+9)~~ **(20)** Pay the application fee required under section 4 of this  
 10 chapter.

11 (b) If an application does not include any of the applicable  
 12 requirements listed in subsection (a), those requirements must be filed  
 13 with the election division before the application may be considered by  
 14 the commission.

15 SECTION 7. IC 3-11-18.1-12, AS AMENDED BY P.L.278-2019,  
 16 SECTION 118, IS AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Notwithstanding section  
 18 1 of this chapter, this section applies to an electronic poll book to be  
 19 used in:

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

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

- 25 (1) The electronic poll book must comply with IC 3-11-8-10.3.  
 26 (2) The electronic poll book must be approved by the secretary of  
 27 state in accordance with this section.  
 28 (3) Except with prior written authorization by the VSTOP, the  
 29 electronic poll book must have been delivered to the county  
 30 election board not less than sixty (60) days before an election at  
 31 which the electronic poll book is used.

32 (c) A person who wishes to market, sell, lease, or provide an  
 33 electronic poll book for use in an election in Indiana must first file an  
 34 application for certification with the election division on a form  
 35 prescribed by the secretary of state. Except as provided in subsection  
 36 (i), a person may not market, sell, lease, or provide an electronic poll  
 37 book for use in an election in Indiana until the secretary of state has  
 38 approved the application for certification under this section. The  
 39 application must state that the vendor has complied, and will continue  
 40 to comply, with subsection (d) following certification of the electronic  
 41 poll book. Each application for certification of an electronic poll book  
 42 must be accompanied by a fee of one thousand five hundred dollars



1 (\$1,500). All fees collected under this section shall be deposited with  
 2 the treasurer of state in the voting system technical oversight program  
 3 account established by IC 3-11-17-6.

4 (d) The person seeking certification of an electronic poll book shall  
 5 conduct a background check at least once each year on each individual  
 6 employed or contracted by the vendor who has access to the electronic  
 7 poll book to determine if the individual has been convicted of a felony.  
 8 An individual described by this subsection who has been convicted of  
 9 a felony may not have access to an electronic poll book in the  
 10 individual's capacity as an employee or contractor of the vendor.

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

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

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

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

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

21 (4) Whether the electronic poll book complies with additional  
 22 requirements for the electronic poll book application for  
 23 certification and acceptance testing, as described in the Indiana  
 24 Electronic Poll Book Certification Test Protocol approved by the  
 25 secretary of state (as in effect January 1, ~~2019~~; **2020**).

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

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

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

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

39 (h) A certification under this section expires on December 31 of the  
 40 year following the date of its issuance, unless earlier revoked by the  
 41 secretary of state upon a written finding of good cause for the  
 42 revocation.



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

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

6 (A) a state agency; or

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

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

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

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

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

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

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

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

20 (A) is at least 16 point type size;

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

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

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

31 SECTION 8. IC 3-12-3-12.7 IS ADDED TO THE INDIANA CODE  
 32 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
 33 UPON PASSAGE]: **Sec. 12.7. (a) This section applies to a county  
 34 that uploads unofficial precinct level results from a ballot card  
 35 voting system to the computerized list before the county certifies  
 36 the official results of the election under IC 3-12-5.**

37 **(b) The county shall use a universal serial bus (USB) drive that  
 38 contains anti-malware protection features approved by VSTOP or  
 39 another data storage transfer method approved by VSTOP.**

40 SECTION 9. IC 3-12-3.5-3, AS AMENDED BY P.L.230-2005,  
 41 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 UPON PASSAGE]: Sec. 3. (a) When paper vote total printouts have





1 been obtained, the precinct election board shall prepare certificates  
 2 stating the number of votes that each candidate received for each office  
 3 and the votes on each public question by attaching the paper vote total  
 4 printouts to certificate forms supplied by the county election board.

5 (b) Each member of the board shall be given a copy of the  
 6 certificate.

7 (c) If a precinct election board administers more than one (1)  
 8 precinct, the board shall keep the ballots cast in each precinct separate  
 9 from ballots cast in any other precinct, so that the votes cast for each  
 10 candidate and on each public question in each of the precincts  
 11 administered by the board may be determined.

12 **(d) If a precinct or vote center uses a direct record electronic**  
 13 **voting system that contains a voter verifiable paper audit trail, the**  
 14 **election board is not required to print out the paper audit trail in**  
 15 **preparing the certificates setting forth the number of votes**  
 16 **prepared under subsection (a).**

17 (e) The certificates prepared under subsection (a) set forth the  
 18 official votes cast by the voters for a candidate or on a public  
 19 question by the voters of the precinct. However, in a recount or  
 20 contest proceeding under IC 3-12-6, IC 3-12-8, IC 3-12-11, or  
 21 IC 3-12-12, the information set forth on the voter verifiable paper  
 22 audit trail may be used as evidence for a recount commission or a  
 23 court to determine the votes cast for a candidate or on a public  
 24 question in the precinct.

25 SECTION 10. IC 3-12-4-6.5 IS ADDED TO THE INDIANA CODE  
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 27 UPON PASSAGE]: **Sec. 6.5. (a) This section applies to a county that**  
 28 **uploads unofficial precinct level results from a direct record**  
 29 **electronic voting system to the computerized list before the county**  
 30 **certifies the official results of the election under IC 3-12-5.**

31 **(b) The county must use a universal serial bus (USB) drive that**  
 32 **contains anti-malware protection features approved by VSTOP or**  
 33 **another data storage transfer method approved by VSTOP.**

34 SECTION 11. IC 3-12-13-5, AS ADDED BY P.L.34-2019,  
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 UPON PASSAGE]: Sec. 5. (a) The secretary of state shall determine  
 37 under rules adopted by the secretary of state under IC 4-22-2, the  
 38 elections that are subject to a risk-limiting audit.

39 (b) All contested elections for an elected office and all public  
 40 questions are eligible for designation by the rules under subsection (a)  
 41 for a risk-limiting audit.

42 SECTION 12. IC 3-12-13-7, AS ADDED BY P.L.34-2019,



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: Sec. 7. (a) The secretary of state shall ~~adopt rules~~  
3 ~~under IC 4-22-2 necessary~~ **issue orders** to implement and administer  
4 the requirements of this chapter.

5 (b) In ~~developing rules to be adopted~~ **issuing an order** under  
6 subsection (a), the secretary of state shall:

7 (1) consult with recognized statistical experts, equipment vendors,  
8 the election division, and county election officials; and

9 (2) consider best practices for conducting risk-limiting audits.

10 SECTION 13. IC 3-12-14-4, AS ADDED BY P.L.34-2019,  
11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 UPON PASSAGE]: Sec. 4. (a) The secretary of state shall ~~adopt rules~~  
13 ~~under IC 4-22-2~~ **issue orders** to develop a procedure audit program  
14 that details the documents to be inspected, the procedures to be  
15 reviewed, and the process by which a procedure audit is conducted  
16 under this chapter.

17 (b) The following factors may be evaluated by a procedure audit:

18 (1) Evaluation of voter registration procedures, including the  
19 following:

20 (A) Proper use of voter registration forms.

21 (B) Entry of data into the statewide voter registration file.

22 (C) Proper use of forms.

23 (D) Ability of procedures to accurately determine eligibility of  
24 registrants.

25 (2) Evaluation of proper use and operation of electronic poll  
26 books and other electronic systems.

27 (3) Evaluation of voting systems.

28 (4) Evaluation of compliance with federal and state requirements.

29 (5) Evaluation of absentee voting requirements and procedures.

30 (6) Evaluation of provisional ballot voting requirements and  
31 procedures.

32 (7) Evaluation of other factors as determined by the secretary of  
33 state.

34 (c) The secretary of state may require use of sampling and other  
35 statistically valid procedures for conducting a procedure audit.

36 SECTION 14. **An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

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

"SECTION 1. IC 3-5-4-12 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Not later than July 1, 2020, each county shall enter into an agreement with the secretary of state to use a threat intelligence and enterprise security company designated by the secretary of state to provide hardware, software, and services to:**

- (1) investigate cybersecurity attacks;**
- (2) protect against malicious software; and**
- (3) analyze information technology security risks.**

**(b) The agreement to provide services to a county under this section:**

- (1) has no effect on any threat intelligence and enterprise security service provided to the county by any other agreement with a provider or by any county employee or contractor; and**
- (2) must be designed to complement any existing service agreement or service used by the county;**

**when the county enters into the agreement."**

Page 5, line 30, delete "." and insert "**and any peripherals.**".

Page 5, line 37, after "(v)" insert "**Plans to test batteries before each election.**

**(vi)".**

Page 6, line 41, strike "two (2)".

Page 6, line 42, strike "lists" and insert "**a randomly sorted list**".

Page 6, line 42, after "the" insert "**inventory of**".

Page 6, line 42, strike "to be tested by".

Page 7, line 1, strike "the county. The number of machines selected in each list must be:" and insert "**in the county maintained under IC 3-11-16-4. Starting at the top of the list, the county election board shall select machines in the list in the order listed so that:**

- (1) if a machine to be selected in the list is not scheduled to be used in the upcoming election, the selection process will move to the next machine in the order listed;**
- (2) each selected machine is scheduled to be used in the**



**upcoming election; and**

**(3) the number of machines selected is not less than five percent (5%) of the machines in the county scheduled by the county election board to be used in the upcoming election."**

Page 7, strike line 2.

Page 7, line 3 strike "(2) not less than five percent (5%) of the machines in the".

Page 7, line 3, delete "county" and insert "~~county~~".

Page 7, delete lines 4 through 5.

Page 7, line 6, strike "in the first list" and insert "**as**".

Page 7, line 11, after "shall" insert "**select and**".

Page 7, line 11, after "test" insert "**additional**".

Page 7, line 12, strike "second".

Page 7, line 12, after "list" insert "**in the manner**".

Page 7, line 16, delete "." and insert "**to be used in the upcoming election.**".

Page 8, line 10, strike "two (2) lists" and insert "**a randomly sorted list**".

Page 8, line 11, after "for the" insert "**inventory of**".

Page 8, line 11, strike "to be tested by the county. The".

Page 8, line 12, strike "number of machines selected in each list must be:" and insert "**in the county maintained under IC 3-11-16-4. Starting at the top of the list, the county election board shall select machines in the list in the order listed so that:**

**(1) if a machine to be selected in the list is not scheduled to be used in the upcoming election, the selection process will move to the next machine in the order listed;**

**(2) each selected machine is scheduled to be used in the upcoming election; and**

**(3) the number of machines selected is not less than five percent (5%) of the machines in the county scheduled by the county election board to be used in the upcoming election."**

Page 8, strike line 13.

Page 8, line 14, strike "(2) not less than (5%) of the machines in the".

Page 8, line 14, delete "county" and insert "~~county~~".

Page 8, delete lines 15 through 16.

Page 8, line 17, strike "in the first list" and insert "**as**".

Page 8, line 22, after "shall" insert " insert "**select and**".

Page 8, line 22, after "test" insert "**additional**".

Page 8, line 23, strike "second".

Page 8, line 23, after "list" insert "**in the manner**".



Page 8, line 28, after "selected" insert "**to be used in the upcoming election**".

Page 10, line 1, delete "." and insert "**and any peripherals**".

Page 10, line 8, after "(E)" insert "**Plans to test batteries before each election**".

(F)".

Page 13, line 13, delete "." and insert "**or another data storage transfer method approved by VSTOP**".

Page 13, line 28, after "precinct" insert "**or vote center**".

Page 13, line 29, delete "precinct".

Page 14, line 6, delete "." and insert "**or another data storage transfer method approved by VSTOP**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 179 as introduced.)

WALKER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 179, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, after "agreement." insert "**This section expires January 1, 2023**".

Page 2, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 2. IC 3-7-26.3-35, AS ADDED BY P.L.71-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) ~~Not later than January 1, 2020~~, The secretary of state shall issue an order establishing proficiency standards for an individual employed by or acting under the authorization of a county voter registration office, **a circuit court clerk, a county election board, or a board of elections and registration** to be qualified to access the computerized list.

(b) ~~After December 31, 2019~~, An individual described in subsection (a) must have demonstrated to the satisfaction of the secretary of state

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and the election division that the individual has been sufficiently trained and demonstrated the individual's ability to properly access the system and comply with all applicable laws governing the operation of the list in order for the individual to access the computerized list.

(c) The county voter registration office, **circuit court clerk, county election board, or board of elections and registration** may revoke the authorization granted **by the office, clerk, or board** under subsection (b) for good cause, and shall file a report of the revocation with the secretary of state and the election division not later than seven (7) days after the revocation is effective."

Page 2, between lines 36 and 37, begin a new line block indented and insert:

**"However, after December 31, 2020, an electronic poll book may not display whether a voter's registration record is in active or inactive status."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 179 as printed January 28, 2020.)

WESCO

Committee Vote: yeas 11, nays 0.

