



January 28, 2020

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## SENATE BILL No. 334

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DIGEST OF SB 334 (Updated January 23, 2020 6:44 pm - DI 104)

**Citations Affected:** IC 3-5; IC 3-6; IC 3-7; IC 3-11.7.

**Synopsis:** Election matters. Allows (current law requires) the secretary of state and election division to assist a prosecuting attorney in prosecuting certain actions and allow the use of an attorney retained by the secretary of state or election division. Requires boards of elections and registration to attend election security meetings called by the election division. Changes the time frame in which a voter list maintenance program must be conducted for certain special elections and in an election year other than a year in which a general election is conducted. Removes language that required NVRA officials to obtain voter registration information from certain states. Removes authorization for NVRA officials to enter into a memorandum of understanding with the Kansas Secretary of State to compare voter registration data and voids the memorandum of understanding. Establishes the Indiana data enhancement association to be administered by the NVRA official for the administration of voter list maintenance programs and sets forth requirements. Requires a county voter registration office to determine whether an individual authorized the cancellation of any previous voter registration when the individual registered to vote in another state. Sets forth parameters for when a county voter registration office may rely on information provided by certain entities concerning voter registration from another state. Requires that a report by a county sheriff to the county voter registration office concerning individuals placed in a county  
(Continued next page)

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

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### Walker

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January 13, 2020, read first time and referred to Committee on Elections.  
January 27, 2020, amended, reported favorably — Do Pass.

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SB 334—LS 6641/DI 104



Digest Continued

correctional facility occur at least once a quarter. States that certain requirements for provisional ballots do not apply to provisional ballots cast: (1) under a court order extending the hours that the polls were open; (2) by a voter who is not on the poll list but indicates that the voter applied to register at a voter registration agency; (3) by a voter after the voter was challenged due to proof of identification; and (4) by a voter who was challenged solely due to failure to provide additional documentation. Requires a court to take evidence to determine whether a county election board filed written notice with the secretary of state and the election division concerning a petition to extend voting hours.



January 28, 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.

## SENATE BILL No. 334

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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 3-5-2-26.3 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: **Sec. 26.3. "IDEA" refers to the Indiana data  
4 enhancement association established by IC 3-7-38.2-5.5.**  
5 SECTION 2. IC 3-6-3.7-6, AS ADDED BY P.L.157-2019,  
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 UPON PASSAGE]: Sec. 6. (a) If, upon investigation, the secretary of  
8 state determines that a criminal violation of this title may have  
9 occurred, the secretary of state and the co-directors of the election  
10 division shall refer the facts drawn from the investigation to the  
11 prosecuting attorney of the judicial circuit in which the crime may have  
12 been committed.  
13 (b) The secretary of state and election division ~~shall~~ **may** assist the  
14 prosecuting attorney in prosecuting an action under this section, which  
15 may include an attorney employed **or retained** by the secretary of state  
16 or the election division serving as a special deputy prosecutor  
17 appointed by the prosecuting attorney.

SB 334—LS 6641/DI 104



1 SECTION 3. IC 3-6-4.2-14, AS AMENDED BY P.L.278-2019,  
 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 UPON PASSAGE]: Sec. 14. (a) Each year in which a general or  
 4 municipal election is held, the election division shall call a meeting of  
 5 all the members of the county election boards, ~~and~~ the boards of  
 6 registration (**subject to IC 3-7-12), and the boards of elections and**  
 7 **registration (as defined in IC 3-5-2-5.3)** to instruct them regarding all  
 8 of the following:

9 (1) Their duties under this title and federal law (including HAVA  
 10 and NVRA).

11 (2) Requirements and best practices concerning cybersecurity for  
 12 the computerized list, voting systems, and electronic poll books.

13 (3) Physical security for all aspects of the election process,  
 14 including voting systems, electronic poll books, absentee voting,  
 15 and polling places.

16 (4) Requirements and best practices to ensure that voting systems,  
 17 precinct polling places, and vote centers are accessible to voters  
 18 with disabilities.

19 (b) The election division may, but is not required to, call a meeting  
 20 under this section during a year in which a general or a municipal  
 21 election is not held.

22 (c) Each circuit court clerk, ~~and~~ each member of a board of  
 23 registration established under IC 3-7-12, **and each member of a board**  
 24 **of elections and registration** shall attend a meeting called by the  
 25 election division under this section. A circuit court clerk, ~~or~~ member of  
 26 a board of registration, **or member of a board of elections and**  
 27 **registration** may require the attendance of the following:

28 (1) Each of the circuit court clerk's, ~~or~~ board of registration  
 29 member's, **or board of elections and registration member's**  
 30 appointed and acting chief deputies or chief assistants with  
 31 election related responsibilities.

32 (2) If the number of deputies or assistants:

33 (A) is not more than three (3), one (1) of the clerk's or  
 34 member's appointed and acting deputies or assistants; or

35 (B) is greater than three (3), two (2) of the clerk's or member's  
 36 appointed and acting deputies or assistants.

37 (d) The election division shall set the time and place of the  
 38 instructional meeting. In years in which a primary election is held, the  
 39 election division:

40 (1) may conduct the meeting before the first day of the year; and

41 (2) shall conduct the meeting before primary election day.

42 The instructional meeting may not last for more than two (2) days.



1 (e) Each individual required to attend the meeting under subsection  
 2 (c) and an individual who has been elected or selected to serve as  
 3 circuit court clerk but has not yet begun serving in that office is entitled  
 4 to receive all of the following from the county general fund without  
 5 appropriation:

6 (1) A per diem of twenty-four dollars (\$24) for attending the  
 7 instructional meeting called by the election division under this  
 8 section.

9 (2) A mileage allowance at the state rate for the distance  
 10 necessarily traveled in going and returning from the place of the  
 11 instructional meeting called by the election division under this  
 12 section.

13 (3) Reimbursement for the payment of the instructional meeting  
 14 registration fee.

15 (4) An allowance for lodging for each night preceding conference  
 16 attendance equal to the lodging allowance provided to state  
 17 employees in travel status.

18 SECTION 4. IC 3-7-26.4-4, AS AMENDED BY P.L.157-2019,  
 19 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 UPON PASSAGE]: Sec. 4. (a) The election division may provide parts  
 21 and reports from the voter registration information from the  
 22 computerized list for the purposes specified under IC 3-7-26.3-29.

23 (b) Except as otherwise provided in this section, the parts and  
 24 reports provided under this section may not include information  
 25 described under section 8 of this chapter.

26 (c) The parts and reports may contain the information described in  
 27 section 8 of this chapter if:

28 (1) the part or report is to be provided to an entity that:

29 (A) is described in section 6 of this chapter; and

30 (B) has previously submitted an application to the election  
 31 division and paid any required fee to obtain the complete  
 32 compilation; or

33 (2) the part or report is a purely statistical compilation that:

34 (A) includes the information described in section 8 of this  
 35 chapter; and

36 (B) does not include any information:

37 (i) concerning an individual voter; or

38 (ii) that would permit the identification of an individual  
 39 voter as a result of providing the compilation.

40 (d) The parts and reports provided under this section may not  
 41 include the complete Social Security number of any individual.

42 (e) The election division may provide the registration information



1 described in section 8 of this chapter, including an individual's voting  
2 history, as follows:

3 (1) To states and local governments in states that are  
4 implementing any voter list maintenance program described in  
5 IC 3-7-38.2-5, including a program implemented with information  
6 obtained from another state under ~~IC 3-7-38.2-5(b)~~.  
7 **IC 3-7-38.2-5.5.**

8 (2) Upon written request, to law enforcement officials conducting  
9 an investigation.

10 SECTION 5. IC 3-7-38.2-2, AS AMENDED BY P.L.157-2019,  
11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2020]: Sec. 2. (a) **Except as provided in subsection (b) or**  
13 **(c),** a voter list maintenance program conducted under this chapter  
14 must:

15 (1) be uniform, nondiscriminatory, and in compliance with the  
16 Voting Rights Act of 1965 (52 U.S.C. 10101);

17 (2) not result in the removal of the name of a person from the  
18 official list of voters solely due to the person's failure to vote; and

19 (3) be completed not later than ninety (90) days before a primary  
20 or general or municipal election.

21 **(b) A voter list maintenance program conducted under this**  
22 **chapter in a year other than a year in which a general election is**  
23 **conducted must:**

24 (1) comply with the requirements set forth in subsection (a)(1)  
25 and (a)(2); and

26 (2) be completed not later than twenty-nine (29) days before  
27 a municipal election or special election for a federal office is  
28 conducted.

29 **(c) If a special election is required for a vacancy in a federal**  
30 **office in a year in which a general election is not conducted, the**  
31 **voter list maintenance program conducted under this chapter**  
32 **must:**

33 (1) comply with the requirements of subsection (a)(1) and  
34 (a)(2); and

35 (2) be completed not later than ninety (90) days before the  
36 date that the special election is conducted.

37 **A voter list maintenance program may also be conducted under**  
38 **this section in a calendar year following the date of the special**  
39 **election if the program is completed no later than the deadline set**  
40 **forth in subsection (a).**

41 ~~(b)~~ **(d)** A county voter registration office may conduct a voter list  
42 maintenance program that complies with subsection (a). In conducting



1 a voter list maintenance program, the county voter registration office  
 2 shall mail a notice described in subsection ~~(d)~~ **(f)** to each voter whose  
 3 registration has not previously been canceled or designated as inactive  
 4 under this chapter at the mailing address:

- 5 (1) listed in the voter's registration record; and
- 6 (2) determined by the county voter registration office not to be the  
 7 voter's current residence address.

8 ~~(e)~~ **(e)** A county voter registration office may use information only  
 9 from the following sources to make the determination under subsection  
 10 ~~(b)(2)~~: **(d)(2)**:

- 11 (1) The United States Postal Service National Change of Address  
 12 Service.
- 13 (2) A court regarding jury duty notices returned because of an  
 14 unknown or insufficient address.
- 15 (3) The return of a mailing sent by the county voter registration  
 16 office to all active voters (as defined in IC 3-11-18.1-2) in the  
 17 county because of an unknown or insufficient address.
- 18 (4) The bureau of motor vehicles concerning the surrender of a  
 19 voter's Indiana license for the operation of a motor vehicle to  
 20 another jurisdiction.
- 21 (5) The return by the United States Postal Service after the  
 22 expiration of the seven (7) day pending period of a notice  
 23 regarding the disposition of a voter registration application under  
 24 IC 3-7-33-5 because of an unknown or insufficient address.
- 25 (6) The return of a mailing sent to voters of a precinct advising  
 26 voters of a change of precinct boundary or the precinct polling  
 27 place because of an unknown or insufficient address, if the county  
 28 sends a similar mailing to the voters of each precinct when a  
 29 boundary or polling place is changed.
- 30 (7) Information received from the election division under section  
 31 5 of this chapter or section 16 of this chapter.
- 32 (8) A declination to register by the voter stating that the voter  
 33 resides at an address different from the address on the voter's  
 34 registration record.

35 ~~(d)~~ **(f)** The notice described in subsection ~~(b)~~ **(d)** must:

- 36 (1) be sent by first class United States mail, postage prepaid, by  
 37 a method that requires the notice to be forwarded to the voter; and
- 38 (2) include a postage prepaid return card that:
  - 39 (A) is addressed to the county voter registration office;
  - 40 (B) states a date (which must be at least thirty (30) days after  
 41 the date the notice is mailed) by which the card must be  
 42 returned or the voter's registration will become inactive until



1 the information is provided to the county voter registration  
 2 office; and  
 3 (C) permits the voter to provide the voter's current residence  
 4 address.

5 ~~(e)~~ **(g)** If a voter returns the card described in subsection ~~(d)(2)~~  
 6 **(f)(2)** and provides a current residence address that establishes that the  
 7 voter resides:

- 8 (1) in the county, the county voter registration office shall update  
 9 the voter's registration record; or  
 10 (2) outside the county, the county voter registration office shall  
 11 cancel the voter's registration.

12 ~~(f)~~ **(h)** If a card is returned as undeliverable due to an unknown or  
 13 insufficient address by the United States Postal Service after the date  
 14 specified in subsection ~~(d)(2)(B)~~; **(f)(2)(B)**, the county voter  
 15 registration office shall, when registration reopens after the next  
 16 primary, general, or municipal election, determine whether the voter  
 17 voted or appeared to vote from the address set forth in the registration  
 18 record at any election occurring after the final day for completing voter  
 19 list maintenance activities, and if not, then designate the voter as  
 20 inactive.

21 ~~(g)~~ **(i)** If a voter does not return the card described in subsection  
 22 ~~(d)(2)~~ **(f)(2)** by the date specified in subsection ~~(d)(2)(B)~~; **(f)(2)(B)**, the  
 23 county voter registration office shall indicate in the voter's registration  
 24 record that the voter's registration is inactive.

25 ~~(h)~~ **(j)** A voter's registration that becomes inactive under subsection  
 26 ~~(f)~~ **(h)** or ~~(g)~~ **(i)** remains in inactive status from the date described in  
 27 subsection ~~(d)(2)(B)~~ **(f)(2)(B)** until the earlier of the following:

- 28 (1) The date the county voter registration office updates or  
 29 cancels the voter's registration under subsection ~~(e)~~ **(g)** after the  
 30 voter provides a current residence address.  
 31 (2) The day after the second general election in which the voter  
 32 has not voted or appeared to vote.

33 ~~(i)~~ **(k)** After the date described in subsection ~~(h)(2)~~; **(j)(2)**, the  
 34 county voter registration office shall remove the voter's registration  
 35 from the voter registration records.

36 SECTION 6. IC 3-7-38.2-5, AS AMENDED BY P.L.116-2018,  
 37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 UPON PASSAGE]: Sec. 5. ~~(a)~~ To assist in performing voter list  
 39 maintenance under this chapter, the NVRA official shall submit the  
 40 names of all registered voters in Indiana to the United States Postal  
 41 Service National Change of Address Service. The submission under  
 42 this chapter shall be compiled from the county voter registration





1 information submitted to the election division under IC 3-7-26.3.

2 (b) This subsection does not require the NVRA official to request  
 3 voter registration data from a state listed in this subsection if the  
 4 NVRA official will be receiving voter registration data from that state  
 5 under the memorandum of understanding described in subsection (d).  
 6 To assist in performing voter list maintenance under this chapter, not  
 7 later than December 31 of each calendar year the NVRA official shall  
 8 request that the chief state election official who is responsible for the  
 9 coordination of state responsibilities under NVRA in each of the  
 10 following states provide a list of the registered voters in that state:

- 11 (1) Florida.
- 12 (2) Illinois.
- 13 (3) Kentucky.
- 14 (4) Michigan.
- 15 (5) Ohio.

16 (c) The NVRA official shall request a list of registered voters from  
 17 any other state in which the NVRA official determines there is a  
 18 reasonable possibility that a significant number of individuals who  
 19 have registered to vote in Indiana may also be registered to vote in that  
 20 state.

21 (d) The NVRA official shall execute a memorandum of  
 22 understanding with the Kansas Secretary of State. Notwithstanding any  
 23 limitation under IC 3-7-26.4 regarding the availability of certain  
 24 information from the computerized list, on January 15 of each year, the  
 25 NVRA official shall provide data from the statewide voter registration  
 26 list without cost to the Kansas Secretary of State to permit the  
 27 comparison of voter registration data in the statewide voter registration  
 28 list with registration data from all other states participating in this  
 29 memorandum of understanding and to identify any cases in which a  
 30 voter cast a ballot in more than one (1) state during the same election.  
 31 Not later than thirty (30) days following the receipt of information  
 32 under this subsection indicating that a voter of Indiana may also be  
 33 registered to vote in another state, the NVRA official shall provide the  
 34 appropriate county voter registration office with the name of and any  
 35 other information obtained under this subsection concerning that voter,  
 36 if both of the following apply:

- 37 (1) The first name, last name, and date of birth of the Indiana  
 38 voter is identical to the first name, last name, and date of birth of  
 39 the voter registered in the other state.
- 40 (2) A comparison of the records indicates that there is a  
 41 confidence factor that the records are for the same individual  
 42 resulting from the accumulation of at least seventy-five (75)



- 1 points based on the following criteria:
- 2 (A) Full Social Security number: 40 points:
- 3 (B) Last four (4) digits of Social Security number: 10 points:
- 4 (C) Indiana driver's license or identification card number: 50
- 5 points:
- 6 (D) Date of birth: 25 points:
- 7 (E) Last Name: 15 points:
- 8 (F) First Name: 15 points:
- 9 (G) Middle Name: 5 points:
- 10 (H) Suffix: 5 points:
- 11 (I) Street Address 1: 10 points:
- 12 (J) Zip Code (first five (5) digits): 5 points:
- 13 (e) The county voter registration office shall determine whether the
- 14 individual:
- 15 (1) identified in the report provided by the NVRA official under
- 16 subsection (d) is the same individual who is a registered voter of
- 17 the county; and
- 18 (2) registered to vote in another state on a date following the date
- 19 that voter registered in Indiana:
- 20 (f) If the county voter registration office determines that the voter is
- 21 described by subsection (e), the county voter registration office shall
- 22 cancel the voter registration of that voter.
- 23 SECTION 7. IC 3-7-38.2-5.1 IS ADDED TO THE INDIANA
- 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 25 [EFFECTIVE UPON PASSAGE]: **Sec. 5.1. (a) The actions of the**
- 26 **NVRA officials to execute a memorandum of understanding with**
- 27 **the Kansas Secretary of State under section 5(d) of this chapter,**
- 28 **before its amendment by the 121st general assembly, are void.**
- 29 **(b) The secretary of state shall promptly notify the Kansas**
- 30 **Secretary of State that Indiana is no longer a party to the**
- 31 **memorandum of understanding.**
- 32 **(c) This section has no effect on any voter list maintenance**
- 33 **activity undertaken by the NVRA officials of a county voter**
- 34 **registration office before the voiding of the memorandum of**
- 35 **understanding under this section.**
- 36 **(d) The state shall not join or otherwise participate in the**
- 37 **activities of any organization that requires:**
- 38 **(1) the payment of funds to obtain voter registration**
- 39 **information from another state; or**
- 40 **(2) the expenditure of funds to engage in activities other than**
- 41 **voter list maintenance as a condition for receiving voter**
- 42 **registration information from another state.**



1 SECTION 8. IC 3-7-38.2-5.5 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) The Indiana data**  
 4 **enhancement association (IDEA) is established. IDEA shall be**  
 5 **administered by the NVRA official in accordance with IC 3-7-11-1.**

6 **(b) Not later than July 1, 2020, the NVRA official shall adopt an**  
 7 **order for the administration of voter list maintenance programs to**  
 8 **be performed by IDEA. The NVRA official may amend the order.**  
 9 **If the NVRA official does not adopt an order by July 1, 2020, or**  
 10 **subsequently amend the order when necessary to perform voter list**  
 11 **maintenance duties under this chapter, the secretary of state shall**  
 12 **adopt or amend the order under section 18 of this chapter. The**  
 13 **order establishing IDEA, and any amendments to the order**  
 14 **subsequently issued, shall provide the following:**

15 **(1) The member states of IDEA are not required to pay to**  
 16 **Indiana any fee for the processing of the data from the**  
 17 **member state.**

18 **(2) The member states of IDEA are not required to engage in**  
 19 **any activity other than actions necessary to comply with**  
 20 **standards for voter list maintenance set forth in the order as**  
 21 **a condition for obtaining data from Indiana or other member**  
 22 **states.**

23 **(3) The method for a state to join or withdraw from IDEA.**

24 **(4) The tenure of the membership of each state and duration**  
 25 **of the order.**

26 **(5) Indiana shall:**

27 **(A) use the confidence factors set forth in subsection (c) to**  
 28 **determine whether the name of an individual registered in**  
 29 **that member state appears to be the same as an individual**  
 30 **registered to vote in Indiana or any other member state;**  
 31 **and**

32 **(B) only forward potential matches of the names of**  
 33 **individuals in a state who meet or exceed the confidence**  
 34 **factor threshold under subsection (c).**

35 **(6) Any registration data provided to Indiana by another state**  
 36 **member:**

37 **(A) is confidential under Indiana law;**

38 **(B) must be safely secured by Indiana for the duration of**  
 39 **a particular instance of a voter list maintenance activity;**  
 40 **and**

41 **(C) shall be destroyed immediately following the provision**  
 42 **of data concerning potential duplicate voter registrations**  
 43 **to IDEA member states.**



- 1           (7) Any other provisions necessary for the proper and  
2           effective administration of IDEA.
- 3           (c) Not later than thirty (30) days following the receipt of  
4           information under subsection (b) indicating that a voter of Indiana  
5           may also be registered to vote in another state, the NVRA official  
6           shall provide the appropriate county voter registration office with  
7           the name of and any other information obtained under this  
8           subsection concerning that voter, if both of the following apply:
- 9           (1) The first name, last name, and date of birth of the Indiana  
10          voter is identical to the first name, last name, and date of  
11          birth of the voter registered in the other state.
- 12          (2) A comparison of the records indicates that there is a  
13          confidence factor that the records are for the same individual  
14          resulting from the accumulation of at least seventy-five (75)  
15          points based on the following criteria:
- 16                (A) Full Social Security number: 40 points.  
17                (B) Last four (4) digits of Social Security number: 10  
18                points.  
19                (C) Indiana driver's license or identification card number:  
20                50 points.  
21                (D) Date of birth: 25 points.  
22                (E) Last Name: 15 points.  
23                (F) First Name: 15 points.  
24                (G) Middle Name: 5 points.  
25                (H) Suffix: 5 points.  
26                (I) Street Address 1: 10 points.  
27                (J) Zip Code (first five (5) digits): 5 points.
- 28          (d) The county voter registration office shall determine whether  
29          the individual:
- 30                (1) identified in the report provided by the NVRA official  
31                under subsection (c) is the same individual who is a registered  
32                voter of the county;
- 33                (2) registered to vote in another state on a date following the  
34                date that voter registered in Indiana; and
- 35                (3) authorized the cancellation of any previous registration by  
36                the voter when the voter registered in another state.
- 37          (e) If the county voter registration office determines that the  
38          voter is described by subsection (d), the county voter registration  
39          office shall cancel the voter registration of that voter. If the county  
40          voter registration office determines that the voter is described by  
41          subsection (d)(1) and (d)(2), but has not authorized the cancellation  
42          of any previous registration, the county voter registration office  
43          shall send an address confirmation notice to the Indiana address of



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**the voter.**  
**(f) The county voter registration office may rely on written information provided either directly by a voter registration office in another state or forwarded from the election division from the office in the other state as follows:**

**(1) If this information is provided directly from the other state to the Indiana county voter registration official, the out-of-state voter registration official must provide a copy of the voter's signed voter registration application which indicates the individual authorizes cancellation of the individual's previous registration.**

**(2) If the election division forwards written notice from another state to an Indiana county voter registration official, the county should consider this notice as confirmation that the individual is registered in another jurisdiction and has requested cancellation of the Indiana registration. A copy of the actual voter signature is not required to be provided to the county for the voter's status to be canceled if the written notice is forwarded by the election division.**

**County voter registration officials shall review the date the individual registered out of state and the date the individual registered in Indiana to confirm which registration is more recent when performing the officials' analysis under this subsection.**

SECTION 9. IC 3-7-38.2-7.5, AS ADDED BY P.L.258-2013, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. The NVRA official shall do both of the following:

(1) Compare the lists of voters described in section 5(c) of this chapter provided by another state with the list of registered voters in Indiana to identify any individuals who may be registered to vote in more than one (1) state.

(2) Provide each county voter registration office with a list of potential duplicate registrations not later than thirty (30) days after receipt of a list of voters of a state.

SECTION 10. IC 3-7-46-6, AS AMENDED BY P.L.74-2017, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **At least once a quarter, and** not later than:

- (1) January 31;
- (2) April 30;
- (3) July 31; and
- (4) October 31;



1 of each year, a county sheriff shall provide the county voter registration  
 2 office with a report containing the information set forth in subsection  
 3 (b) for processing under section 8 of this chapter.

4 (b) The report required by subsection (a) must identify each person  
 5 who:

6 (1) is a resident of Indiana;

7 (2) has been convicted of a crime; and

8 (3) has been placed in a county correctional facility after the last  
 9 date the sheriff prepared a report required by subsection (a).

10 (c) The report must be in the form prescribed by the election  
 11 division under IC 3-5-4-8 and state:

12 (1) whether the person remains in lawful custody in a county  
 13 correctional facility as of the date of the report; and

14 (2) if the person remains in lawful custody, the date that the  
 15 person is scheduled to be released from the county correctional  
 16 facility.

17 SECTION 11. IC 3-11.7-5-1.7, AS ADDED BY P.L.278-2019,  
 18 SECTION 133, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE UPON PASSAGE]: Sec. 1.7. (a) This section **applies**  
 20 **does not apply** to a provisional ballot cast by a voter for any of the  
 21 following reasons:

22 (1) The provisional ballot was cast by the voter under a court  
 23 order extending the hours that the polls were open.

24 (2) The provisional ballot was cast by a voter who is not on the  
 25 poll list who indicates that the voter applied to register at a voter  
 26 registration agency.

27 (3) The provisional ballot was cast by the voter after the voter was  
 28 challenged solely due to the voter being unable or declining to  
 29 provide proof of identification.

30 (4) The provisional ballot was cast by the voter after the voter was  
 31 challenged solely due to the voter's failure to provide additional  
 32 documentation.

33 (b) If the only evidence before the county election board on the  
 34 question of counting of the provisional ballot cast by the voter is:

35 (1) the affidavit of the voter who cast the provisional ballot; and

36 (2) the affidavit of a challenger challenging the voter who cast the  
 37 provisional ballot;

38 the provisional ballot shall be counted.

39 SECTION 12. IC 3-11.7-7-3, AS ADDED BY P.L.278-2019,  
 40 SECTION 136, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Before issuing an order  
 42 under this chapter, the court or entity must take evidence and make the



- 1 following findings:
- 2 (1) The polls were substantially delayed in opening at the time
- 3 fixed by IC 3-11-8-8.
- 4 (2) The specific precincts or vote centers in which substantial
- 5 delays occurred.
- 6 (3) If a poll closed at any time during the hours specified by
- 7 IC 3-11-8-8, how long the polls were closed and in which
- 8 precincts and vote centers the closing occurred.
- 9 (4) Substantial evidence exists that voters were prevented from
- 10 casting a ballot due to a delay or closure of the polls during the
- 11 hours specified by IC 3-11-8-8.
- 12 (5) The actual harm determined can only be ameliorated by the
- 13 extension of polling hours.
- 14 **(6) The county election board filed written notice with the**
- 15 **secretary of state and the election division indicating that the**
- 16 **county election board:**
- 17 **(A) filed the action or petition with the court to extend**
- 18 **hours; and**
- 19 **(B) received confirmation from the court of the receipt of**
- 20 **the filings.**
- 21 (b) If the court is unable to make the applicable findings regarding
- 22 a delay in opening or a subsequent closure of the polls described in
- 23 subsection (a), the court shall not issue an order extending the polling
- 24 hours specified under IC 3-11-8-8.
- 25 **SECTION 13. An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 334, 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 3-5-2-26.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 26.3. "IDEA" refers to the Indiana data enhancement association established by IC 3-7-38.2-5.5.**"

Page 9, line 41, delete "Not later than July 1," and insert "**The Indiana data enhancement association (IDEA) is established. IDEA shall be administered by the NVRA official in accordance with IC 3-7-11-1.**"

**(b) Not later than July 1, 2020, the NVRA official shall adopt an order for the administration of voter list maintenance programs to be performed by IDEA. The NVRA official may amend the order. If the NVRA official does not adopt an order by July 1, 2020, or subsequently amend the order when necessary to perform voter list maintenance duties under this chapter, the secretary of state shall adopt or amend the order under section 18 of this chapter. The order establishing IDEA, and any amendments to the order subsequently issued, shall provide the following:"**

Page 9, delete line 42.

Page 10, delete lines 1 through 3.

Page 10, line 16, delete "(b)" and insert "(c)".

Page 10, line 23, delete "(b)." and insert "(c)."

Page 10, line 35, delete "(b)" and insert "(c)".

Page 10, line 36, delete "(a)" and insert "(b)".

Page 11, line 17, delete "(c)" and insert "(d)".

Page 11, line 20, delete "(a)" and insert "(c)".

Page 11, line 26, delete "(d)" and insert "(e)".

Page 11, line 27, delete "(c)," and insert "(d),"

Page 11, line 30, delete "(c)(1) and (c)(2)" and insert "**(d)(1) and (d)(2)**".

Page 11, line 34, delete "(e)" and insert "(f)".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.





(Reference is to SB 334 as introduced.)

WALKER, Chairperson

Committee Vote: Yeas 5, Nays 2.

