

# HOUSE BILL No. 1286

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2.5; IC 3-7; IC 3-11-16-6; IC 4-6-17; IC 35-52-3-0.5.

**Synopsis:** Elections. Provides that the state of Indiana shall conduct all elections using secure, hand-marked paper ballots that are: (1) designed and made in Indiana; (2) embellished with a distinctive watermark; and (3) serialized numerically. Provides that no other method of voting may be used in Indiana. Specifies that ballots must be counted by hand. Requires precincts to have video cameras that record and live stream the counting of ballots and the ballot box container. Requires each precinct to have one voting system equipped for individuals with disabilities. Specifies requirements for reporting results of the election. Requires election results to be announced the evening of the election. Prohibits the use of a pollbook in any form other than paper. Provides that ballots are not confidential. Prohibits the state from conducting the voting system technical oversight program (VSTOP) after June 30, 2024. Specifies storage requirements for certain election documents. Requires the secretary of state (secretary) to randomly choose 10 counties for post-election hand recounts and inspections of secured storage facilities. Provides that all Indiana citizens have the right to inspect and copy all election materials at the office of the county clerk. Requires the secretary to establish and maintain a statewide voter registration data base. Requires the secretary to administer voter registration rolls and provides that the secretary may not delegate this function. Requires county clerks to create and print the paper pollbook for each precinct. Specifies requirements for back up lists and daily records of the voter registration data base. Specifies that an election in Indiana may be held only on election day. Prohibits: (1) early in person voting; (2) vote centers; (3) Internet  
(Continued next page)

**Effective:** Upon passage.

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January 9, 2024, read first time and referred to Committee on Elections and Apportionment.



Digest Continued

voting; (4) mass mail-in voting; (5) ballot harvesting; and (6) a ballot drop box. Provides that a precinct may contain not more than 1,500 registered active voters. Specifies that absentee voter boards may be used for all voters at extended care facilities. Requires all voter registration applications to include proof of citizenship and a signature. Specifies certain restrictions that apply to a third party organization. Provides that a digital identification is not acceptable for the purposes of registration or voting. Specifies: (1) requirements for absentee ballots; and (2) the individuals who qualify to receive an absentee ballot. Requires an absentee ballot to include a copy of the voter's proof of identification or the last four digits of the voter's Social Security number. Provides that a person who violates these provisions: (1) commits a Class A misdemeanor; and (2) is deprived of the right of suffrage for 10 years. Repeals a provision that designates as confidential certain information maintained by VSTOP. Requires the attorney general to establish an election crimes unit.



Introduced

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1286



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 3-5-2.5 IS ADDED TO THE INDIANA CODE AS  
 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
 3 PASSAGE]:  
 4 **Chapter 2.5. Manner of Conducting Elections in Indiana**  
 5 **Sec. 0.5. (a) This chapter applies notwithstanding any other law.**  
 6 **(b) If there is a conflict between a provision of this chapter and**  
 7 **another provision of Indiana law, this chapter prevails.**  
 8 **Sec. 1. The state of Indiana shall conduct all elections using**  
 9 **secure, hand-marked paper ballots that are:**  
 10 **(1) designed and made in Indiana;**  
 11 **(2) embellished with a distinctive watermark, as designated by**  
 12 **the secretary of state; and**  
 13 **(3) serialized numerically.**  
 14 **No other method of voting may be used in Indiana.**  
 15 **Sec. 2. (a) The watermarked and serialized paper ballots**



1 described in section 1 of this chapter must be counted by hand  
2 beginning at 7 a.m. on election day.

3 (b) Mail-in ballots must be opened at the precinct polling place  
4 and counted at noon on election day in the manner set forth in  
5 IC 3-11.5-5.

6 Sec. 3. (a) Except as specifically authorized by this chapter,  
7 machines or electronic devices are prohibited in a precinct polling  
8 place.

9 (b) Each polling place must have video cameras that record and  
10 live stream, with audio and video of the polling place, in full view  
11 of the watchers, the:

12 (1) hand counting process of the paper ballots; and

13 (2) transparent ballot box container into which voters place  
14 their folded marked ballots.

15 (c) Each precinct must have one (1) voting system equipped for  
16 individuals with disabilities to comply with the requirements of  
17 HAVA.

18 Sec. 4. (a) Ballots must be counted by two (2) counters in  
19 accordance with IC 3-12-2.

20 (b) The video cameras required under section 3(b) of this  
21 chapter must clearly show the counting of ballots so that watchers  
22 in the polling place have full access to the live stream of all ballots  
23 being hand-counted. The video cameras shall record each  
24 serialized ballot being hand-counted on the tally sheet in full view,  
25 with audio of the caller, to confirm the votes for each candidate or  
26 public question that is called.

27 Sec. 5. The hand-counted precinct results must be affirmed by  
28 all precinct workers present. All precinct workers shall sign, under  
29 the penalties for perjury, the precinct final tally records.

30 Sec. 6. (a) The results of the election must be called in to the  
31 county election board, with all precinct workers present. The  
32 county election board shall report the results of the election to the  
33 county clerk for certification.

34 (b) Copies of final tally reports must be given to each of the  
35 precinct workers as part of the transparency of their work.

36 (c) Precinct workers may validate reported results from the  
37 county clerk on the election summary report uploaded by precinct  
38 to the county clerk website.

39 Sec. 7. Election results must be announced the evening of the  
40 election.

41 Sec. 8. The use of pollbooks in any form other than paper is  
42 prohibited.



1       **Sec. 9. (a) Ballots may not contain confidential voter**  
 2 **information. The serial number of the ballot may not allow an**  
 3 **individual to identify a voter.**

4       **(b) Ballots are not confidential in Indiana.**

5       **Sec. 10. (a) Except as provided in subsection (c), after June 30,**  
 6 **2024, the state may not conduct VSTOP.**

7       **(b) On July 1, 2024, the secretary of state shall transfer all funds**  
 8 **for VSTOP to the treasurer of state for deposit in the state general**  
 9 **fund.**

10       **(c) This subsection applies if the state has outstanding**  
 11 **contractual obligations under VSTOP after June 30, 2024. When**  
 12 **all contractual obligations under VSTOP are satisfied, the state**  
 13 **may no longer conduct VSTOP.**

14       **Sec. 11. (a) The following must be maintained in secure county**  
 15 **owned facilities with restricted access:**

16       **(1) Indiana election forms.**

17       **(2) Ballots.**

18       **(3) Paper pollbooks.**

19       **(4) Audio and visual media from the hand counting process.**

20       **(5) All other required election related materials.**

21       **(b) Except as otherwise required by law, only the county clerk,**  
 22 **together with a member of the opposing political party, may access**  
 23 **ballots maintained under subsection (a).**

24       **(c) The secretary of state shall randomly choose ten (10)**  
 25 **counties for post-election hand recounts and inspections of secured**  
 26 **storage facilities.**

27       **Sec. 12. (a) All citizens of Indiana have the right to inspect and**  
 28 **copy all election materials at the office of the county clerk,**  
 29 **including the following:**

30       **(1) Voter lists.**

31       **(2) Pollbook signatures.**

32       **(3) Voter history.**

33       **(4) Absentee applications.**

34       **(5) Absentee ballot signatures.**

35       **(6) Chain of custody documentation.**

36       **(7) All ballots, excluding the names and addresses of those**  
 37 **participating in the confidential address program.**

38       **(b) Inspection and copying under subsection (a) must be**  
 39 **supervised, monitored, and controlled.**

40       **Sec. 13. (a) The secretary of state shall establish and maintain**  
 41 **a statewide voter registration data base administered by the**  
 42 **election division and archived in the office of the secretary of state.**



1           (b) The data base described in subsection (a) must be made  
2 continuously available to the citizens of Indiana through the  
3 secretary of state's website without cost to the citizen.

4           (c) The data base described in subsection (a) must be monthly  
5 reconciled against:

- 6           (1) the National Change of Address system;  
7           (2) the United States Social Security death index;  
8           (3) noncitizen data bases, such as the Systematic Alien  
9 Verification for Entitlements (SAVE) program; and  
10           (4) any data base that the secretary of state deems useful in  
11 voter roll maintenance;

12 to ensure all persons on the voter registration lists are eligible to  
13 vote in Indiana.

14           (d) The secretary of state shall administer voter registration  
15 rolls. The secretary of state may not delegate this function.

16           Sec. 14. (a) County clerks shall create and print the paper  
17 pollbook for each precinct using the county's official list of  
18 registered voters.

19           (b) The county clerk shall send any new, edited, or removed  
20 voters from the county's official list by facsimile to the election  
21 division for updating.

22           (c) The county shall maintain a back up paper copy of the  
23 county's official list, printed once each year. The county clerk shall  
24 also maintain an electronic back up copy of the county's official  
25 list, transferred once each month to a thumb drive that must be  
26 stored securely with the election materials.

27           Sec. 15. The state's voter registration application must require  
28 an applicant to give permission to the state, if the application is  
29 approved, to inform any other state where the applicant is still  
30 registered to vote, for the purpose of removing the applicant from  
31 the voter registration rolls in the other state. The county clerk shall  
32 send a form to the voter to forward to the voter's former state to  
33 cancel the voter's registration.

34           Sec. 16. Each day, the election division shall:

- 35           (1) create a daily record of the election division's voter  
36 registration data base, as of 4 p.m.; and  
37           (2) transmit, in a secure manner, the daily record to the  
38 secretary of state for:  
39           (A) archive purposes; and  
40           (B) uploading online each day for citizens.

41           Sec. 17. (a) An election in Indiana may be held only on election  
42 day.



1 (b) Early in person voting is prohibited.

2 (c) Vote centers are prohibited.

3 (d) Internet voting is prohibited.

4 Sec. 18. A precinct may contain not more than one thousand five  
5 hundred (1,500) registered active voters.

6 Sec. 19. Mass mail-in voting is prohibited. Notwithstanding this  
7 section, a voter may vote by absentee ballot if the ballot is  
8 individually requested by the voter and the voter is permitted to  
9 vote by absentee ballot under section 26 of this chapter.

10 Sec. 20. Ballot harvesting is prohibited. Only a voter or an  
11 immediate family member of a voter may return a completed  
12 absentee ballot to the county clerk.

13 Sec. 21. Absentee voter boards may be used for all voters at  
14 extended care facilities. However, an employee at an extended care  
15 facility may not assist a voter in completing a ballot unless the  
16 voter is the employee's immediate family member.

17 Sec. 22. (a) All voter registration applications must include  
18 proof of citizenship and a signature of the applicant.

19 (b) A signature submitted under subsection (a) must be used to  
20 verify future voting:

21 (1) at precinct check in; or

22 (2) for a voter who votes:

23 (A) by absentee mail-in ballot; or

24 (B) as an absent uniformed services voter or overseas  
25 voter.

26 The requirements under this subsection apply to, but are not  
27 limited to, an envelope containing an absentee ballot.

28 Sec. 23. A third party organization may not:

29 (1) request a voter registration;

30 (2) fill out or mail a registration form for an applicant;

31 (3) return a registration form to a county official or to the  
32 secretary of state by hand; or

33 (4) offer any monetary or nonmonetary enticement to request,  
34 fill out, or return a registration form.

35 Sec. 24. A digital identification is not acceptable for the  
36 purposes of registration or voting.

37 Sec. 25. A ballot drop box, whether manned or unmanned, is  
38 prohibited in any location.

39 Sec. 26. (a) An absentee ballot application may not be sent by  
40 mail unless the application is requested.

41 (b) Absentee ballots must be received by noon on election day.  
42 All absentee ballots received after noon on election day are void



1 and may not be counted.

2 (c) An absentee ballot may be mailed only to an individual who  
3 requests an absentee ballot.

4 (d) The following individuals qualify to receive an absentee  
5 ballot:

6 (1) A member of the military.

7 (2) An individual with a disability.

8 (3) A voter who is required to work for the entire time the  
9 polls are open.

10 (4) An absent uniformed services voter or overseas voter.

11 (5) An elderly voter who is at least sixty-five (65) years of age.

12 (e) Mailing an absentee ballot to an individual who is not  
13 described in subsection (d) is prohibited.

14 (f) An absentee ballot must include a copy of:

15 (1) the voter's proof of identification; or

16 (2) the last four (4) digits of the voter's Social Security  
17 number.

18 Information submitted under this subsection must be verified by  
19 the county clerk from the voter's original registration record and  
20 signature. This section also applies to an absent uniformed services  
21 voter or overseas voter.

22 Sec. 27. (a) A person who violates this chapter commits voter  
23 fraud, a Class A misdemeanor.

24 (b) Notwithstanding IC 3-7-13-4, IC 3-7-13-5, and IC 3-7-13-6,  
25 a person who violates this chapter is deprived of the right of  
26 suffrage by the general assembly for a period of ten (10) years  
27 following the date of conviction, pursuant to Article 2, Section 8 of  
28 the Constitution of the State of Indiana.

29 (c) A person described in subsection (b) is not:

30 (1) authorized to vote; or

31 (2) eligible to register under this article;

32 during the period within which the person is deprived of the right  
33 of suffrage, even if the person is no longer in prison or otherwise  
34 subject to lawful detention.

35 (d) The reduction of a felony to a misdemeanor does not affect  
36 the operation of subsections (b) and (c).

37 (e) A person described in subsection (b) who is otherwise  
38 qualified to register under IC 3-7 is eligible to register after the  
39 expiration of the period within which the person is deprived of the  
40 right of suffrage.

41 SECTION 2. IC 3-7-13-4 IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A person who is:





1 (1) convicted of a crime; and  
 2 (2) imprisoned following conviction;  
 3 is deprived of the right of suffrage by the general assembly pursuant to  
 4 Article 2, Section 8 of the Constitution of the State of Indiana.

5 (b) **Except as provided in IC 3-5-2.5-27**, a person described in  
 6 subsection (a) is ineligible to register under this article during the  
 7 period that the person is:

- 8 (1) imprisoned; or  
 9 (2) otherwise subject to lawful detention.

10 SECTION 3. IC 3-7-13-6 IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies to a  
 12 person who is:

- 13 (1) otherwise qualified to register under this article; and  
 14 (2) not imprisoned or subject to lawful detention.

15 (b) **Except as provided in IC 3-5-2.5-27**, a person described in  
 16 subsection (a) who is:

- 17 (1) on probation;  
 18 (2) on parole;  
 19 (3) subject to home detention under IC 35-38-2.5; or  
 20 (4) placed in a community corrections program under  
 21 IC 35-38-2.6;

22 is eligible to register and to vote.

23 SECTION 4. IC 3-7-46-1, AS AMENDED BY P.L.128-2015,  
 24 SECTION 140, IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE UPON PASSAGE]: Sec. 1. As permitted under 52  
 26 U.S.C. 20507(a)(3)(B) and in the manner required under 52 U.S.C.  
 27 21083, a county voter registration office shall remove from the official  
 28 list of registered voters the name of a voter who is disfranchised under:

- 29 (1) this chapter; or  
 30 (2) **IC 3-5-2.5-27**;

31 due to a criminal conviction.

32 SECTION 5. IC 3-11-16-6 IS REPEALED [EFFECTIVE UPON  
 33 PASSAGE]. ~~Sec. 6. The inventory of voting systems and electronic poll  
 34 books maintained by VSTOP under section 4 of this chapter is  
 35 confidential.~~

36 SECTION 6. IC 4-6-17 IS ADDED TO THE INDIANA CODE AS  
 37 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
 38 PASSAGE]:

39 **Chapter 17. Election Crimes Unit**

40 **Sec. 1. As used in this chapter, "ECU" refers to the election  
 41 crimes unit established under section 2 of this chapter.**

42 **Sec. 2. The attorney general shall establish an election crimes**



1 **unit.**  
2 **Sec. 3. The ECU shall receive, review, and investigate any notice**  
3 **or report of an election law violation.**  
4 **Sec. 4. The ECU may independently initiate an investigation**  
5 **concerning election law violations.**  
6 **Sec. 5. The ECU has jurisdiction throughout Indiana.**  
7 **Sec. 6. The secretary of state and the election division shall**  
8 **permit the ECU access to all data maintained by the secretary of**  
9 **state and the election division for the ECU's evaluation and review.**  
10 **Sec. 7. The attorney general shall appoint a director of the ECU.**  
11 **Sec. 8. The ECU shall create and oversee an Indiana voter fraud**  
12 **hotline.**  
13 **Sec. 9. The creation of the ECU does not limit the jurisdiction of**  
14 **any other office or agency to investigate voter fraud.**  
15 **Sec. 10. The ECU shall submit an annual report to the governor**  
16 **and the general assembly containing a summary of all of the ECU's**  
17 **investigations. The report must be made available to the public. A**  
18 **report to the general assembly under this section must be in an**  
19 **electronic format under IC 5-14-6.**  
20 SECTION 7. IC 35-52-3-0.5 IS ADDED TO THE INDIANA CODE  
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
22 UPON PASSAGE]: **Sec. 0.5. IC 3-5-2.5-27 defines a crime**  
23 **concerning elections.**  
24 SECTION 8. **An emergency is declared for this act.**

