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# SENATE BILL No. 116

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-10-1-31.

**Synopsis:** Retention of election materials. Makes election materials available to the public following an election after expiration of the recount filing period. Requires a county voter registration office to keep confidential that portion of election material necessary to protect the secrecy of a voter's ballot.

**Effective:** Upon passage.

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January 20, 2000, read first time and referred to Committee on Elections.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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# SENATE BILL No. 116



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 3-10-1-31 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) The  
3 inspector of each precinct shall deliver the bags required by section  
4 30(a) and 30(c) of this chapter in good condition, together with poll  
5 lists, tally sheets, and other forms, to the circuit court clerk when  
6 making returns.

7 (b) Except for unused ballots disposed of under IC 3-11-3-31 **or**  
8 **affidavits received by the county election board under IC 3-14-5-2**  
9 **for delivery to the foreman of a grand jury**, the circuit court clerk  
10 shall ~~carefully preserve seal~~ the ballots and other material ~~and keep all~~  
11 ~~seals intact during the time allowed to file a verified petition for a~~  
12 **recount of votes. After the recount filing period, the election**  
13 **material (except for ballots, which shall remain confidential) shall**  
14 **be made available for copying and inspection under IC 5-14-3. The**  
15 **circuit court clerk shall carefully preserve the sealed ballots and**  
16 **other material** for twenty-two (22) months, as required by 42 U.S.C.  
17 1974, after which ~~they may be destroyed the sealed ballots and other~~



- 1 **material are subject to IC 5-15-6 unless:**  
 2 (1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or  
 3 (2) 42 U.S.C. 1973;  
 4 requires the continued preservation of the ballots or other material.  
 5 (c) **If a petition for a recount or contest is filed, the material for**  
 6 **that election shall remain confidential until completion of the**  
 7 **recount or contest.**  
 8 (d) Upon delivery of the poll lists, the ~~circuit court clerk or board of~~  
 9 **county voter registration office** may unseal the envelopes containing  
 10 the poll lists. For the purposes of:  
 11 (1) a cancellation of registration conducted under IC 3-7-43  
 12 through IC 3-7-46; ~~or~~  
 13 (2) a transfer of registration conducted under IC 3-7-39,  
 14 IC 3-7-40, or IC 3-7-42; ~~or~~  
 15 (3) **a change of name performed under IC 3-7-41;**  
 16 the ~~clerk or board~~ **county voter registration office** may inspect the  
 17 poll lists and update the registration record of the county. Upon  
 18 completion of the inspection, the poll list shall be ~~reseated and~~  
 19 preserved with the ballots and other materials **in the manner**  
 20 **prescribed by subsection (b) and** for the time period prescribed by  
 21 ~~subsection subsections (b) and (c).~~  
 22 (e) **This subsection does not apply to ballots. Notwithstanding**  
 23 **subsection (b), if a county voter registration office determines that**  
 24 **the inspection and copying of precinct election material would**  
 25 **reveal the political parties, candidates, and public questions for**  
 26 **which an individual cast an absentee ballot, the county voter**  
 27 **registration office shall keep confidential only that portion of the**  
 28 **election material necessary to protect the secrecy of the voter's**  
 29 **ballot.**  
 30 ~~(d)~~ (f) After the expiration of the period described in subsection (b),  
 31 the ballots may be destroyed in the manner provided by IC 3-11-3-31  
 32 or transferred to a state educational institution as provided by  
 33 IC 3-12-2-12.  
 34 **SECTION 2. An emergency is declared for this act.**

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