



February 20, 2004

**ENGROSSED
SENATE BILL No. 37**

DIGEST OF SB 37 (Updated February 19, 2004 9:46 am - DI 75)

Citations Affected: IC 3-10.

Synopsis: Retention of election materials. Makes available to the public election material required to be retained following an election after expiration of the period for filing a petition or cross-petition for a recount of votes or to contest the election. Requires a county voter registration office to keep confidential that part of election material necessary to protect the secrecy of a voter's ballot.

Effective: Upon passage.

Landske, Craycraft

(HOUSE SPONSORS — KUZMAN, LEHE)

November 18, 2003, read first time and referred to Committee on Elections and Civic Affairs.

January 26, 2004, reported favorably — Do Pass.

February 2, 2004, read second time, ordered engrossed. Engrossed.

February 3, 2004, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 5, 2004, read first time and referred to Committee on Elections and Apportionment.

February 19, 2004, reported — Do Pass.

**C
o
p
y**

ES 37—LS 6120/DI 75+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 37



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, AS AMENDED BY P.L.209-2003,
2 SECTION 101, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) The inspector of each
4 precinct shall deliver the bags required by section 30(a) and 30(c) of
5 this chapter in good condition, together with poll lists, tally sheets, and
6 other forms, to the circuit court clerk when 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 ~~seats intact during the time allowed to file a verified petition or~~
12 ~~cross-petition for a recount of votes or to contest the election.~~
13 **Except as provided in subsection (c), after the recount or contest**
14 **filing period, the election material (except for ballots, which**
15 **remain confidential) shall be made available for copying and**
16 **inspection under IC 5-14-3. The circuit court clerk shall carefully**
17 **preserve the sealed ballots and other material for twenty-two (22)**

ES 37—LS 6120/DI 75+



C
o
p
y

1 months, as required by 42 U.S.C. 1974, after which ~~they may be~~
 2 ~~destroyed the sealed ballots and other material are subject to~~
 3 **IC 5-15-6 unless an order issued under:**

- 4 (1) ~~an order issued under~~ IC 3-12-6-19 or IC 3-12-11-16; or
 5 (2) 42 U.S.C. 1973;

6 requires the continued preservation of the ballots or other material.

7 **(c) If a petition for a recount or contest is filed, the material for**
 8 **that election remains confidential until completion of the recount**
 9 **or contest.**

10 **(d)** This subsection applies before January 1, 2006. Upon delivery
 11 of the poll lists, ~~the~~ the county voter registration office may unseal the
 12 envelopes containing the poll lists. For the purposes of:

- 13 (1) a cancellation of registration conducted under IC 3-7-43
 14 through IC 3-7-46;
 15 (2) a transfer of registration conducted under IC 3-7-39,
 16 IC 3-7-40, or IC 3-7-42;
 17 **(3) a change of name made under IC 3-7-41;**
 18 **(4) adding the registration of a voter under IC 3-7-48-8; or**
 19 ~~(4)~~ **(5) recording that a voter subject to IC 3-7-33-4.5 submitted**
 20 **the documentation required under 42 U.S.C. ~~15843~~ 15483 and**
 21 **IC 3-11-8 or IC 3-11-10;**

22 the county voter registration office may inspect the poll lists and update
 23 the registration record of the county. The county voter registration
 24 office shall use the poll lists to update the registration record to include
 25 the voter's voter identification number if the voter's voter identification
 26 number is not already included in the registration record. Upon
 27 completion of the inspection, the poll list shall be ~~resealed and~~
 28 preserved with the ballots and other materials **in the manner**
 29 **prescribed by subsection (b) for the time period prescribed by**
 30 **subsection subsections (b) and (c).**

31 ~~(d)~~ **(e)** This subsection applies after December 31, 2005. Upon
 32 delivery of the poll lists, the county voter registration office may unseal
 33 the envelopes containing the poll lists. For purposes of:

- 34 (1) a cancellation of registration conducted under IC 3-7-43
 35 through IC 3-7-46; ~~or~~
 36 (2) a transfer of registration conducted under IC 3-7-39,
 37 IC 3-7-40, or IC 3-7-42;
 38 **(3) a change of name made under IC 3-7-41; or**
 39 **(4) adding the registration of a voter under IC 3-7-48-8;**

40 the county voter registration office may inspect the poll lists and update
 41 the registration record of the county. The county voter registration
 42 office shall use the poll lists to update the registration record to include

C
o
p
y



1 the voter's current voter identification number if the voter's voter
2 identification number is not included in the registration record. Upon
3 completion of the inspection, the poll list shall be ~~resealed and~~
4 preserved with the ballots and other materials **in the manner**
5 **prescribed by subsection (b)** for the ~~time~~ period prescribed by
6 ~~subsection~~ **subsections (b) and (c)**.

7 **(f) This subsection does not apply to ballots. Notwithstanding**
8 **subsection (b), if a county voter registration office determines that**
9 **the inspection and copying of precinct election material would**
10 **reveal the political parties, candidates, and public questions for**
11 **which an individual cast an absentee ballot, the county voter**
12 **registration office shall keep confidential only that part of the**
13 **election material necessary to protect the secrecy of the voter's**
14 **ballot.**

15 ~~(e)~~ **(g)** After the expiration of the period described in subsection (b)
16 **or (c)**, the ballots may be destroyed in the manner provided by
17 IC 3-11-3-31 or transferred to a state educational institution as
18 provided by IC 3-12-2-12.

19 SECTION 2. **An emergency is declared for this act.**

C
O
P
Y



SENATE MOTION

Madam President: I move that Senator Craycraft be added as second author of Senate Bill 37.

LANDSKE

**C
o
p
y**



COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 37, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 37 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 7, Nays 0.

**C
o
p
y**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 37, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

MAHERN, Chair

Committee Vote: yeas 11, nays 0.

**C
o
p
y**

