

SENATE BILL No. 405

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-12.

Synopsis: Election audits. Provides for conducting risk-limiting audits for elections beginning after December 31, 2020. Provides for conducting election procedure audits after an election. Authorizes the secretary of state to adopt rules detailing procedures for such audits.

Effective: January 1, 2020.

Spartz

January 14, 2019, read first time and referred to Committee on Elections.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 405

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 3-12-13 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2020]:
4 **Chapter 13. Risk-Limiting Audits**
5 **Sec. 1. For purposes of this chapter, a reference to a "county**
6 **election board" includes the following:**
7 (1) A county election board established by IC 3-6-5.
8 (2) A board of elections and registration established under
9 IC 3-6-5.2 or IC 3-6-5.4.
10 **Sec. 2. As used in this chapter, "incorrect outcome" means an**
11 **outcome that is inconsistent with an election outcome that would**
12 **be obtained by conducting a full recount.**
13 **Sec. 3. As used in this chapter, "risk-limiting audit" means an**
14 **audit protocol that makes use of statistical methods and is designed**
15 **to limit to acceptable levels the risk of certifying a preliminary**
16 **election outcome that constitutes an incorrect outcome.**
17 **Sec. 4. After December 31, 2020, each county election board**



1 shall conduct risk-limiting audits as provided in this chapter.

2 **Sec. 5. (a)** The secretary of state shall determine, under rules
3 adopted by the secretary of state under IC 4-22-2, the elections that
4 are subject to a risk-limiting audit.

5 **(b)** All contested elections for an elected office and all public
6 questions are eligible for designation by the rules for a risk-limiting
7 audit.

8 **Sec. 6. (a)** The secretary of state may waive the requirement of
9 section 5 of this chapter, after a written request by a county
10 election board.

11 **(b)** The secretary of state may waive the requirement of section
12 5 of this chapter only if the county election board shows that the
13 technology in use by the county will not enable the county election
14 board to satisfy the requirements for a risk-limiting audit for an
15 election held after December 31, 2020.

16 **Sec. 7. (a)** The secretary of state shall adopt rules under
17 IC 4-22-2 necessary to implement and administer the requirements
18 of this chapter.

19 **(b)** In developing rules to be adopted under subsection (a), the
20 secretary of state shall:

21 **(1)** consult with recognized statistical experts, equipment
22 vendors, and county election officials; and

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

24 SECTION 2. IC 3-12-14 IS ADDED TO THE INDIANA CODE AS
25 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
26 JANUARY 1, 2020]:

27 **Chapter 14. Election Procedure Audits**

28 **Sec. 1.** For purposes of this chapter, a reference to a "county
29 election board" includes the following:

30 **(1)** A county election board established by IC 3-6-5.

31 **(2)** A board of elections and registration established by
32 IC 3-6-5.2 or IC 3-6-5.4.

33 **Sec. 2.** As used in this chapter, "procedure audit" refers to a
34 process by which the procedures of an election are reviewed to
35 determine how well an election was conducted in accordance with
36 Indiana law.

37 **Sec. 3.** After an election, the secretary of state may require and
38 define the scope of a procedure audit of the election.

39 **Sec. 4. (a)** The secretary of state shall adopt rules under
40 IC 4-22-2 to develop a procedure audit program that details the
41 documents to be inspected, the procedures to be reviewed, and the
42 process by which a procedure audit is conducted under this



- 1 **chapter.**
 2 **(b) The following factors shall be evaluated by a procedure**
 3 **audit:**
 4 **(1) Evaluation of voter registration procedures, including the**
 5 **following:**
 6 **(A) Proper use of voter registration forms.**
 7 **(B) Entry of data into the statewide voter registration file.**
 8 **(C) Proper use of forms.**
 9 **(D) Ability of procedures to accurately determine**
 10 **eligibility of registrants.**
 11 **(2) Evaluation of proper use and operation of electronic poll**
 12 **books and other electronic systems.**
 13 **(3) Evaluation of voting systems.**
 14 **(4) Evaluation of compliance with federal requirements.**
 15 **(5) Evaluation of absentee voting requirements and**
 16 **procedures.**
 17 **(6) Evaluation of provisional ballot voting requirements and**
 18 **procedures.**
 19 **(7) Evaluation of other factors as determined by the secretary**
 20 **of state.**
 21 **(c) The secretary of state may require use of sampling and other**
 22 **statistically valid procedures for conducting a procedure audit.**
 23 **Sec. 5. The secretary of state shall develop and administer a**
 24 **training program for county election officials and their staffs for**
 25 **conducting procedure audits.**
 26 **Sec. 6. The secretary of state shall supervise a county election**
 27 **board in conducting a procedure audit.**
 28 **Sec. 7. A county election board that conducts a procedure audit**
 29 **under this chapter shall provide the results of the audit to the**
 30 **secretary of state not later than thirty (30) days after completion**
 31 **of the audit.**

