

PROPOSED AMENDMENT

HB 1264 # 15

DIGEST

Voter registration information. Repeals a provision that prohibits Indiana from joining or participating in the activities of certain organizations. Repeals a provision that established the Indiana data enhancement association (IDEA). Requires the NVRA official to: (1) submit the names of all registered voters in Indiana to the United States Postal Service National Change of Address Service; and (2) request the indication of voters who no longer reside at the voter's residence address; at least once each month. (Current law does not specify how often the NVRA official must make this submission and request.) Requires the election division to provide to each county voter registration office a report identifying the voters who may have moved from their address.

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- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 3-5-2-26.3 IS REPEALED [EFFECTIVE JULY 1,
4 2024]. ~~Sec. 26.3. "IDEA" refers to the Indiana data enhancement~~
5 ~~association established by IC 3-7-38.2-5.5."~~
6 Page 8, between lines 36 and 37, begin a new paragraph and insert:
7 "SECTION 12. IC 3-7-26.4-4, AS AMENDED BY P.L.193-2021,
8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2024]: Sec. 4. (a) The election division may provide parts and
10 reports from the voter registration information from the computerized
11 list for the purposes specified under IC 3-7-26.3-29.
12 (b) Except as otherwise provided in this section, the parts and
13 reports provided under this section may not include information
14 described under section 8 of this chapter.
15 (c) The parts and reports may contain the information described in
16 section 8 of this chapter if:
17 (1) the part or report is to be provided to an entity that:
18 (A) is described in section 6 of this chapter; and
19 (B) has previously submitted an application to the election
20 division and paid any required fee to obtain the complete
21 compilation; or
22 (2) the part or report is a purely statistical compilation that:
23 (A) includes the information described in section 8 of this

- 1 chapter; and
- 2 (B) does not include any information:
- 3 (i) concerning an individual voter; or
- 4 (ii) that would permit the identification of an individual
- 5 voter as a result of providing the compilation.
- 6 (d) The parts and reports provided under this section may not
- 7 include the complete Social Security number of any individual.
- 8 (e) The election division may provide the registration information
- 9 described in section 8 of this chapter, including an individual's voting
- 10 history, as follows:
- 11 (1) To states and local governments in states that are
- 12 implementing any voter list maintenance program described in
- 13 IC 3-7-38.2-5. ~~including a program implemented with information~~
- 14 ~~obtained from another state under IC 3-7-38.2-5.5.~~
- 15 (2) Upon written request, to law enforcement officials conducting
- 16 an investigation. The election division shall determine the
- 17 confidence factor score ~~according to IC 3-7-38.2-5.5(c)(2);~~ of the
- 18 voter registration information being provided to the law
- 19 enforcement official and do the following:
- 20 (A) If the confidence score is seventy-five (75) points or more,
- 21 provide the registration information and a statement regarding
- 22 the score. The statement must state that the election division
- 23 is not making a determination that the information is about the
- 24 same individual the law enforcement official is inquiring
- 25 about.
- 26 (B) If the confidence score is below seventy-five (75) points,
- 27 provide the registration information and a statement regarding
- 28 the low confidence score. The statement must state that the
- 29 election division is not making a determination that the
- 30 information is about the same individual the law enforcement
- 31 official is inquiring about."
- 32 Page 15, between lines 20 and 21, begin a new paragraph and insert:
- 33 "SECTION 18. IC 3-7-38.2-5, AS AMENDED BY P.L.141-2020,
- 34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2024]: Sec. 5. To assist in performing voter list maintenance
- 36 under this chapter, the NVRA official shall, **at least once each month,**
- 37 submit the names of all registered voters in Indiana to the United States
- 38 Postal Service National Change of Address Service. The submission
- 39 under this chapter shall be compiled from the county voter registration
- 40 information submitted to the election division under IC 3-7-26.3.

1 SECTION 19. IC 3-7-38.2-5.1, AS ADDED BY P.L.141-2020,
 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2024]: Sec. 5.1. (a) The actions of the NVRA officials to
 4 execute a memorandum of understanding with the Kansas Secretary of
 5 State under section 5(d) of this chapter, before its amendment by the
 6 121st general assembly, are void.

7 (b) The secretary of state shall promptly notify the Kansas Secretary
 8 of State that Indiana is no longer a party to the memorandum of
 9 understanding.

10 (c) This section has no effect on any voter list maintenance activity
 11 undertaken by the NVRA officials of a county voter registration office
 12 before the voiding of the memorandum of understanding under this
 13 section.

14 ~~(d) The state shall not join or otherwise participate in the activities~~
 15 ~~of any organization that requires:~~

16 ~~(1) the payment of funds to obtain voter registration information~~
 17 ~~from another state; or~~

18 ~~(2) the expenditure of funds to engage in activities other than~~
 19 ~~voter list maintenance as a condition for receiving voter~~
 20 ~~registration information from another state.~~

21 SECTION 20. IC 3-7-38.2-5.5, AS AMENDED BY P.L.227-2023,
 22 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2024]: Sec. 5.5. (a) ~~The Indiana data enhancement association~~
 24 ~~(IDEA) is established. IDEA shall be administered by the NVRA~~
 25 ~~official in accordance with IC 3-7-11-1.~~

26 ~~(b) The NVRA official shall adopt an order for the administration~~
 27 ~~of voter list maintenance programs to be performed by IDEA. The~~
 28 ~~NVRA official may amend the order. If the NVRA official does not~~
 29 ~~amend the order when necessary to perform voter list maintenance~~
 30 ~~duties under this chapter, the secretary of state shall adopt or amend the~~
 31 ~~order under section 18 of this chapter. The order establishing IDEA,~~
 32 ~~and any amendments to the order subsequently issued, shall provide the~~
 33 ~~following:~~

34 ~~(1) The member states of IDEA are not required to pay to Indiana~~
 35 ~~any fee for the processing of the data from the member state.~~

36 ~~(2) The member states of IDEA are not required to engage in any~~
 37 ~~activity other than actions necessary to comply with standards for~~
 38 ~~voter list maintenance set forth in the order as a condition for~~
 39 ~~obtaining data from Indiana or other member states.~~

40 ~~(3) The method for a state to join or withdraw from IDEA.~~

- 1 (4) The tenure of the membership of each state and duration of the
 2 order:
- 3 (5) Indiana shall:
- 4 (A) use the confidence factors set forth in subsection (c) to
 5 determine whether the name of an individual registered in that
 6 member state appears to be the same as an individual
 7 registered to vote in Indiana or any other member state; and
 8 (B) only forward potential matches of the names of individuals
 9 in a state who meet or exceed the confidence factor threshold
 10 under subsection (c):
- 11 (6) Any registration data provided to Indiana by another state
 12 member:
- 13 (A) is confidential under Indiana law;
 14 (B) must be safely secured by Indiana for the duration of a
 15 particular instance of a voter list maintenance activity; and
 16 (C) shall be destroyed immediately following the provision of
 17 data concerning potential duplicate voter registrations to IDEEA
 18 member states:
- 19 (7) Any other provisions necessary for the proper and effective
 20 administration of IDEEA:
- 21 (e) (a) Not later than thirty (30) days following the receipt of
 22 information under subsection (b) indicating that a voter of Indiana may
 23 also be registered to vote in another state, the NVRA official shall
 24 provide the appropriate county voter registration office with the name
 25 of and any other information obtained under this subsection concerning
 26 that voter, if both of the following apply:
- 27 (1) The first name, last name, and date of birth of the Indiana
 28 voter is identical to the first name, last name, and date of birth of
 29 the voter registered in the other state.
- 30 (2) A comparison of the records indicates that there is a
 31 confidence factor that the records are for the same individual
 32 resulting from the accumulation of at least seventy-five (75)
 33 points based on the following criteria:
- 34 (A) Full Social Security number: 40 points.
 35 (B) Last four (4) digits of Social Security number: 10 points.
 36 (C) Indiana driver's license or identification card number: 50
 37 points.
 38 (D) Date of birth: 25 points.
 39 (E) Last Name: 15 points.
 40 (F) First Name: 15 points.

1 (G) Middle Name: 5 points.

2 (H) Suffix: 5 points.

3 (I) Street Address 1: 10 points.

4 (J) Zip Code (first five (5) digits): 5 points.

5 ~~(d)~~ **(b)** The county voter registration office shall determine whether
6 the individual:

7 (1) identified in the report provided by the NVRA official under
8 subsection ~~(c)~~ **(a)** is the same individual who is a registered voter
9 of the county;

10 (2) registered to vote in another state on a date following the date
11 that voter registered in Indiana; and

12 (3) authorized the cancellation of any previous registration by the
13 voter when the voter registered in another state.

14 ~~(e)~~ **(c)** If the county voter registration office determines that the
15 voter is described by subsection ~~(d)~~; **(b)**, the county voter registration
16 office shall cancel the voter registration of that voter. If the county
17 voter registration office determines that the voter is described by
18 subsection ~~(d)(1)~~ **(b)(1)** and ~~(d)(2)~~; **(b)(2)**, but has not authorized the
19 cancellation of any previous registration, the county voter registration
20 office shall send an address confirmation notice to the Indiana address
21 of the voter.

22 ~~(f)~~ **(d)** The county voter registration office may rely on written
23 information provided either directly by a voter registration office in
24 another state or forwarded from the election division from the office in
25 the other state. Information:

26 (1) provided from the other state to the Indiana county voter
27 registration official; or

28 (2) forwarded by the election division;

29 must include a copy of the voter's signed voter registration application
30 which indicates the individual authorizes cancellation of the
31 individual's previous registration. County voter registration officials
32 shall review the date the individual registered out of state and the date
33 the individual registered in Indiana to confirm which registration is
34 more recent when performing the officials' analysis under this
35 subsection.

36 SECTION 21. IC 3-7-38.2-6, AS AMENDED BY P.L.258-2013,
37 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2024]: Sec. 6. **(a)** When the names of voters are submitted
39 under section 5 of this chapter, the NVRA official shall, **at least once**
40 **each month**, request that the United States Postal Service indicate the

1 voters who no longer reside at the ~~submitted~~ **voter's residence** address.
2 However, the NVRA official shall also request that a voter who:
3 (1) has a temporary forwarding order in effect;
4 (2) is an absent uniformed services voter; or
5 (3) is an overseas voter;
6 not be included in the list of voters who no longer reside at the
7 ~~submitted~~ **voter's residence** address.
8 **(b) Not later than thirty (30) days after receiving a report under**
9 **subsection (a), the election division shall provide to each county**
10 **voter registration office a report identifying the voters who may**
11 **have moved from their address."**
12 Renumber all SECTIONS consecutively.
(Reference is to HB 1264 as reprinted January 26, 2024.)