

	<b>STANDARD OPERATING PROCEDURE</b> <small>State Form 39870(R/S-06)</small>	Reference Number <b>LEG-004</b>
	Subject <b>Election Recounts</b>	
	Special Instructions Replaces LEG-012 dated March 1, 2015	Effective Date <b>April 4, 2024</b>

## **I. PURPOSE**

Establish procedures for the monitoring and security of election recounts by Department personnel.

## **II. POLICY**

Department personnel shall monitor election recounts as required and shall provide security for all impounded election materials as outlined in this procedure.

## **III. PROCEDURE**

### A. Election Recount Procedures:

1. Upon the Indiana State Police receiving notice from the State Recount Commission of the filing and pendency of a recount petition, the Superintendent and Chief Counsel shall be immediately notified.
2. The Superintendent shall designate an assistant chief of staff to administer the process under the guidelines of the Indiana Recount Commission and state law.
3. An “Impoundment Coordinator” will be designated by the assistant chief of staff for the purpose of assigning personnel to the detail. The “Impoundment Coordinator” shall be of first sergeant’s rank or above.
4. The designated “Impoundment Coordinator” shall work with the “Recount Director,” who is an employee of the Secretary of State’s office, on all operational aspects of the assignment.
5. A Crime Scene Investigator (CSI) may be assigned to the impoundment and recount process.
6. Department personnel shall:
  - a. Serve notice of recount (IC 3-12-11-9):
    - i. If an attorney has filed an appearance with the election division as the representative of a candidate, the Department shall serve the notice on the attorney for the candidate;
    - ii. If subsection (a)(1) does not apply, the Department shall serve the notice upon each opposing candidate in person or by leaving a copy at the last and usual place of residence; and
    - iii. The Department shall make immediate return of the service under this section.
  - b. Impound election materials after receiving an order from the Indiana Recount Commission or a court of competent jurisdiction pursuant to IC 3-12-1 et. seq.;
  - c. Consult with the Indiana Recount Commission’s Counsel regarding the logistics of the impoundment; and
  - d. Provide the Indiana Recount Commission (and those authorized to assist the Indiana Recount Commission,

which will include the State Board of Accounts) with access to election materials.

7. Sign in/sign out logs shall be maintained and all persons entering the site will be required to provide identification to be verified by Department security personnel.

8. The Department shall secure all recount materials under lock and key, with an additional tape seal on the door of the holding facility, unless directly entered into the Department's Laboratory evidence system.

9. The impound area shall be posted with a sign indicating the area is under the control of the Indiana State Police and entry by anyone is prohibited.

10. The impoundment area, if not a Department evidence facility, will be routinely checked to ensure no attempted entry has occurred.

11. All materials shall be recorded on a Property Record and Receipt form and handled in accordance with [LAB-001](#) and [LAB-005](#).

12. If "back up" data storage, such as a hard drive, is part of the impound material, it shall be removed and maintained in a fireproof safe under Department Laboratory control.

13. An Incident Report will be drawn by the "Impoundment Coordinator" under code 910-170 Election Material Impoundment.

14. Officers/personnel assigned to the detail shall submit an Incident Report Supplement.

15. The recount process shall be a uniform detail for all assigned personnel unless otherwise instructed by the designated assistant Chief of Staff or Chief Counsel.

16. All assigned personnel shall maintain records of all hours worked on the detail (to include overtime), miles driven and any other costs incurred (for example: uniform damage).

17. All expenses incurred; e.g., locks, supplies, etc., shall be approved through the designated assistant chief of staff and the Fiscal Division.

18. Materials held after the recount, pending appeals, etc., shall be secured as evidence within the Department's evidence system.

19. The Impoundment Coordinator shall also ensure the appropriate disposition of the impounded materials as per the direction of the Recount Director.

20. No arrest action, related to the recount, shall be taken without the approval of the Superintendent.

B. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies, and procedures.