

HOUSE BILL No. 1183

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-10-7-32; IC 3-11; IC 3-12-1.

Synopsis: Straight ticket voting. Removes a voter's option to vote for all candidates of a political party or an independent ticket at one time (straight ticket voting) in a general or municipal election. Repeals superseded statutes relating to straight ticket voting.

Effective: January 1, 2024.

Fleming, Clere

January 10, 2023, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1183

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 3-10-7-32, AS AMENDED BY P.L.190-2011,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2024]: Sec. 32. (a) A town election board shall
4 determine what voting method will be used in a municipal election.
5 (b) The town election board and its precinct election officers shall
6 perform the duties of the county election board and its precinct election
7 officers under IC 3-11 for each voting method used.
8 (c) The town election board shall prepare the ballots in the form
9 prescribed by IC 3-11 and distribute them to the precincts in the town.
10 (d) This subsection applies only to paper ballots. Notwithstanding
11 subsection (c), the town election board, by unanimous consent of the
12 board's entire membership, may authorize the printing or reproduction
13 of ballots on equipment under the control of the town clerk-treasurer.
14 If the town election board acts under this subsection, the ballots are not
15 required to conform to the precise dimensions concerning the size of
16 political party devices under IC 3-11-2-9 or the placement of a
17 candidate's name under ~~IC 3-11-2-10(f)~~ **IC 3-11-2-10(d)**. However,



1 the ballots must otherwise substantially conform with IC 3-11-2.
 2 SECTION 2. IC 3-11-2-9, AS AMENDED BY P.L.109-2021,
 3 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JANUARY 1, 2024]: Sec. 9. (a) The device of each political party or
 5 independent ticket described in section 6 of this chapter shall be:

- 6 (1) enclosed in a circle not less than three-fourths (3/4) of an inch
 7 in diameter; and
 8 (2) placed under the name of the party or independent ticket, as
 9 required by section 10 of this chapter.

10 (b) A device of a political party or independent ticket must not be
 11 printed on a ballot if

- 12 ~~(1) there are no candidates of that political party. or~~
 13 ~~(2) the only candidates of the political party are for election to~~
 14 ~~offices to which more than one (1) individual is to be elected and~~
 15 ~~which will not be credited with a vote under IC 3-12-1-7 if a voter~~
 16 ~~casts a straight party ticket.~~

17 SECTION 3. IC 3-11-2-10, AS AMENDED BY P.L.32-2021,
 18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 2024]: Sec. 10. (a) Public questions shall be placed on
 20 the general election ballot in the following order after the statement
 21 described in section 7 of this chapter, and the instructions described in
 22 subsections ~~(d)~~ and ~~(e)~~ **subsection (c)** and section 8 of this chapter, if
 23 instructions are printed on the ballot:

- 24 (1) Ratification of a state constitutional amendment.
 25 (2) Local public questions.

26 Subject to section 10.1 of this chapter, each public question shall be
 27 placed in a separate column on the ballot.

28 (b) The name or title of the political party or independent ticket
 29 described in section 6 of this chapter shall be placed on the general
 30 election ballot after the public questions described in subsection (a).
 31 The device of the political party or independent ticket shall be placed
 32 immediately under the name of the political party or independent ticket.
 33 ~~Notwithstanding section 8(b) of this chapter, the instructions for voting~~
 34 ~~a straight party ticket shall be placed to the right of the device on the~~
 35 ~~ballot.~~

36 ~~(c) The instructions for voting a straight party ticket must conform~~
 37 ~~as nearly as possible to the following:~~

- 38 ~~"(1) You are not required to vote a straight party ticket. If you do~~
 39 ~~not wish to vote a straight party ticket, do not make a mark in this~~
 40 ~~section; and proceed to voting the ballot by office.~~
 41 ~~(2) To vote a straight (insert political party name) ticket for all~~
 42 ~~(insert political party name) candidates on this ballot, except for~~



1 candidates described in (3) below; make a voting mark on or in
2 this circle and do not make any other marks on this ballot.

3 (3) To vote for any candidate for an at-large office (insert county
4 council, city common council, town council, or township board if
5 those offices appear on this ballot) to which more than one (1)
6 person may be elected; you must make another voting mark for
7 each candidate you wish to vote for. Your straight party vote will
8 not count as a vote for any candidate for that office.

9 (4) If you wish to vote for a candidate seeking a nonpartisan office
10 or on a public question; you must make another voting mark on
11 the appropriate place on this ballot."

12 (d) Except as permitted under section 8(b) of this chapter; if the
13 ballot contains an independent ticket described in section 6 of this
14 chapter and at least one (1) other independent candidate; the ballot
15 must also contain a statement that reads substantially as follows: "A
16 vote cast for an independent ticket will only be counted for the
17 candidates for President and Vice President or governor and lieutenant
18 governor comprising that independent ticket. This vote will NOT be
19 counted for any OTHER independent candidate appearing on the
20 ballot."

21 (e) (c) Except as permitted under section 8(b) of this chapter, the
22 ballot must also contain a statement that reads substantially as follows:
23 "A write-in vote will NOT be counted unless the vote is for a
24 DECLARED write-in candidate. To vote for a write-in candidate, you
25 must make a voting mark on or in the square to the left of the name you
26 have written in or your vote will not be counted."

27 (f) (d) Subject to section 10.1 of this chapter, the list of candidates
28 of the political party shall be placed immediately under the instructions
29 for voting a straight party ticket. The names of the candidates shall be
30 placed three-fourths (3/4) of an inch apart from center to center of the
31 name. The name of each candidate must have, immediately on its left,
32 a square three-eighths (3/8) of an inch on each side.

33 (g) (e) The circuit court clerk may authorize the printing of ballots
34 containing a ballot variation code to ensure that the proper version of
35 a ballot is used within a precinct.

36 SECTION 4. IC 3-11-2-12.4, AS AMENDED BY P.L.109-2021,
37 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JANUARY 1, 2024]: Sec. 12.4. (a) This section applies whenever more
39 than one (1) candidate may be elected to an office.

40 (b) The office shall be placed on the general election ballot after the
41 offices described in section 12 of this chapter and before the offices
42 described in section 12.9 of this chapter.



1 (c) Whenever candidates are to be elected to a county council, city
 2 common council, or town council that includes both an at-large
 3 member and a member representing a district, the candidates seeking
 4 election as an at-large member shall be placed on the ballot before
 5 candidates seeking to represent a district.

6 (d) The ballot shall contain a statement reading substantially as
 7 follows above the name of the first candidate: "To vote for any
 8 candidate for this office, you must make a voting mark for each
 9 candidate you wish to vote for." ~~A straight party vote will not count as
 10 a vote for any candidate for this office."~~

11 SECTION 5. IC 3-11-7-4, AS AMENDED BY P.L.278-2019,
 12 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2024]: Sec. 4. (a) ~~Except as provided in subsection (b);~~
 14 A ballot card voting system must permit a voter to vote:

15 ~~(1) except at a primary election, a straight party ticket for all of~~
 16 ~~the candidates of one (1) political party by a single voting mark~~
 17 ~~on each ballot card;~~

18 ~~(2) (1) for one (1) or more candidates of each political party or~~
 19 ~~independent candidates, or for one (1) or more school board~~
 20 ~~candidates nominated by petition; or~~

21 ~~(3) (2) a split ticket for the candidates of different political parties~~
 22 ~~and for independent candidates. or~~

23 ~~(4) a straight party ticket and then split that ticket by casting~~
 24 ~~individual votes for candidates of another political party or~~
 25 ~~independent candidate.~~

26 ~~(b) A ballot card voting system must require that a voter who wishes~~
 27 ~~to cast a ballot for a candidate for election to an at-large district to~~
 28 ~~which more than one person may be elected; on a:~~

29 ~~(1) county council;~~

30 ~~(2) city common council;~~

31 ~~(3) town council; or~~

32 ~~(4) township board;~~

33 ~~make a voting mark for each individual candidate for whom the voter~~
 34 ~~wishes to cast a vote. The ballot card voting system may not count any~~
 35 ~~straight party ticket voting mark as a vote for any candidate for an~~
 36 ~~office described by this subsection.~~

37 ~~(c) (b) A ballot card voting system must permit a voter to vote:~~

38 ~~(1) for all candidates for presidential electors and alternate~~
 39 ~~presidential electors of a political party or an independent ticket~~
 40 ~~by making a single voting mark; and~~

41 ~~(2) for or against a public question on which the voter may vote.~~

42 SECTION 6. IC 3-11-7-6 IS REPEALED [EFFECTIVE JANUARY



1 1, 2024]. Sec. 6: A ballot card voting system must count a ballot in
 2 accordance with IC 3-12-1-7 when a voter votes a straight ticket vote
 3 and votes for individual candidates as described by IC 3-12-1-7.

4 SECTION 7. IC 3-11-7.5-10, AS AMENDED BY P.L.278-2019,
 5 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2024]: Sec. 10. (a) ~~Except as provided in subsection (b);~~
 7 An electronic voting system must permit a voter to vote:

8 ~~(1) except at a primary election, a straight party ticket for all the~~
 9 ~~candidates of one (1) political party by touching the device of that~~
 10 ~~party;~~

11 ~~(2) (1) for one (1) or more candidates of each political party or~~
 12 ~~independent candidates, or for one (1) or more school board~~
 13 ~~candidates nominated by petition; or~~

14 ~~(3) (2) a split ticket for the candidates of different political parties~~
 15 ~~and for independent candidates. or~~

16 ~~(4) a straight party ticket and then split that ticket by casting~~
 17 ~~individual votes for candidates of another political party or~~
 18 ~~independent candidates.~~

19 (b) An electronic voting system must require that a voter who
 20 wishes to cast a ballot for a candidate for election to an at-large district
 21 to which more than one person may be elected, on a:

22 (1) county council;

23 (2) city common council;

24 (3) town council; or

25 (4) township board;

26 make a voting mark for each individual candidate for whom the voter
 27 wishes to cast a vote. The electronic voting system may not count any
 28 straight party ticket voting mark as a vote for any candidate for an
 29 office described by this subsection:

30 (c) (b) An electronic voting system must permit a voter to vote:

31 (1) for as many candidates for an office as the voter may vote for,
 32 but no more;

33 (2) for or against a public question on which the voter may vote,
 34 but no other; and

35 (3) for all the candidates for presidential electors and alternate
 36 presidential electors of a political party or an independent ticket
 37 by making a single voting mark.

38 SECTION 8. IC 3-11-11-10 IS REPEALED [EFFECTIVE
 39 JANUARY 1, 2024]. Sec. 10: If an election is a general or municipal
 40 election and a voter desires to vote for all the candidates of one (1)
 41 political party or group of petitioners, the voter may make a voting
 42 mark on or in a large circle enclosing the device and before the name



1 under which the candidates of the party or group of petitioners are
 2 printed. The voter's vote shall then be counted for all the candidates
 3 under that party name or for the two (2) candidates comprising an
 4 independent ticket.

5 SECTION 9. IC 3-11-13-7.5, AS ADDED BY P.L.109-2021,
 6 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2024]: Sec. 7.5. (a) This section applies to a marking
 8 device used in a voting system that:

9 (1) contains features of both a ballot card voting system and an
 10 electronic voting system; and

11 (2) produces a ballot card with the voter's choices as selected by
 12 the voter and marked on the card by the device.

13 (b) The interface of the marking device used with an optical scan
 14 voting system must include all of the following:

15 (1) The information required by IC 3-11-14-3.5.

16 (2) The instructions required by IC 3-11-2-8.

17 (3) The information and instructions required by IC 3-11-2-10.

18 (c) A marking device must comply with the same disability access
 19 standards as an electronic voting system under IC 3-11-15-13.6.

20 (d) Notwithstanding any other provision of this title, a ballot card
 21 used with a marking device must have either preprinted or printed by
 22 the marking device the following:

23 (1) When the marking device is used for absentee voting under
 24 IC 3-11-10-26, the circuit court clerk's signature and seal required
 25 by IC 3-11-10-27.

26 (2) When the marking device is used by a voter to cast a
 27 provisional ballot, the circuit court clerk's signature and seal
 28 required by IC 3-11.7-1-7.

29 (3) A line or box for each poll clerk's initial as required by section
 30 19 of this chapter.

31 (4) When the marking device is used during a primary election,
 32 the name of the political party whose primary the voter is
 33 participating in or the word "nonpartisan" if the voter is voting a
 34 ballot that contains only a public question certified by the county
 35 election board under IC 3-10-9.

36 (e) If the voting system produces a ballot card, the ballot card must
 37 contain a summary ballot scan of the voter's ballot that includes all of
 38 the following:

39 (1) The name or designation of each office on the voter's ballot.

40 (2) The name of the candidate and the candidate's political party
 41 selected by the voter.

42 (3) If the voter selects a straight party ticket, the name of the



1 political party ticket the voter selected:

2 ~~(4)~~ (3) A description of the text of any public question or judicial
3 retention question on the voter's ballot that the county election
4 board determines reasonably conveys the content of the public
5 question or judicial retention question and the response the voter
6 selected for each question.

7 The ballot card may contain additional information described in
8 subsection (b).

9 (f) Notwithstanding any other provision of this chapter, a ballot card
10 used with the marking device may be a different dimension or size than
11 other ballot cards:

12 (1) approved by the county election board for use in an election;
13 and

14 (2) that are not designed to be marked by the marking device.

15 (g) A voter verifiable paper audit trail is not a marking device.

16 SECTION 10. IC 3-11-13-11, AS AMENDED BY P.L.193-2021,
17 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JANUARY 1, 2024]: Sec. 11. (a) The ballot information, whether
19 placed on the ballot card or on the marking device, must be in the order
20 of arrangement provided for ballots under this section.

21 (b) Each county election board shall have the names of all
22 candidates for all elected offices, political party offices, and public
23 questions printed on a ballot card as provided in this chapter. The
24 county may:

25 (1) print all offices and questions on a single ballot card; and

26 (2) include a ballot variation code to ensure that the proper
27 version of a ballot is used within a precinct.

28 (c) Each type of ballot card must be of uniform size and of the same
29 quality and color of paper (except as permitted under IC 3-10-1-17).

30 (d) The nominees of a political party or an independent candidate
31 or independent ticket (described in IC 3-11-2-6) nominated by
32 petitioners shall be listed on the ballot with the name and device set
33 forth on the certification or petition. The circle containing the device
34 may be of any size that permits a voter to readily identify the device.
35 IC 3-11-2-5 applies if the certification or petition does not include a
36 name or device, or if the same device is selected by two (2) or more
37 parties or petitioners.

38 (e) The offices and public questions on the general election ballot
39 must be placed on the ballot in the order listed in IC 3-11-2-12,
40 IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),
41 IC 3-11-2-12.9(c), IC 3-11-2-13(a) through IC 3-11-2-13(c),
42 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). The offices and



1 public questions may be listed in a continuous column **or row** either
2 vertically or horizontally and on a number of separate pages.

3 (f) The name of each office must be printed in a uniform size in bold
4 type. A statement reading substantially as follows must be placed
5 immediately below the name of the office and above the name of the
6 first candidate:

7 (1) "Vote for one (1) only.", if only one (1) candidate is to be
8 elected to the office.

9 (2) "Vote for not more than (insert the number of candidates to be
10 elected) candidate(s) for this office. To vote for any candidate for
11 this office, you must make a voting mark for each candidate you
12 wish to vote for." ~~A straight party vote will not count as a vote for~~
13 ~~any candidate for this office.~~; if more than one (1) candidate is to
14 be elected to the office.

15 (g) Below the name of the office and the statement required by
16 subsection (f), the names of the candidates for each office must be
17 grouped together in the following order:

18 (1) The major political party whose candidate received the ~~highest~~
19 **greatest** number of votes in the county for secretary of state at the
20 **last most recent** election **for secretary of state** is listed first.

21 (2) The major political party whose candidate received the second
22 ~~highest~~ **greatest** number of votes in the county for secretary of
23 state **at the most recent election for secretary of state** is listed
24 second.

25 (3) All other political parties listed in the order that the parties'
26 candidates for secretary of state finished in the **last most recent**
27 election **for secretary of state** are listed after the party listed in
28 subdivision (2).

29 (4) If a political party did not have a candidate for secretary of
30 state in the **last most recent** election **for secretary of state** or a
31 nominee is an independent candidate or independent ticket
32 (described in IC 3-11-2-6), the party or candidate is listed after
33 the parties described in subdivisions (1), (2), and (3).

34 (5) If more than one (1) political party or independent candidate
35 or ticket described in subdivision (4) qualifies to be on the ballot,
36 the parties, candidates, or tickets are listed in the order in which
37 the party filed its petition of nomination under IC 3-8-6-12.

38 (6) A space for write-in voting is placed after the candidates listed
39 in subdivisions (1) through (5), if required by law.

40 (7) The name of a write-in candidate may not be listed on the
41 ballot.

42 (h) The names of the candidates grouped in the order established by



1 subsection (g) must be printed in type with uniform capital letters and
 2 have a uniform space between each name. The name of the candidate's
 3 political party, or the word "Independent" if the:

4 (1) candidate; or

5 (2) ticket of candidates for:

6 (A) President and Vice President of the United States; or

7 (B) governor and lieutenant governor;

8 is independent, must be placed immediately below or beside the name
 9 of the candidate and must be printed in a uniform size and type.

10 (i) All the candidates of the same political party for election to
 11 at-large seats on the fiscal or legislative body of a political subdivision
 12 must be grouped together:

13 (1) under the name of the office that the candidates are seeking;

14 (2) in the order established by subsection (g); and

15 (3) within the political party, in alphabetical order according to
 16 surname.

17 A statement reading substantially as follows must be placed
 18 immediately below the name of the office and above the name of the
 19 first candidate: "Vote for not more than (insert the number of
 20 candidates to be elected) candidate(s) of ANY party for this office."

21 (j) Candidates for election to at-large seats on the governing body
 22 of a school corporation must be grouped:

23 (1) under the name of the office that the candidates are seeking;
 24 and

25 (2) in alphabetical order according to surname.

26 A statement reading substantially as follows must be placed
 27 immediately below the name of the office and above the name of the
 28 first candidate: "Vote for not more than (insert the number of
 29 candidates to be elected) candidate(s) for this office."

30 (k) The following information must be placed at the top of the ballot
 31 before the first public question is listed:

32 (1) The cautionary statement described in IC 3-11-2-7.

33 (2) The instructions described in IC 3-11-2-8 ~~IC 3-11-2-10(d);~~
 34 and ~~IC 3-11-2-10(e);~~ **IC 3-11-2-10(c).**

35 (l) The ballot must include: a ~~single connectable arrow, circle, oval,~~
 36 ~~or square, or a voting position for voting a straight party or an~~
 37 ~~independent ticket (described in IC 3-11-2-6) by one (+) mark as~~
 38 ~~required by section 14 of this chapter, and the single connectable~~
 39 ~~arrow, circle, oval, or square, or the voting position for casting a~~
 40 ~~straight party or an independent ticket ballot must be identified by:~~

41 (1) the name of the political party or independent ticket
 42 (described in IC 3-11-2-6); and



1 (2) immediately below or beside the political party's or
 2 independent ticket's name, the device of that party or ticket
 3 (described in IC 3-11-2-5).

4 The name and device of each political party or independent ticket must
 5 be of uniform size and type and arranged in the order established by
 6 subsection (g) for listing candidates under each office. The instructions
 7 described in IC 3-11-2-10(e) for voting a straight party ticket and the
 8 statement concerning presidential electors required under IC 3-10-4-3
 9 must be placed on the ballot label. The instructions for voting a straight
 10 party ticket must include the statement: "If you do not wish to vote a
 11 straight party ticket, do not make a mark in this section and proceed to
 12 voting the ballot by office."

13 (m) A public question must be in the form described in
 14 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable
 15 arrow, a circle, or an oval may be used instead of a square. Except as
 16 expressly authorized or required by statute, a county election board
 17 may not print a ballot card that contains language concerning the public
 18 question other than the language authorized by a statute.

19 (n) The requirements in this section:

20 (1) do not replace; and

21 (2) are in addition to;

22 any other requirements in this title that apply to optical scan ballots.

23 (o) The procedure described in IC 3-11-2-16 must be used when a
 24 ballot does not comply with the requirements imposed by this title or
 25 contains another error or omission that might result in confusion or
 26 mistakes by voters.

27 (p) This subsection applies to an optical scan ballot that does not
 28 list:

29 (1) the names of political parties or candidates; or

30 (2) the text of public questions;

31 on the face of the ballot. The ballot must be prepared in accordance
 32 with this section, except that the ballot must include a numbered circle
 33 or oval to refer to each political party, candidate, or public question.

34 SECTION 11. IC 3-11-13-14 IS REPEALED [EFFECTIVE
 35 JANUARY 1, 2024]. Sec. 14. (a) In partisan elections, the ballot labels
 36 must include a voting square or position where a voter may by one (1)
 37 voting mark on each card record a straight party or an independent
 38 ticket vote for all the candidates of one (1) political party or the
 39 independent ticket, except for offices for which the voter:

40 (1) is required to cast an individual vote for a candidate under
 41 IC 3-11-7-4(b); or

42 (2) has voted individually for a candidate for any other office.



1 (b) If the voter records a vote for the two (2) candidates comprising
 2 an independent ticket, the vote must not count for any other
 3 independent candidate on the ballot.

4 (c) A ballot label must not include a voting square or position to
 5 permit a voter to cast a straight party ticket for a political party or
 6 independent ticket if:

7 (1) there are no candidates of that political party; or

8 (2) the only candidates of the political party are for election to
 9 offices to which more than one (1) individual is to be elected and
 10 which will not be credited with a vote under IC 3-12-1-7 if a voter
 11 casts a straight party ticket.

12 SECTION 12. IC 3-11-13-22, AS AMENDED BY P.L.135-2020,
 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2024]: Sec. 22. (a) This section applies to:

15 (1) a ballot card voting system; and

16 (2) a voting system that includes features of a ballot card voting
 17 system and a direct record electronic voting system.

18 (b) Not later than seventy-four (74) days before election day, for
 19 each county planning to use automatic tabulating machines at the next
 20 election, VSTOP shall provide each county election board with a
 21 randomly sorted list of unique identification numbers for the inventory
 22 of machines in the county maintained under IC 3-11-16-4. Starting at
 23 the top of the list, the county election board shall select machines in the
 24 list in the order listed so that:

25 (1) if a machine to be selected in the list is not scheduled to be
 26 used in the upcoming election, the selection process will move to
 27 the next machine in the order listed;

28 (2) each selected machine is scheduled to be used in the
 29 upcoming election; and

30 (3) the number of machines selected is not less than five percent
 31 (5%) of the machines in the county scheduled by the county
 32 election board to be used in the upcoming election.

33 (c) The county election board shall test the machines as described
 34 in subsection (b) to ascertain that the machines will correctly count the
 35 votes cast for ~~straight party tickets~~; for all candidates (including
 36 write-in candidates) and on all public questions. If an individual
 37 attending the public test requests that additional automatic tabulating
 38 machines be tested, then the county election board shall select and test
 39 additional machines from the list in the manner described in subsection
 40 (b).

41 (d) If VSTOP does not provide the lists under subsection (b) not
 42 later than sixty (60) days before the election, the county election board



1 shall establish and implement a procedure for random selection of not
 2 less than five percent (5%) of the machines in the county to be used in
 3 the upcoming election. The county election board shall then test the
 4 machines selected as described in subsection (c).

5 (e) Not later than seven (7) days after conducting the test under
 6 subsection (c), the county election board shall certify to the election
 7 division that the test has been conducted in conformity with subsection
 8 (c). The testing under subsection (c) must begin before absentee voting
 9 begins in the office of the circuit court clerk under IC 3-11-10-26.

10 (f) Public notice of the time and place shall be given at least
 11 forty-eight (48) hours before the test. The notice shall be published
 12 once in accordance with IC 5-3-1-4.

13 (g) If a county election board determines that:

14 (1) a ballot:

15 (A) must be reprinted or corrected as provided by
 16 IC 3-11-2-16 because of the omission of a candidate, political
 17 party, or public question from the ballot; or

18 (B) is an absentee ballot that a voter is entitled to recast under
 19 IC 3-11.5-4-2 because the absentee ballot includes a candidate
 20 for election to office who:

21 (i) ceased to be a candidate; and

22 (ii) has been succeeded by a candidate selected under
 23 IC 3-13-1 or IC 3-13-2; and

24 (2) ballots used in the test conducted under this section were not
 25 reprinted or corrected to remove the omission of a candidate,
 26 political party, or public question, or indicate the name of the
 27 successor candidate;

28 the county election board shall conduct an additional public test
 29 described in subsection (c) using the reprinted or corrected ballots.
 30 Notice of the time and place of the additional test shall be given in
 31 accordance with IC 5-14-1.5, but publication of the notice in
 32 accordance with IC 5-3-1-4 is not required.

33 SECTION 13. IC 3-11-13-31.7, AS AMENDED BY P.L.21-2016,
 34 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2024]: Sec. 31.7. (a) This section is enacted to comply
 36 with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory
 37 standards to define what constitutes a vote on an optical scan voting
 38 system.

39 (b) After receiving ballot cards, a voter shall, without leaving the
 40 room, go alone into one (1) of the booths or compartments that is
 41 unoccupied and indicate:

42 (1) the candidates for whom the voter desires to vote by marking



- 1 the connectable arrows, circles, ovals, or squares immediately
 2 beside:
- 3 (A) the candidates' names; or
 4 (B) the numbers referring to the candidates; and
 5 (2) the voter's preference on each public question by marking the
 6 connectable arrow, oval, or square beside:
- 7 (A) the word "yes" or "no" under the question; or
 8 (B) the number referring to the word "yes" or "no" on the
 9 ballot.
- 10 (c) If an election is a general or municipal election and a voter
 11 desires to vote for all the candidates of one (†) political party or
 12 independent ticket (described in IC 3-11-2-6), the voter may mark:
 13 (†) the circle enclosing the device; or
 14 (‡) the connectable arrow, circle, oval, or square described in
 15 section † of this chapter;
 16 that designates the candidates of that political party or independent
 17 ticket (described in IC 3-11-2-6). Except as provided by
 18 IC 3-11-7-4(b), the voter's vote shall then be counted for all the
 19 candidates of that political party or included in the independent ticket
 20 (described in IC 3-11-2-6). However, if the voter marks the circle,
 21 arrow, oval, or square of an independent ticket (described in
 22 IC 3-11-2-6), the vote shall not be counted for any other independent
 23 candidate on the ballot.
- 24 (d) (c) This subsection applies to a voter casting a ballot on a voting
 25 system that includes features of both an optical scan ballot card voting
 26 system and a direct record electronic voting system. After entering into
 27 a booth used with the voting system, the voter shall indicate the
 28 candidates for whom the voter desires to vote and the voter's preference
 29 on each public question by:
- 30 (1) inserting a paper ballot or an optical scan ballot into the voting
 31 system; or
 32 (2) using headphones to listen to a recorded list of political
 33 parties, candidates, and public questions.
- 34 (e) (d) A voter using a voting system described in subsection (d) (c)
 35 may indicate the voter's selections by:
- 36 (1) touching a device on or in the squares immediately adjacent
 37 to the name of a political party, candidate, or response to a public
 38 question; or
 39 (2) indicating the voter's choices by using a sip puff device that
 40 enables the voter to indicate a choice by inhaling or exhaling.
- 41 SECTION 14. IC 3-11-14-2, AS AMENDED BY P.L.115-2022,
 42 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JANUARY 1, 2024]; Sec. 2. (a) Except as provided in subsections (c)
 2 and (f), a county election board may use an approved electronic voting
 3 system:

4 (1) in any election;

5 (2) in all or in some of the precincts within a political subdivision
 6 holding an election; and

7 (3) instead of or in combination with any other voting method.

8 (b) A county election board may use an electronic voting system
 9 which includes a voter verifiable paper audit trail if the voting system:

10 (1) otherwise complies with this chapter and IC 3-11-15; and

11 (2) is certified by the Indiana election commission.

12 (c) A county election board may not use an approved electronic
 13 voting system purchased, leased, or otherwise acquired by the county
 14 after December 31, 2019, unless the system:

15 (1) is certified by the Indiana election commission; and

16 (2) includes a voter verifiable paper audit trail.

17 This subsection does not prohibit a county election board from having
 18 maintenance performed on an electronic voting system purchased,
 19 leased, or otherwise acquired by the county before January 1, 2020.

20 (d) The voter verifiable paper audit trail must contain all of the
 21 following:

22 (1) The name or code of the election as provided by the voting
 23 system.

24 (2) The date of the election.

25 (3) The date the voter verifiable paper audit trail was printed.

26 (4) A security code and record number specific to each paper
 27 receipt assigned by the voting system.

28 (5) The name or designation of the voter's precinct.

29 (6) The name or designation of each office on the voter's ballot.

30 (7) The name of the candidate and the designation of the
 31 candidate's political party selected by the voter.

32 ~~(8) If the voter selects a straight party ticket, the name of the
 33 political party ticket the voter selected:~~

34 ~~(9)~~ **(8)** The following information:

35 (A) A description of the text of any public question or judicial
 36 retention question on the voter's ballot that:

37 (i) contains not more than thirty (30) characters; and

38 (ii) the county election board determines reasonably conveys
 39 the content of the public question or judicial retention
 40 question.

41 (B) The response the voter selected for each question.

42 (e) The voter verifiable paper audit trail may contain additional



1 information and instructions determined to be useful to the voter by the
 2 county election board subject to the design capabilities of the voter
 3 verifiable paper audit trail.

4 (f) This subsection applies to a county in which any direct record
 5 electronic voting system that does not include a voter verifiable paper
 6 audit trail is used for an election. A county election board shall not use
 7 a direct record electronic voting system in an election after July 1,
 8 2022, unless the county election board:

9 (1) uses a number of direct record electronic voting systems
 10 including a voter verifiable paper audit trail in the election that is
 11 equal to or greater than ten percent (10%) of the total number of
 12 direct record electronic voting systems owned, leased, or
 13 otherwise available to the county as of January 1, 2022, and as of
 14 January 1 in each year thereafter;

15 (2) determines, not later than July 1, 2022, and January 1 of each
 16 year thereafter, the minimum number of direct record electronic
 17 voting systems including a voter verifiable paper audit trail
 18 necessary to comply with the requirement of this subsection; and

19 (3) files a certification of this determination to the secretary of
 20 state not later than August 11, 2022, and February 11 of each year
 21 thereafter.

22 SECTION 15. IC 3-11-14-3.5, AS AMENDED BY P.L.193-2021,
 23 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JANUARY 1, 2024]: Sec. 3.5. (a) Each county election board shall
 25 have the names of all candidates for all elected offices, political party
 26 offices, and public questions printed on ballot labels for use in an
 27 electronic voting system as provided in this chapter.

28 (b) The county may:

29 (1) print all offices and public questions on a single ballot label;
 30 and

31 (2) include a ballot variation code to ensure that the proper
 32 version of a ballot label is used within a precinct.

33 (c) Each type of ballot label must be of uniform size and of the same
 34 quality and color of paper (except as permitted under IC 3-10-1-17).

35 (d) The nominees of a political party or an independent candidate
 36 or independent ticket (described in IC 3-11-2-6) nominated by
 37 petitioners must be listed on the ballot label with the name and device
 38 set forth on the certification or petition. The circle containing the
 39 device may be of any size that permits a voter to readily identify the
 40 device. IC 3-11-2-5 applies if the certification or petition does not
 41 include a name or device, or if the same device is selected by two (2)
 42 or more parties or petitioners.



1 (e) The ballot labels must list the offices and public questions on the
 2 general election ballot in the order listed in IC 3-11-2-12,
 3 IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),
 4 IC 3-11-2-12.9(c), IC 3-11-2-13(a) through IC 3-11-2-13(c),
 5 IC 3-11-2-14(a), IC 3-11-2-14(d), and IC 3-11-2-14(e). Each office and
 6 public question may have a separate screen, or the offices and public
 7 questions may be listed in a continuous column **or row** either vertically
 8 or horizontally.

9 (f) The name of each office must be printed in a uniform size in bold
 10 type. A statement reading substantially as follows must be placed
 11 immediately below the name of the office and above the name of the
 12 first candidate:

13 (1) "Vote for one (1) only.", if only one (1) candidate is to be
 14 elected to the office.

15 (2) "Vote for not more than (insert the number of candidates to be
 16 elected) candidate(s) for this office. To vote for any candidate for
 17 this office, you must make a voting mark for each candidate you
 18 wish to vote for." ~~A straight party vote will not count as a vote for~~
 19 ~~any candidate for this office.~~; if more than one (1) candidate is to
 20 be elected to the office.

21 (g) Below the name of the office and the statement required by
 22 subsection (f), the names of the candidates for each office must be
 23 grouped together in the following order:

24 (1) The major political party whose candidate received the ~~highest~~
 25 **greatest** number of votes in the county for secretary of state at the
 26 **last most recent election for secretary of state** is listed first.

27 (2) The major political party whose candidate received the second
 28 ~~highest~~ **greatest** number of votes in the county for secretary of
 29 state **at the most recent election for secretary of state** is listed
 30 second.

31 (3) All other political parties listed in the order that the parties'
 32 candidates for secretary of state finished in the **last most recent**
 33 **election for secretary of state** are listed after the party listed in
 34 subdivision (2).

35 (4) If a political party did not have a candidate for secretary of
 36 state in the **last most recent election for secretary of state** or a
 37 nominee is an independent candidate or independent ticket
 38 (described in IC 3-11-2-6), the party or candidate is listed after
 39 the parties described in subdivisions (1), (2), and (3).

40 (5) If more than one (1) political party or independent candidate
 41 or ticket described in subdivision (4) qualifies to be on the ballot,
 42 the parties, candidates, or tickets are listed in the order in which



1 the party filed its petition of nomination under IC 3-8-6-12.

2 (6) A space for write-in voting is placed after the candidates listed
3 in subdivisions (1) through (5), if required by law. A space for
4 write-in voting for an office is not required if there are no
5 declared write-in candidates for that office. However, procedures
6 must be implemented to permit write-in voting for candidates for
7 federal offices.

8 (7) The name of a write-in candidate may not be listed on the
9 ballot.

10 (h) The names of the candidates grouped in the order established by
11 subsection (g) must be printed in type with uniform capital letters and
12 have a uniform space between each name. The name of the candidate's
13 political party, or the word "Independent", if the:

14 (1) candidate; or

15 (2) ticket of candidates for:

16 (A) President and Vice President of the United States; or

17 (B) governor and lieutenant governor;

18 is independent, must be placed immediately below or beside the name
19 of the candidate and must be printed in uniform size and type.

20 (i) All the candidates of the same political party for election to
21 at-large seats on the fiscal or legislative body of a political subdivision
22 must be grouped together:

23 (1) under the name of the office that the candidates are seeking;

24 (2) in the party order established by subsection (g); and

25 (3) within the political party, in alphabetical order according to
26 surname.

27 A statement reading substantially as follows must be placed
28 immediately below the name of the office and above the name of the
29 first candidate: "Vote for not more than (insert the number of
30 candidates to be elected) candidate(s) of ANY party for this office."

31 (j) Candidates for election to at-large seats on the governing body
32 of a school corporation must be grouped:

33 (1) under the name of the office that the candidates are seeking;
34 and

35 (2) in alphabetical order according to surname.

36 A statement reading substantially as follows must be placed
37 immediately below the name of the office and above the name of the
38 first candidate: "Vote for not more than (insert the number of
39 candidates to be elected) candidate(s) for this office."

40 (k) The cautionary statement described in IC 3-11-2-7 must be
41 placed at the top or beginning of the ballot label before the first public
42 question is listed.



1 (l) The instructions described in IC 3-11-2-8 ~~IC 3-11-2-10(d)~~; and
 2 ~~IC 3-11-2-10(e)~~ **IC 3-11-2-10(c)** may be:

- 3 (1) placed on the ballot label; or
 4 (2) posted in a location within the voting booth that permits the
 5 voter to easily read the instructions.

6 (m) ~~Except as provided in section 14.5 of this chapter~~; The ballot
 7 label must include: a touch sensitive point or button for voting a
 8 straight political party or independent ticket (described in IC 3-11-2-6)
 9 by one (1) touch; and the touch sensitive point or button must be
 10 identified by:

- 11 (1) the name of the political party or independent ticket; and
 12 (2) immediately below or beside the political party's or
 13 independent ticket's name, the device of that party or ticket
 14 (described in IC 3-11-2-5).

15 The name and device of each party or ticket must be of uniform size
 16 and type, and arranged in the order established by subsection (g) for
 17 listing candidates under each office. The instructions described in
 18 ~~IC 3-11-2-10(e)~~ for voting a straight party ticket and the statement
 19 concerning presidential electors required under IC 3-10-4-3 must be
 20 placed on the ballot label. The instructions for voting a straight party
 21 ticket must include the statement: "If you do not wish to vote a straight
 22 party ticket, press "NEXT" (or replace "NEXT" with the term used by
 23 that voting system to permit a voter to skip a ballot screen) to continue
 24 voting."

25 (n) A public question must be in the form described in
 26 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive
 27 point or button must be used instead of a square. Except as expressly
 28 authorized or required by statute, a county election board may not print
 29 a ballot label that contains language concerning the public question
 30 other than the language authorized by a statute.

31 (o) The requirements in this section:

- 32 (1) do not replace; and
 33 (2) are in addition to;

34 any other requirements in this title that apply to ballots for electronic
 35 voting systems.

36 (p) The procedure described in IC 3-11-2-16 must be used when a
 37 ballot label does not comply with the requirements imposed by this title
 38 or contains another error or omission that might result in confusion or
 39 mistakes by voters.

40 SECTION 16. IC 3-11-14-14.5 IS REPEALED [EFFECTIVE
 41 JANUARY 1, 2024]. ~~Sec. 14.5. A ballot label must not include a touch~~
 42 ~~sensitive point or button to permit a voter to cast a straight party ticket~~



1 for a political party or independent ticket if:

2 (1) there are no candidates of that political party; or

3 (2) the only candidates of the political party are for election to
4 offices to which more than one (1) individual is to be elected and
5 which will not be credited with a vote under IC 3-12-1-7 if a voter
6 casts a straight party ticket.

7 SECTION 17. IC 3-11-14-23, AS AMENDED BY P.L.21-2016,
8 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JANUARY 1, 2024]: Sec. 23. (a) This section is enacted to comply
10 with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory
11 standards to define what constitutes a vote on an electronic voting
12 system.

13 (b) If a voter is not challenged by a member of the precinct election
14 board, the voter may pass the railing to the side where an electronic
15 voting system is and into the voting booth. There the voter shall
16 register the voter's vote in secret by indicating:

17 (1) the candidates for whom the voter desires to vote by touching
18 a device on or in the squares immediately above the candidates'
19 names;

20 (2) if the voter intends to cast a write-in vote, a write-in vote by
21 touching a device on or in the square immediately below the
22 candidates' names and printing the name of the candidate in the
23 window provided for write-in voting; and

24 (3) the voter's preference on each public question by touching a
25 device above the word "yes" or "no" under the question.

26 (c) If an election is a general or municipal election and a voter
27 desires to vote for all the candidates of one (1) political party or group
28 of petitioners, the voter may cast a straight party ticket by touching that
29 party's device. Except as provided in IC 3-11-7.5-10(b), the voter's vote
30 shall then be counted for all the candidates under that name. However,
31 if the voter casts a vote by touching the circle of an independent ticket
32 comprised of two (2) candidates, the vote shall not be counted for any
33 other independent candidate on the ballot.

34 (d) (c) As provided by 52 U.S.C. 21081, a voter casting a ballot on
35 an electronic voting system must be:

36 (1) permitted to verify in a private and independent manner the
37 votes selected by the voter before the ballot is cast and counted;

38 (2) provided the opportunity to change the ballot or correct any
39 error in a private and independent manner before the ballot is cast
40 and counted, including the opportunity to receive a replacement
41 ballot if the voter is otherwise unable to change or correct the
42 ballot; and



- 1 (3) notified before the ballot is cast regarding the effect of casting
 2 multiple votes for the office and provided an opportunity to
 3 correct the ballot before the ballot is cast and counted.
- 4 SECTION 18. IC 3-11-14.5-1, AS AMENDED BY P.L.135-2020,
 5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2024]: Sec. 1. (a) Not later than seventy-four (74) days
 7 before election day, for each county planning to use an electronic
 8 voting system at the next election, VSTOP shall provide each county
 9 election board with a randomly sorted list of unique identification
 10 numbers for the inventory of machines in the county maintained under
 11 IC 3-11-16-4. Starting at the top of the list, the county election board
 12 shall select machines in the list in the order listed so that:
- 13 (1) if a machine to be selected in the list is not scheduled to be
 14 used in the upcoming election, the selection process will move to
 15 the next machine in the order listed;
- 16 (2) each selected machine is scheduled to be used in the
 17 upcoming election; and
- 18 (3) the number of machines selected is not less than five percent
 19 (5%) of the machines in the county scheduled by the county
 20 election board to be used in the upcoming election.
- 21 (b) The county election board shall test the machines as described
 22 in subsection (a) to ascertain that the machines will correctly count the
 23 votes cast for ~~straight party tickets~~, for all candidates (including
 24 write-in candidates) and on all public questions. If an individual
 25 attending the public test requests that additional electronic voting
 26 systems be tested, then the county election board shall select and test
 27 additional machines from the list in the manner described in subsection
 28 (a).
- 29 (c) If VSTOP does not provide the lists under subsection (a) not
 30 later than sixty (60) days before the election, the county election board
 31 shall establish and implement a procedure for random selection of not
 32 less than five percent (5%) of the machines in the county. The county
 33 election board shall then test the machines selected to be used in the
 34 upcoming election as described in subsection (b).
- 35 (d) The testing under subsection (b) must begin before absentee
 36 voting starts in the office of the circuit court clerk under IC 3-11-10-26.
- 37 (e) If a county election board determines that:
- 38 (1) a ballot provided by an electronic voting system:
- 39 (A) must be corrected as provided by IC 3-11-2-16 because of
 40 the omission of a candidate, political party, or public question
 41 from the ballot; or
 42 (B) is an absentee ballot that a voter is entitled to recast under



1 IC 3-11.5-4-2 because the absentee ballot includes a candidate
 2 for election to office who:
 3 (i) ceased to be a candidate; and
 4 (ii) has been succeeded by a candidate selected under
 5 IC 3-13-1 or IC 3-13-2; and
 6 (2) machines used in the test conducted under this section did not
 7 contain a ballot that was reprinted or corrected to remove the
 8 omission of a candidate, political party, or public question, or
 9 indicate the name of the successor candidate;
 10 the county election board shall conduct an additional public test
 11 described in subsection (b) using the machines previously tested and
 12 containing the reprinted or corrected ballots.

13 SECTION 19. IC 3-12-1-1, AS AMENDED BY P.L.64-2014,
 14 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JANUARY 1, 2024]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, 9.5, and
 16 13 of this chapter, the primary factor to be considered in determining
 17 a voter's choice on a ballot is the intent of the voter. If the voter's intent
 18 can be determined on the ballot or on part of the ballot, the vote shall
 19 be counted for the affected candidate or candidates or on the public
 20 question. However, if it is impossible to determine a voter's choice of
 21 candidates on a part of a ballot or vote on a public question, then the
 22 voter's vote concerning those candidates or public questions may not
 23 be counted.

24 SECTION 20. IC 3-12-1-5, AS AMENDED BY P.L.278-2019,
 25 SECTION 137, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JANUARY 1, 2024]: Sec. 5. (a) This subsection does not
 27 apply to a ballot card voting system or an electronic voting system.
 28 ~~Except as provided in subsection (d);~~ A voting mark made by a voter
 29 on or in a voting square at the left of a candidate's name ~~or political~~
 30 ~~party's name~~ shall be counted as a vote for the candidate. ~~or candidates~~
 31 ~~of the political party.~~

32 (b) This subsection applies to a ballot card voting system. A voting
 33 mark made by a voter:

34 (1) on or in a circle, oval, or square; or
 35 (2) to connect a connectable arrow;
 36 immediately below or beside a candidate's name ~~or political party's~~
 37 ~~name~~ shall be counted as a vote for the candidate. ~~or candidates of the~~
 38 ~~political party, except as provided in subsection (d).~~

39 (c) This subsection applies to a direct record electronic voting
 40 system. A voting mark made by a voter touching a touch sensitive point
 41 or button below or beside a candidate's name ~~or political party's name~~
 42 shall be counted as a vote for the candidate. ~~or candidates of the~~



1 political party; except as provided in subsection (d):

2 (d) A voter who wishes to cast a ballot for a candidate for election
3 to an at-large district to which more than one (1) person may be elected
4 on a:

- 5 (1) county council;
- 6 (2) city common council;
- 7 (3) town council; or
- 8 (4) township board;

9 must make a voting mark for each individual candidate for whom the
10 voter wishes to cast a vote. A straight ticket voting mark on a paper
11 ballot, ballot card voting system, or electronic voting system shall not
12 be counted as a straight party ticket voting mark as a vote for any
13 candidate for an office described by this subsection.

14 SECTION 21. IC 3-12-1-7, AS AMENDED BY P.L.21-2016,
15 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JANUARY 1, 2024]: Sec. 7. (a) This subsection applies whenever a
17 voter:

- 18 (1) votes a straight party ticket; and
- 19 (2) votes only for one (1) or more individual candidates who are
20 all of the same political party as the straight ticket vote.

21 Except as provided in subsection (d) or (e), the straight ticket vote shall
22 be counted and the individual candidate votes may not be counted.

23 (b) This subsection applies whenever:

- 24 (1) a voter has voted a straight party ticket for the candidates of
25 one (1) political party;
- 26 (2) only one (1) person may be elected to an office; and
- 27 (3) the voter has voted for one (1) individual candidate for the
28 office described in subdivision (2) who is:

- 29 (A) a candidate of a political party other than the party for
30 which the voter voted a straight ticket; or
- 31 (B) an independent candidate or declared write-in candidate
32 for the office.

33 If the voter has voted for one (1) individual candidate for the office
34 described in subdivision (2), the individual candidate vote for that
35 office shall be counted; the straight party ticket vote for that office may
36 not be counted; and the straight party ticket votes for other offices on
37 the ballot shall be counted.

38 (c) This subsection applies whenever:

- 39 (1) a voter has voted a straight party ticket for the candidates of
40 one (1) political party; and
- 41 (2) the voter has voted for more individual candidates for the
42 office than the number of persons to be elected to that office.



1 The individual candidate votes for that office may not be counted; the
 2 straight party ticket vote for that office may not be counted; and the
 3 straight party ticket votes for other offices on the ballot shall be
 4 counted.

5 (d) This subsection applies whenever:

6 (1) a voter has voted a straight party ticket for the candidates of
 7 one (1) political party;

8 (2) more than one (1) person may be elected to an office; and

9 (3) the voter has voted for individual candidates for the office
 10 described in subdivision (2) who are:

11 (A) independent candidates or declared write-in candidates;

12 (B) candidates of a political party other than the political party
 13 for which the voter cast a straight party ticket under
 14 subdivision (1); or

15 (C) a combination of candidates described in clauses (A) and
 16 (B).

17 The individual votes cast by the voter for the office for the independent
 18 candidates, declared write-in candidates, and the candidates of a
 19 political party other than the political party for which the voter cast a
 20 straight party ticket shall be counted unless the total number of these
 21 individual votes is greater than the number of persons to be elected to
 22 the office. The straight party ticket votes for the office shall not be
 23 counted. The straight party ticket votes for other offices on the voter's
 24 ballot shall be counted.

25 (e) This subsection applies whenever:

26 (1) a voter has voted a straight party ticket for the candidates of
 27 one (1) political party;

28 (2) more than one (1) person may be elected to an office; and

29 (3) the voter has voted for individual candidates for the office
 30 described in subdivision (2) who are:

31 (A) independent candidates, declared write-in candidates, or
 32 candidates of a political party other than the political party for
 33 which the voter cast a straight party ticket under subdivision
 34 (1); and

35 (B) candidates of the same political party for which the voter
 36 cast a straight party ticket under subdivision (1).

37 The individual votes cast by the voter for the office for the independent
 38 candidates, the declared write-in candidates, and the candidates of a
 39 political party other than the political party for which the voter cast a
 40 straight party ticket, and the candidates of the political party for which
 41 the voter cast a straight party ticket shall be counted unless the total
 42 number of these individual votes is greater than the number of persons



1 to be elected to the office. The straight party ticket votes for the office
 2 shall not be counted. The straight party ticket votes for other offices on
 3 the voter's ballot shall be counted.

4 (f) If a voter votes a straight party ticket for more than one (1)
 5 political party, the whole ballot is void with regard to all candidates
 6 nominated by a political party, declared write-in candidates, or
 7 candidates designated as independent candidates on the ballot.
 8 However, the voter's vote for a school board candidate or on a public
 9 question shall be counted if otherwise valid under this chapter.

10 (g) (a) If a voter does not vote a straight party ticket and the number
 11 of votes cast by that a voter for the candidates for an office are less
 12 than or equal to the number of openings for that office, the individual
 13 candidates votes shall be counted.

14 (h) (b) If a voter does not vote a straight party ticket and the number
 15 of votes cast by that a voter for an office exceeds the number of
 16 openings for that office, none of the votes concerning that office may
 17 be counted.

18 SECTION 22. IC 3-12-1-7.5, AS AMENDED BY P.L.21-2016,
 19 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JANUARY 1, 2024]: Sec. 7.5. (a) If a voter votes for one (1) individual
 21 candidate for an office for which only one (1) person may be elected
 22 and also writes in the name of another candidate for the same office,
 23 neither vote may be counted.

24 (b) If a voter votes for at least one (1) individual candidate for an
 25 office for which at least two (2) people may be elected and also writes
 26 in the name of at least one (1) candidate, the vote for that office may
 27 not be counted unless the number of individual votes cast for the office,
 28 when added to the number of write-in votes cast for that office, is less
 29 than or equal to the number of seats available for that office.

30 (c) If a voter votes an individual or a straight party vote for a
 31 candidate for an office and also writes in the name of the same
 32 candidate for the same office, only one (1) vote for that candidate may
 33 be counted.

34 SECTION 23. IC 3-12-1-8 IS REPEALED [EFFECTIVE
 35 JANUARY 1, 2024]. Sec. 8: (a) Except as provided in subsection (b),
 36 a voting mark made by a voter on or in a circle containing a political
 37 party device shall be counted as a vote for each candidate of that
 38 political party on that ballot.

39 (b) A voter who wishes to cast a ballot for a candidate for election
 40 to an at-large district to which more than one (1) person may be elected
 41 on a:

42 (1) county council;



1 (2) city common council;
 2 (3) town council; or
 3 (4) township board;
 4 must make a voting mark for each individual candidate for whom the
 5 voter wishes to cast a vote. A voting mark on or in a circle containing
 6 a political party device shall not be counted as a straight party ticket
 7 voting mark as a vote for any candidate for an office described by this
 8 subsection.
 9 SECTION 24. IC 3-12-1-14 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 14. (a) This
 11 section does not apply to a vote
 12 (1) cast for President or Vice President of the United States under
 13 IC 3-10-4-6. or
 14 (2) described by section 15 of this chapter.
 15 (b) A vote cast for a candidate who ceases to be a candidate may not
 16 be counted as a vote for a successor candidate selected under IC 3-13-1
 17 or IC 3-13-2.
 18 SECTION 25. IC 3-12-1-15 IS REPEALED [EFFECTIVE
 19 JANUARY 1, 2024]. Sec. 15: (a) This section does not apply to a
 20 candidate for an at-large office of a county council, city common
 21 council, town council, or township board, if those offices appear on a
 22 ballot.
 23 (b) This section applies to a vote cast for one (1) straight party ticket
 24 that includes a candidate for election to office who:
 25 (1) ceases to be a candidate; and
 26 (2) is succeeded by a candidate selected under IC 3-13-1 or
 27 IC 3-13-2.
 28 (c) A vote cast in the election for the original nominee is considered
 29 a vote cast for the successor.

