

# HOUSE BILL No. 1216

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2; IC 3-10; IC 3-11; IC 3-12; IC 3-14-4-10.

**Synopsis:** Ranked choice voting for local elections. Permits a municipality to implement ranked choice voting for all of the municipality's elected offices. Permits a county to implement ranked choice voting for all offices elected in the county. Permits a school corporation to implement ranked choice voting for election of members of the governing body of the school corporation. Establishes the procedure for a voter to rank the candidates according to the voter's choice when there are three or more candidates for election to an office. Establishes the procedures to count the voter's choices as votes at various stages of tabulating ballots. Makes conforming amendments.

**Effective:** July 1, 2021.

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## Errington

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January 14, 2021, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## HOUSE BILL No. 1216

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 3-5-2-41.2 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2021]: **Sec. 41.2. "Rank" has the meaning set forth in**  
4 **IC 3-12-0.5-5.**

5 SECTION 2. IC 3-5-2-41.3 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2021]: **Sec. 41.3. "Ranked choice voting" refers to the system of**  
8 **voting described in IC 3-12-0.5, whereby a voter may give a rank**  
9 **to all the candidates for the same office.**

10 SECTION 3. IC 3-5-2-48.3 IS ADDED TO THE INDIANA CODE  
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
12 1, 2021]: **Sec. 48.3. "Tabulate" refers to the following:**

- 13 (1) **With respect to a public question, the determination of the**  
14 **total vote for and against the public question.**  
15 (2) **With respect to an office for which ranked choice voting**  
16 **has not been adopted under IC 3-12-0.5, the determination of**  
17 **the total vote for each candidate for that office.**



1           **(3) With respect to an election to an office for which ranked**  
 2           **choice voting has been adopted under IC 3-12-0.5, the**  
 3           **determination of the total of each ranking given to each**  
 4           **candidate for that office. The term includes the determination**  
 5           **of the total vote for each candidate for that office as provided**  
 6           **in IC 3-12-0.5 by the entity authorized to determine those**  
 7           **totals under IC 3-12-0.1.**

8           SECTION 4. IC 3-10-1-14.1, AS AMENDED BY P.L.76-2014,  
 9           SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10          JULY 1, 2021]: Sec. 14.1. (a) All the candidates for each office who  
 11          have qualified in the manner prescribed by IC 3-8 for placement on the  
 12          primary election ballot shall be grouped together under the name of the  
 13          office and printed in type with uniform capital letters, with uniform  
 14          space between each name.

15          **(b) Except as provided in section 14.3 of this chapter,** at the head  
 16          of each group, a statement reading substantially as follows must be  
 17          placed immediately below the name of the office and above the name  
 18          of the first candidate: "Vote for not more than (insert the number of  
 19          candidates to be nominated) candidates for this office."

20          ~~(b)~~ **(c)** In addition to the candidate's given name and surname, the  
 21          candidate may use:

22               (1) initials; or

23               (2) a nickname by which the candidate is commonly known;

24          if the candidate's choice of initials or nickname does not exceed twenty  
 25          (20) characters. Any nickname used must appear in parentheses  
 26          between the candidate's given name and the candidate's surname.

27          ~~(c)~~ **(d)** A candidate may not use a designation such as a title or  
 28          degree or a nickname that implies a title or degree.

29          ~~(d)~~ **(e)** A candidate's name must be printed on the ballot exactly as  
 30          the name appears on the candidate's certificate of nomination, petition  
 31          of nomination, or declaration of candidacy.

32          SECTION 5. IC 3-10-1-14.3 IS ADDED TO THE INDIANA CODE  
 33          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 34          1, 2021]: **Sec. 14.3. (a) This section applies to a ballot for candidates**  
 35          **whose nomination or election will be determined by ranked choice**  
 36          **voting under IC 3-12-0.5.**

37          **(b) Instead of the statement required by section 14.1(b) of this**  
 38          **chapter, at the head of each group, a statement reading**  
 39          **substantially as follows must be placed immediately below the**  
 40          **name of the office and above the name of the first candidate:**

41               **"You may rank each candidate below as your #1 choice, your**  
 42               **#2 choice, your #3 choice, and so on. You may, but are not**



1           **required to, rank all the candidates that appear below.**  
 2           **However, you may not give any candidate more than one (1)**  
 3           **ranking."**

4           SECTION 6. IC 3-10-1-19, AS AMENDED BY P.L.278-2019,  
 5           SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6           JULY 1, 2021]: Sec. 19. (a) The ballot for a primary election shall be  
 7           printed in substantially the form described in this section for all the  
 8           offices for which candidates have qualified under IC 3-8.

9           (b) The following shall be printed as the heading for the ballot for  
 10          a political party:

11                               "OFFICIAL PRIMARY BALLOT

12                               \_\_\_\_\_ Party (insert the name of the political party)".

13          (c) The following shall be printed immediately below the heading  
 14          required by subsection (b) or be posted in each voting booth as  
 15          provided in IC 3-11-2-8(b):

16           (1) For paper ballots; print: To vote for a person; make a voting  
 17           mark (X or ✓) on or in the box before the person's name in the  
 18           proper column:

19           (2) For optical scan ballots; print: To vote for a person; darken or  
 20           shade in the circle; oval; or square (or draw a line to connect the  
 21           arrow) that precedes the person's name in the proper column:

22           (3) For optical scan ballots that do not contain a candidate's name;  
 23           print: To vote for a person; darken or shade in the oval that  
 24           precedes the number assigned to the person's name in the proper  
 25           column:

26           (4) For electronic voting systems; print: To vote for a person;  
 27           touch the screen (or press the button) in the location indicated:

28          ~~(d)~~ (c) Local public questions shall be placed on the primary  
 29          election ballot after the heading and the voting instructions described  
 30          in subsection (c) (if the instructions are printed on the ballot) and  
 31          before the offices described in subsection (g).

32          ~~(e)~~ (d) The local public questions described in subsection ~~(d)~~ (c)  
 33          shall be placed as follows:

34           (1) In a separate column on the ballot if voting is by paper ballot.

35           (2) After the heading and the voting instructions described in  
 36           subsection (c) (if the instructions are printed on the ballot) and  
 37           before the offices described in subsection (g), in the form  
 38           specified in IC 3-11-13-11 if voting is by ballot card.

39           (3) As provided by either of the following if voting is by an  
 40           electronic voting system:

41                           (A) On a separate screen for a public question.

42                           (B) After the heading and the voting instructions described in



- 1 subsection (e) (if the instructions are printed on the ballot) and  
 2 before the offices described in subsection (g), in the form  
 3 specified in IC 3-11-14-3.5.
- 4 (f) (e) A public question shall be placed on the primary election  
 5 ballot in the following form:  
 6 (The explanatory text for the public question,  
 7 if required by law.)  
 8 "Shall (insert public question)?"  
 9  YES  
 10  NO
- 11 (f) The following shall be printed immediately before the offices  
 12 described in subsection (g) or be posted in each voting booth as  
 13 provided in IC 3-11-2-8(b):
- 14 (1) For paper ballots, print: "To vote for a candidate, make a  
 15 voting mark (X or ✓) on or in the box before the candidate's  
 16 name in the proper column."  
 17 (2) For optical scan ballots, print: "To vote for a candidate,  
 18 darken or shade in the circle, oval, or square (or draw a line  
 19 to connect the arrow) that precedes the candidate's name in  
 20 the proper column."  
 21 (3) For optical scan ballots that do not contain a candidate's  
 22 name, print: "To vote for a candidate, darken or shade in the  
 23 oval that precedes the number assigned to the candidate's  
 24 name in the proper column."  
 25 (4) For electronic voting systems, print: "To vote for a  
 26 candidate, touch the screen (or press the button) in the  
 27 location indicated."
- 28 (g) The offices with candidates for nomination shall be placed on  
 29 the primary election ballot in the following order:
- 30 (1) Federal and state offices:  
 31 (A) President of the United States.  
 32 (B) United States Senator.  
 33 (C) Governor.  
 34 (D) United States Representative.
- 35 (2) Legislative offices:  
 36 (A) State senator.  
 37 (B) State representative.
- 38 (h) Subject to subsection (i), the offices with candidates for  
 39 nomination shall be placed on the primary election ballot in the  
 40 following order, after the offices described in subsection (g):
- 41 (i) (1) Circuit offices and county judicial offices:  
 42 (A) Judge of the circuit court, and unless otherwise specified



- 1 under IC 33, with each division separate if there is more than  
 2 one (1) judge of the circuit court.  
 3 (B) Judge of the superior court, and unless otherwise specified  
 4 under IC 33, with each division separate if there is more than  
 5 one (1) judge of the superior court.  
 6 (C) Judge of the probate court.  
 7 (D) Prosecuting attorney.  
 8 (E) Circuit court clerk.  
 9 ~~(4)~~ **(2)** County offices:  
 10 (A) County auditor.  
 11 (B) County recorder.  
 12 (C) County treasurer.  
 13 (D) County sheriff.  
 14 (E) County coroner.  
 15 (F) County surveyor.  
 16 (G) County assessor.  
 17 (H) County commissioner.  
 18 (I) County council member.  
 19 ~~(5)~~ **(3)** Township offices:  
 20 (A) Township assessor (only in a township referred to in  
 21 IC 36-6-5-1(d)).  
 22 (B) Township trustee.  
 23 (C) Township board member.  
 24 (D) Judge of the small claims court.  
 25 (E) Constable of the small claims court.  
 26 ~~(6)~~ **(4)** City offices:  
 27 (A) Mayor.  
 28 (B) Clerk or clerk-treasurer.  
 29 (C) Judge of the city court.  
 30 (D) City-county council member or common council member.  
 31 ~~(7)~~ **(5)** Town offices:  
 32 (A) Clerk-treasurer.  
 33 (B) Judge of the town court.  
 34 (C) Town council member.  
 35 **(i) This subsection applies only if there is at least one (1) group**  
 36 **of offices whose candidates for nomination or election are to be**  
 37 **determined by ranked choice voting. The following instructions**  
 38 **shall be printed immediately before the first group of offices whose**  
 39 **candidates for nomination or election are determined by ranked**  
 40 **choice voting:**  
 41 **(1) For paper ballots, print:**  
 42 **"To rank a candidate as your #1 choice, make a voting mark**



- 1 (X or ✓) on or in the #1 box before the candidate's name in  
 2 the proper column. Giving a candidate a #1 ranking is an  
 3 automatic vote for that candidate."  
 4 "To rank a candidate as your #2 choice, make a voting mark  
 5 (X or ✓) on or in the #2 box before the candidate's name in  
 6 the proper column."  
 7 "To rank a candidate as your #3 choice, make a voting mark  
 8 (X or ✓) on or in the #3 box before the candidate's name in  
 9 the proper column."  
 10 "To rank a candidate as a choice lower than your #3 choice,  
 11 make a voting mark (X or ✓) on or in the box with the  
 12 number that corresponds to the rank you want to give that  
 13 candidate before the candidate's name in the proper  
 14 column."  
 15 (2) For optical scan ballots, print:  
 16 "To rank a candidate as your #1 choice, darken or shade in  
 17 the #1 (circle, oval, or square, or draw a line to connect the #1  
 18 arrow, inserting the appropriate figure that is used on the  
 19 ballot) that precedes the candidate's name in the proper  
 20 column. Giving a candidate a #1 ranking is an automatic vote  
 21 for that candidate."  
 22 "To rank a candidate as your #2 choice, darken or shade in  
 23 the #2 (circle, oval, or square, or draw a line to connect the #2  
 24 arrow, inserting the appropriate figure that is used on the  
 25 ballot) that precedes the candidate's name in the proper  
 26 column."  
 27 "To rank a candidate as your #3 choice, darken or shade in  
 28 the #3 (circle, oval, or square, or draw a line to connect the #3  
 29 arrow, inserting the appropriate figure that is used on the  
 30 ballot) that precedes the candidate's name in the proper  
 31 column."  
 32 "To rank a candidate as a choice lower than your #3 choice,  
 33 darken or shade in the numbered (circle, oval, or square, or  
 34 draw a line to connect the numbered arrow, inserting the  
 35 appropriate figure that is used on the ballot) that corresponds  
 36 to the rank you want to give the candidate that precedes the  
 37 candidate's name in the proper column."  
 38 (3) For optical scan ballots that do not contain a candidate's  
 39 name, print:  
 40 "To rank a candidate as your #1 choice, darken or shade in  
 41 the #1 oval that precedes the number assigned to the  
 42 candidate's name in the proper column. Giving a candidate a



- 1 #1 ranking is an automatic vote for that candidate."  
 2 "To rank a candidate as your #2 choice, darken or shade in  
 3 the #2 oval that precedes the number assigned to the  
 4 candidate's name in the proper column."  
 5 "To rank a candidate as your #3 choice, darken or shade in  
 6 the #3 oval that precedes the number assigned to the  
 7 candidate's name in the proper column."  
 8 "To rank a candidate as a choice lower than your #3 choice,  
 9 darken or shade in the numbered oval that corresponds to the  
 10 rank you want to give the candidate that precedes the  
 11 candidate's name in the proper column."  
 12 (4) For electronic voting systems, print:  
 13 "To rank a candidate as your #1 choice, touch the screen (or  
 14 press the button) in the #1 location indicated. Giving a  
 15 candidate a #1 ranking is an automatic vote for that  
 16 candidate."  
 17 "To rank a candidate as your #2 choice, touch the screen (or  
 18 press the button) in the #2 location indicated."  
 19 "To rank a candidate as your #3 choice, touch the screen (or  
 20 press the button) in the #3 location indicated."  
 21 "To rank a candidate as a choice lower than your #3 choice,  
 22 touch the screen (or press the button) at the location with the  
 23 number that corresponds to the rank you want to give the  
 24 candidate."  
 25 To avoid voter confusion, the county election board may, by a  
 26 unanimous vote of the entire membership of the board, alter the  
 27 instructions required by this subsection to account for variations  
 28 of the number of candidates (including any write-in candidates)  
 29 that appear on the ballot for different offices.  
 30 ~~(h)~~ (j) The political party offices with candidates for election shall  
 31 be placed on the primary election ballot in the following order after the  
 32 offices described in subsection ~~(g)~~: (h):  
 33 (1) Precinct committeeman.  
 34 (2) State convention delegate.  
 35 ~~(i)~~ (k) The local offices to be elected at the primary election shall be  
 36 placed on the primary election ballot after the offices described in  
 37 subsection ~~(h)~~: (j). **If the candidates for any of those offices are to be**  
 38 **elected by ranked choice voting, the instructions required by**  
 39 **subsection (i) must be placed before the first such group of offices.**  
 40 ~~(j)~~ (l) The offices described in subsection ~~(i)~~ (k) shall be placed as  
 41 follows:  
 42 (1) In a separate column on the ballot if voting is by paper ballot.





1 (2) After the offices described in subsection ~~(h)~~ (j) in the form  
2 specified in IC 3-11-13-11 if voting is by ballot card.

3 (3) Either:

4 (A) on a separate screen for each office or public question; or

5 (B) after the offices described in subsection ~~(h)~~ (j) in the form  
6 specified in IC 3-11-14-3.5;

7 if voting is by an electronic voting system.

8 SECTION 7. IC 3-10-1-19.5, AS AMENDED BY P.L.21-2016,  
9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2021]: Sec. 19.5. Notwithstanding section 19 of this chapter,  
11 the county election board may alter the prescribed ballot order to place  
12 the names of the candidates for the following offices before the names  
13 of the candidates for county judicial offices:

14 (1) Prosecuting attorney.

15 (2) Clerk of the circuit court.

16 (3) The county offices listed in section ~~19(g)(4)~~ 19(h)(2) of this  
17 chapter.

18 SECTION 8. IC 3-10-1-29 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 29. (a) The canvass of  
20 votes cast in a primary election shall, as far as applicable, be made in  
21 the same manner and by the same officers as the canvass at a general  
22 election.

23 (b) The tally sheet upon which the count has been entered shall be  
24 included in the returns of the election.

25 (c) Each precinct election board shall, on blanks provided for that  
26 purpose, make full and accurate returns of the:

27 (1) votes cast for **each candidate, if ranked choice voting does**  
28 **not apply to the nomination or election of candidates to the**  
29 **office;**

30 (2) **total of each ranking given to each candidate, if ranked**  
31 **choice voting does apply to the nomination or election to the**  
32 **office; and**

33 (3) **total votes cast** on each public question;

34 unless votes were cast on a ballot card voting system that is not  
35 designed to allow the counting and tabulation of votes by the precinct  
36 election board.

37 (d) The board shall set forth in the return **the following**  
38 **information:**

39 (1) Opposite the name of each candidate: ~~and~~

40 (A) **the total of each vote recorded under subsection (c)(1);**  
41 **or**

42 (B) **the total of each ranking recorded under subsection**



- 1                   (c)(2).  
 2                   **(2) Opposite each** public question, the number of votes cast ~~for~~  
 3                   **the candidate and** for or against ~~each the~~ public question.  
 4                   **(e)** The tabular statement must contain the following information,  
 5                   with the names of candidates and public questions arranged in the  
 6                   order in which they appear upon the official ballot:  
 7                   (1) The name of the precinct.  
 8                   (2) The name of the township (or ward).  
 9                   (3) The name of the county.  
 10                   (4) The name of the party of the candidates. ~~for Representative in~~  
 11                   ~~Congress.~~  
 12                   SECTION 9. IC 3-10-1-32, AS AMENDED BY P.L.179-2011,  
 13                   SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14                   JULY 1, 2021]: Sec. 32. **(a)** Primary election returns must contain the  
 15                   whole number of votes, **subject to IC 3-12-0.1 and as determined**  
 16                   **under IC 3-12-0.5, if applicable**, cast for each of the following:  
 17                   (1) Each candidate of each political party.  
 18                   (2) Each public question voted on at the primary election.  
 19                   (3) Each candidate for election to a political party office.  
 20                   **(b) If the nomination or election of candidates for an office is**  
 21                   **subject to ranked choice voting, the primary election returns must**  
 22                   **also contain the total of each ranking given to each candidate of**  
 23                   **each political party.**  
 24                   SECTION 10. IC 3-10-1-33, AS AMENDED BY P.L.164-2006,  
 25                   SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26                   JULY 1, 2021]: Sec. 33. (a) The county election board shall also make  
 27                   an additional duplicate showing the votes cast **and rankings given (if**  
 28                   **applicable)** for each candidate required to file a declaration of  
 29                   candidacy with the ~~election division~~ **secretary of state** under ~~IC 3-8-2-~~  
 30                   **IC 3-8-2-5.**  
 31                   (b) The circuit court clerk shall, not later than noon on the second  
 32                   Monday following the primary election, send to the election division by  
 33                   certified mail or hand deliver to the election division one (1) complete  
 34                   copy of all returns for these candidates.  
 35                   (c) The circuit court clerk may send the document described in  
 36                   subsection (b) using the computerized list established under  
 37                   IC 3-7-26.3. A document sent under this subsection complies with any  
 38                   requirement for the document to be certified or sealed.  
 39                   SECTION 11. IC 3-10-7-32, AS AMENDED BY P.L.190-2011,  
 40                   SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41                   JULY 1, 2021]: Sec. 32. (a) A town election board shall determine  
 42                   what voting method will be used in a municipal election.



1 (b) The town election board and its precinct election officers shall  
 2 perform the duties of the county election board and its precinct election  
 3 officers under IC 3-11 for each voting method used.

4 (c) The town election board shall prepare the ballots in the form  
 5 prescribed by IC 3-11 and distribute them to the precincts in the town.

6 (d) This subsection applies only to paper ballots. Notwithstanding  
 7 subsection (c), the town election board, by unanimous consent of the  
 8 board's entire membership, may authorize the printing or reproduction  
 9 of ballots on equipment under the control of the town clerk-treasurer.  
 10 If the town election board acts under this subsection, the ballots are not  
 11 required to conform to the precise dimensions concerning the size of  
 12 political party devices under IC 3-11-2-9 or the placement of a  
 13 candidate's name under ~~IC 3-11-2-10(f)~~: **IC 3-11-2-10(g)**. However, the  
 14 ballots must otherwise substantially conform with IC 3-11-2.

15 SECTION 12. IC 3-11-2-10, AS AMENDED BY THE  
 16 TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL  
 17 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2021]: Sec. 10. (a) Public questions shall be placed on the  
 19 general election ballot in the following order after the statement  
 20 described in section 7 of this chapter, and the instructions described in  
 21 subsections (d), ~~and (e)~~, **and (f)** and section 8 of this chapter, if  
 22 instructions are printed on the ballot:

23 (1) Ratification of a state constitutional amendment.

24 (2) Local public questions.

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

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

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

37 "(1) You are not required to vote a straight party ticket. If you do  
 38 not wish to vote a straight party ticket, do not make a mark in this  
 39 section, and proceed to voting the ballot by office.

40 (2) To vote a straight (insert political party name) ticket for all  
 41 (insert political party name) candidates on this ballot, except for  
 42 candidates described in ~~(2)~~ **(3)** below, make a voting mark on or



1 in this circle and do not make any other marks on this ballot.

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

8 **(4) The following language must be included next, but only if**  
9 **ranked choice voting applies to the election of candidates:**

10 **"If you vote a straight (insert political party name) ticket,**  
11 **each candidate of that party will be given a #1 ranking, except**  
12 **the candidates of the party who are running for an office to**  
13 **which more than one (1) candidate can be elected. After you**  
14 **vote a straight ticket, you may rank those candidates and**  
15 **candidates of other political parties. If you give a candidate of**  
16 **another political party a #1 ranking, the candidate of the**  
17 **political party for which you voted a straight ticket will be**  
18 **given a #2 ranking, and the ranking you give to each other**  
19 **candidate will be increased by one (1) rank."**

20 **(4) (5) The following language must be included after the**  
21 **language indicated in subdivision (3) or (4), whichever is**  
22 **applicable:**

23 "If you wish to vote for a candidate seeking a nonpartisan office  
24 or on a public question, you must make another voting mark on  
25 the appropriate place on this ballot."

26 (d) Except as permitted under section 8(b) of this chapter, if the  
27 ballot contains an independent ticket described in section 6 of this  
28 chapter and at least one (1) other independent candidate, the ballot  
29 must also contain a statement that reads substantially as follows: "A  
30 vote cast for an independent ticket will ~~only~~ be counted **only** for the  
31 candidates for President and Vice President or governor and lieutenant  
32 governor comprising that independent ticket. This vote will NOT be  
33 counted for any OTHER independent candidate appearing on the  
34 ballot."

35 (e) Except as permitted under section 8(b) of this chapter, the ballot  
36 must also contain a statement that reads substantially as follows:

37 **(1) If ranked choice voting does not apply to the election of**  
38 **candidates to the office, the following:**

39 "A write-in vote will NOT be counted unless the vote is for a  
40 DECLARED write-in candidate. To vote for a write-in candidate,  
41 you must make a voting mark on or in the square to the left of the  
42 name you have written in or your vote will not be counted."



1           **(2) If ranked choice voting applies to the election of**  
 2           **candidates to the office, the following:**

3           **"A write-in ranking will NOT be counted unless the ranking**  
 4           **is for a DECLARED write-in candidate. To rank a write-in**  
 5           **candidate, you must make a voting mark on or in the square**  
 6           **that corresponds to the ranking you want to give that**  
 7           **candidate to the left of the name you have written in or your**  
 8           **ranking will not be counted. Giving a DECLARED write-in**  
 9           **candidate a #1 ranking is an automatic vote for that**  
 10           **candidate."**

11           **(f) After the instructions described in subsection (e), the ballot**  
 12           **must contain substantially the statement described in**  
 13           **IC 3-10-1-19(f)(1).**

14           **(g) This subsection applies if ranked choice voting does not**  
 15           **apply to the election of candidates to the office.** Subject to section  
 16           10.1 of this chapter, the list of candidates of the political party shall be  
 17           placed immediately under the instructions for voting a straight party  
 18           ticket. The names of the candidates shall be placed three-fourths (3/4)  
 19           of an inch apart from center to center of the name. The name of each  
 20           candidate must have, immediately on its left, a square three-eighths  
 21           (3/8) of an inch on each side.

22           **(h) This subsection applies if ranked choice voting applies to the**  
 23           **election of candidates for the office. The list of candidates of the**  
 24           **political party shall be placed immediately under the instructions**  
 25           **for voting a straight party ticket. The names of the candidates shall**  
 26           **be placed three-fourths (3/4) of an inch apart from center to center**  
 27           **of the name. The name of each candidate must have, immediately**  
 28           **on its left, squares:**

29                   **(1) equal in number to the number of candidates on the ballot**  
 30                   **for each office (including write-in candidates); and**

31                   **(2) with each square being three-eighths (3/8) of an inch on**  
 32                   **each side.**

33           **The squares may be arranged either vertically or horizontally in**  
 34           **front of the names of the nominees. The top square or square**  
 35           **farthest to the left shall be labeled "#1", the next square vertically**  
 36           **or horizontally shall be labeled "#2", with this arrangement**  
 37           **continuing until the bottom square or square farthest to the right,**  
 38           **which shall be labeled with the number of candidates (including**  
 39           **write-in candidates).**

40           **(g) (i) The circuit court clerk may authorize the printing of ballots**  
 41           **containing a ballot variation code to ensure that the proper version of**  
 42           **a ballot is used within a precinct.**



1 SECTION 13. IC 3-11-2-12.4, AS ADDED BY P.L.21-2016,  
 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2021]: Sec. 12.4. (a) This section applies whenever more than  
 4 one (1) candidate may be elected to an office.

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

8 (c) The ballot shall contain a statement reading substantially as  
 9 follows above the name of the first candidate:

10 **(1) If ranked choice voting does not apply to the election to the**  
 11 **office, the following:**

12 "To vote for any candidate for this office, you must make a voting  
 13 mark for each candidate you wish to vote for. A straight party vote  
 14 will not count as a vote for any candidate for this office."

15 **(2) If ranked choice voting applies to the election to the office,**  
 16 **the following:**

17 **"If you vote a straight (insert political party name) ticket,**  
 18 **none of the candidates for this office will be given a ranking.**  
 19 **To rank the candidates for this office, you must make a voting**  
 20 **mark for each candidate you want to rank, indicating the**  
 21 **rank you wish to give to each candidate. You may not give any**  
 22 **candidate more than one (1) ranking. Giving a candidate a #1**  
 23 **ranking is an automatic vote for that candidate."**

24 SECTION 14. IC 3-11-2-12.9, AS AMENDED BY P.L.21-2016,  
 25 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2021]: Sec. 12.9. (a) School board offices to be elected at the  
 27 general election shall be placed on the general election ballot after the  
 28 offices described in section 12.4 of this chapter with each candidate for  
 29 the office designated as "nonpartisan".

30 (b) If the ballot contains a candidate for a school board office, the  
 31 ballot must also contain a statement that reads substantially as follows:  
 32 ~~"To vote for a candidate for this office, make a voting mark on or in the~~  
 33 ~~square to the left of the candidate's name."~~ **described in**  
 34 **IC 3-10-1-19(f)(1).**

35 SECTION 15. IC 3-11-2-14, AS AMENDED BY P.L.190-2011,  
 36 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2021]: Sec. 14. (a) The following offices shall be placed on  
 38 the general election ballot in the following order after the offices  
 39 described in section 13 of this chapter:

40 (1) Retention of a local judge.

41 (2) Local nonpartisan judicial offices.

42 (b) These offices shall be placed in a separate column on the ballot.



1 (c) If the ballot contains a candidate for a local nonpartisan judicial  
 2 office, the ballot must also contain a statement that reads substantially  
 3 as follows: "~~To vote for a candidate for this office, make a voting mark~~  
 4 ~~on or in the square to the left of the candidate's name.~~". **described in**  
 5 **IC 3-10-1-19(f)(1).**

6 (d) If more than one (1) question concerning the retention of a local  
 7 judge is to be placed on a ballot, the questions shall be placed on the  
 8 ballot:

9 (1) in alphabetical order according to the surname of the local  
 10 judge; and

11 (2) identifying the court (including division or room) in which the  
 12 judge serves.

13 SECTION 16. IC 3-11-2-14.5 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14.5. (a) This section  
 15 applies to candidates for election to at-large seats on the governing  
 16 body of a school corporation.

17 (b) Candidates shall be listed in alphabetical order according to  
 18 surname.

19 (c) The ballot shall contain a statement reading substantially as  
 20 follows above the name of the first candidate:

21 **(1) If ranked choice voting does not apply to the election, the**  
 22 **following:**

23 "Vote for ~~no~~ **not** more than (insert number of candidates to be  
 24 elected) candidates for this office."

25 **(2) If ranked choice voting applies to the election, the**  
 26 **following:**

27 "You may rank one (1) candidate as your #1 choice, one (1)  
 28 candidate as your #2 choice, and one (1) candidate as your #3  
 29 choice, and so on. You may, but are not required to, rank all  
 30 the candidates that appear. However, you may not give any  
 31 candidate more than one (1) ranking. Giving a candidate a #1  
 32 ranking is an automatic vote for that candidate."

33 **(3) If ranked choice voting applies to the election, and more**  
 34 **than one (1) candidate will be elected, the following:**

35 "To rank the candidates for this office, you must make a  
 36 voting mark for each candidate you want to rank, indicating  
 37 the rank you wish to give to each candidate. You may not give  
 38 any candidate more than one (1) ranking. Giving a candidate  
 39 a #1 ranking is an automatic vote for that candidate."

40 SECTION 17. IC 3-11-7-4, AS AMENDED BY P.L.278-2019,  
 41 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2021]: Sec. 4. (a) Except as provided in subsection (b), a



1 ballot card voting system must permit a voter to ~~vote~~: **do the**  
 2 **following:**

3 (1) Except at a primary election, **vote** a straight party ticket for all  
 4 of the candidates of one (1) political party by a single voting mark  
 5 on each ballot card. **If the voter makes no other voting marks**  
 6 **for candidates on the ballot, the ballot shall be counted as**  
 7 **follows:**

8 (A) **For candidates not subject to ranked choice voting, the**  
 9 **straight ticket vote shall be counted as a vote for each**  
 10 **candidate of the political party indicated by the straight**  
 11 **ticket voting mark.**

12 (B) **For candidates subject to ranked choice voting, the**  
 13 **straight ticket vote shall be considered a #1 ranking for**  
 14 **each candidate of the political party indicated by the**  
 15 **straight ticket voting mark.**

16 (2) **For candidates whose election is:**

17 (A) **not subject to ranked choice voting, vote** for one (1) or  
 18 more candidates of each political party or independent  
 19 candidates or for one (1) or more school board candidates  
 20 nominated by petition; **and**

21 (B) **subject to ranked choice voting, rank each of the**  
 22 **candidates.**

23 (3) **For candidates whose election is:**

24 (A) **not subject to ranked choice voting, vote** a split ticket  
 25 for the candidates of different political parties and for  
 26 independent candidates; ~~or~~ **and**

27 (B) **subject to ranked choice voting, rank each of the**  
 28 **candidates.**

29 (4) **Vote** a straight party ticket and then split that ticket by ~~casting~~  
 30 **doing the following:**

31 (A) **For candidates whose election is not subject to ranked**  
 32 **choice voting, vote for** individual ~~votes~~ for candidates of  
 33 another political party or an independent candidate.

34 (B) **For candidates whose election is subject to ranked**  
 35 **choice voting, rank:**

36 (i) **the candidates of the party of the straight ticket vote;**

37 (ii) **candidates of other political parties; and**

38 (iii) **independent candidates.**

39 **If the voter gives an independent candidate or the**  
 40 **candidate of another political party a #1 ranking, the**  
 41 **candidate of the political party for which the voter voted**  
 42 **a straight ticket shall be given a #2 ranking, and the**





1 ranking the voter gives to each other candidate shall be  
 2 increased by one (1) rank.

3 (b) A ballot card voting system must require that a voter who wishes  
 4 to cast a ballot for **This subsection applies to** a candidate for election  
 5 to an at-large district to which more than one person may be elected, on  
 6 a ~~(1)~~ county council, ~~(2)~~ city common council, ~~(3)~~ town council, or ~~(4)~~  
 7 township board as follows:

8 **(1) If the election of candidates to an at-large district is not**  
 9 **subject to ranked choice voting, the voting system must**  
 10 **require a voter to** make a voting mark for each individual  
 11 candidate for whom the voter wishes to cast a vote. The ballot  
 12 card voting system may not count any straight party ticket voting  
 13 mark as a vote for any candidate for an office described by this  
 14 subsection.

15 **(2) If the election of candidates to an at-large district is**  
 16 **subject to ranked choice voting, the voting system must**  
 17 **permit, but not require, a voter to rank candidates by making**  
 18 **voting marks for each individual candidate whom the voter**  
 19 **wishes to rank. If the voter votes a straight party ticket, the**  
 20 **following apply:**

21 **(A) If the voter does not rank any of the candidates,**  
 22 **subsection (a)(1)(B) applies.**

23 **(B) If the voter ranks any of the candidates, the straight**  
 24 **party ticket vote for that office shall be disregarded and**  
 25 **the voter's rankings shall be tabulated as otherwise**  
 26 **provided in this title. The ballot card voting system may**  
 27 **not count any straight party ticket voting mark as a**  
 28 **ranking for any candidate for an office described by this**  
 29 **subsection.**

30 (c) A ballot card voting system must permit a voter to vote:

- 31 (1) for all candidates for presidential electors and alternate
- 32 presidential electors of a political party or an independent ticket
- 33 by making a single voting mark; and
- 34 (2) for or against a public question on which the voter may vote.

35 SECTION 18. IC 3-11-7-5.5 IS ADDED TO THE INDIANA CODE  
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 37 1, 2021]: **Sec. 5.5. A ballot card voting system must be able to**  
 38 **tabulate candidate rankings in accordance with IC 3-12-0.5.**

39 SECTION 19. IC 3-11-7.5-10, AS AMENDED BY P.L.278-2019,  
 40 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2021]: Sec. 10. (a) Except as provided in subsection (b), an  
 42 electronic voting system must permit a voter to ~~vote:~~ **do the following:**



- 1 (1) Except at a primary election, **vote** a straight party ticket for all  
 2 the candidates of one (1) political party by touching the device of  
 3 that party. **If the voter makes no other voting marks for**  
 4 **candidates on the ballot, the ballot shall be counted as follows:**  
 5 (A) For candidates not subject to ranked choice voting, the  
 6 straight ticket vote shall be counted as a vote for each  
 7 candidate of the political party indicated by the straight  
 8 ticket voting mark.  
 9 (B) For candidates subject to ranked choice voting, the  
 10 straight ticket vote shall be considered a #1 ranking for  
 11 each candidate of the political party indicated by the  
 12 straight ticket voting mark.  
 13 (2) For candidates whose election is:  
 14 (A) not subject to ranked choice voting, vote for one (1) or  
 15 more candidates of each political party or independent  
 16 candidates, or for one (1) or more school board candidates  
 17 nominated by petition; and  
 18 (B) subject to ranked choice voting, rank each of the  
 19 candidates.  
 20 (3) For candidates whose election is:  
 21 (A) not subject to ranked choice voting, vote a split ticket  
 22 for the candidates of different political parties and for  
 23 independent candidates; ~~or~~ and  
 24 (B) subject to ranked choice voting, rank each of the  
 25 candidates.  
 26 (4) ~~Vote~~ a straight party ticket and then split that ticket by ~~casting~~  
 27 ~~doing the following:~~  
 28 (A) For candidates whose election is not subject to ranked  
 29 choice voting, vote for individual votes for candidates of  
 30 another political party or independent candidates.  
 31 (B) For candidates whose election is subject to ranked  
 32 choice voting, rank:  
 33 (i) the candidates of the party of the straight ticket vote;  
 34 (ii) candidates of other political parties; and  
 35 (iii) independent candidates.  
 36 If the voter gives an independent candidate or the  
 37 candidate of another political party a #1 ranking, the  
 38 candidate of the political party for which the voter voted  
 39 a straight ticket shall be given a #2 ranking, and the  
 40 ranking the voter gives to each other candidate shall be  
 41 increased by one (1) rank.  
 42 (b) An electronic voting system must require that a voter who



1 wishes to cast a ballot for **This subsection applies to** a candidate for  
 2 election to an at-large district to which more than one **(1)** person may  
 3 be elected, on a ~~(1)~~ county council, ~~(2)~~ city common council, ~~(3)~~ town  
 4 council, or ~~(4)~~ township board **as follows:**

5 **(1) If the election of candidates to an at-large district is not**  
 6 **subject to ranked choice voting, the voting system must**  
 7 **require a voter to** make a voting mark for each individual  
 8 candidate for whom the voter wishes to cast a vote. The electronic  
 9 voting system may not count any straight party ticket voting mark  
 10 as a vote for any candidate for an office described by this  
 11 subsection.

12 **(2) If the election of candidates to an at-large district is**  
 13 **subject to ranked choice voting, the voting system must**  
 14 **permit, but not require, a voter to rank candidates by making**  
 15 **voting marks for each individual candidate whom the voter**  
 16 **wishes to rank. If the voter votes a straight party ticket the**  
 17 **following apply:**

18 **(A) If the voter does not rank any of the candidates,**  
 19 **subsection (a)(1)(B) applies.**

20 **(B) If the voter ranks any of the candidates, the straight**  
 21 **party ticket vote for that office shall be disregarded and**  
 22 **the voter's rankings shall be tabulated as otherwise**  
 23 **provided in this title. The voting system may not count any**  
 24 **straight party ticket voting mark as a ranking for any**  
 25 **candidate for an office described by this subsection.**

26 (c) An electronic voting system must permit a voter to vote:  
 27 (1) for as many candidates for an office as the voter may vote for,  
 28 but no more;  
 29 (2) for or against a public question on which the voter may vote,  
 30 but no other; and  
 31 (3) for all the candidates for presidential electors and alternate  
 32 presidential electors of a political party or an independent ticket  
 33 by making a single voting mark.

34 SECTION 20. IC 3-11-7.5-13 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. An electronic  
 36 voting system must correctly register and accurately ~~count~~ **tabulate:**

37 **(1) all votes cast for each candidate whose election is not subject**  
 38 **to ranked choice voting;**  
 39 **(2) all candidate rankings for each candidate whose election**  
 40 **is subject to ranked choice voting, in accordance with**  
 41 **IC 3-12-0.5; and**  
 42 **(3) all votes cast for or against each public question.**



1 SECTION 21. IC 3-11-7.5-16 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. An electronic  
 3 voting system must have a counting device that records:

- 4 (1) the number of votes cast for each candidate **whose election is**  
 5 **not subject to ranked choice voting;**  
 6 (2) **the rankings of each candidate whose election is subject to**  
 7 **ranked choice voting;** and  
 8 (3) **the votes cast** for or against each public question on the  
 9 ballot;

10 that cannot be tampered with or altered at any time while votes are  
 11 being cast on the system. When the computer memory pack that  
 12 permits votes **or rankings** to be recorded on the counting device is  
 13 removed, the system must be designed so that it can no longer be  
 14 placed into operation.

15 SECTION 22. IC 3-11-11-7, AS AMENDED BY P.L.128-2015,  
 16 SECTION 186, IS AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) This section is enacted to  
 18 comply with 52 U.S.C. 21081 by establishing uniform and  
 19 nondiscriminatory standards to define what constitutes a vote on a  
 20 paper ballot.

21 (b) After receiving ballots under section 6 of this chapter, a voter  
 22 shall, without leaving the room, go alone into one (1) of the booths or  
 23 compartments that is unoccupied and ~~indicate~~: **do the following:**

- 24 (1) **For candidates whose election is not subject to ranked**  
 25 **choice voting, vote for** the candidates for whom the voter desires  
 26 to vote by making a voting mark on or in the **appropriate** squares  
 27 immediately before the candidates' names. ~~and~~  
 28 (2) **For candidates whose election is subject to ranked choice**  
 29 **voting, rank the candidates as the voter desires by making a**  
 30 **voting mark on or in the appropriate squares immediately**  
 31 **before the candidates' names.**

32 ~~(3)~~ (3) **Indicate** the voter's preference on each public question by  
 33 making a voting mark in front of the word "yes" or "no" under the  
 34 question.

35 (c) Write-in votes shall be cast by **doing both of the following:**

- 36 (1) **For candidates whose election is:**  
 37 (A) **not subject to ranked choice voting,** making a voting  
 38 mark on or in the square immediately before the space  
 39 provided for write-in voting; and  
 40 (B) **subject to ranked choice voting, making a voting mark**  
 41 **on or in the square indicating the rank the voter wants to**  
 42 **give the write-in candidate.**



- 1 (2) Printing the name of the candidate in the space provided for  
 2 write-in voting.
- 3 SECTION 23. IC 3-11-13-11, AS AMENDED BY P.L.141-2020,  
 4 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2021]: Sec. 11. (a) The ballot information, whether placed on  
 6 the ballot card or on the marking device, must be in the order of  
 7 arrangement provided for ballots under this section.
- 8 (b) Each county election board shall have the names of all  
 9 candidates for all elected offices, political party offices, and public  
 10 questions printed on a ballot card as provided in this chapter. The  
 11 county may:
- 12 (1) print all offices and questions on a single ballot card; and  
 13 (2) include a ballot variation code to ensure that the proper  
 14 version of a ballot is used within a precinct.
- 15 (c) Each type of ballot card must be of uniform size and of the same  
 16 quality and color of paper (except as permitted under IC 3-10-1-17).
- 17 (d) The nominees of a political party or an independent candidate  
 18 or independent ticket (described in IC 3-11-2-6) nominated by  
 19 petitioners shall be listed on the ballot with the name and device set  
 20 forth on the certification or petition. The circle containing the device  
 21 may be of any size that permits a voter to readily identify the device.  
 22 IC 3-11-2-5 applies if the certification or petition does not include a  
 23 name or device, or if the same device is selected by two (2) or more  
 24 parties or petitioners.
- 25 (e) The offices and public questions on the general election ballot  
 26 must be placed on the ballot in the order listed in ~~IC 3-11-2-12,~~  
 27 ~~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),~~  
 28 ~~IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and~~  
 29 ~~IC 3-11-2-14(d).~~ **required by IC 3-11-2.** The offices and public  
 30 questions may be listed in a continuous column either vertically or  
 31 horizontally and on a number of separate pages.
- 32 (f) The name of each office must be printed in a uniform size in bold  
 33 type. A statement reading substantially as follows must be placed  
 34 immediately below the name of the office and above the name of the  
 35 first candidate:
- 36 (1) ~~"Vote for one (1) only."~~; If only one (1) candidate is to be  
 37 elected to the office, **the following:**
- 38 **(A) For candidates whose election is not subject to ranked**  
 39 **choice voting, "Vote for one (1) only."**
- 40 **(B) For candidates whose election is subject to ranked**  
 41 **choice voting, the following:**  
 42 **"You may rank one (1) candidate as your #1 choice, one (1)**



- 1 candidate as your #2 choice, and one (1) candidate as your  
 2 #3 choice, and so on. You may, but are not required to,  
 3 rank all the candidates that appear. However, you may not  
 4 give any candidate more than one (1) ranking. Giving a  
 5 candidate a #1 ranking is an automatic vote for that  
 6 candidate."
- 7 (2) If more than one (1) candidate is to be elected to the office,  
 8 the following:
- 9 (A) For candidates whose election is not subject to ranked  
 10 choice voting, the following:  
 11 "Vote for not more than (insert the number of candidates to be  
 12 elected) candidate(s) for this office. To vote for any candidate  
 13 for this office, you must make a voting mark for each  
 14 candidate you wish to vote for. A straight party vote will not  
 15 count as a vote for any candidate for this office." ~~if more than~~  
 16 ~~one (1) candidate is to be elected to the office.~~
- 17 (B) For candidates whose election is subject to ranked  
 18 choice voting, the following:  
 19 "You may rank one (1) candidate as your #1 choice, one (1)  
 20 candidate as your #2 choice, and one (1) candidate as your  
 21 #3 choice, and so on. You may, but are not required to,  
 22 rank all the candidates that appear. However, you may not  
 23 give any candidate more than one (1) ranking. Giving a  
 24 candidate a #1 ranking is an automatic vote for that  
 25 candidate."
- 26 (g) Below the name of the office and the statement required by  
 27 subsection (f), the names of the candidates for each office must be  
 28 grouped together in the following order:
- 29 (1) The major political party whose candidate received the ~~highest~~  
 30 **greatest** number of votes in the county for secretary of state at the  
 31 ~~last most recent~~ **election for secretary of state** is listed first.
- 32 (2) The major political party whose candidate received the second  
 33 ~~highest~~ **greatest** number of votes in the county for secretary of  
 34 state **at the most recent election for secretary of state** is listed  
 35 second.
- 36 (3) All other political parties listed in the order that the parties'  
 37 candidates for secretary of state finished in the ~~last most recent~~  
 38 **election for secretary of state** are listed after the party listed in  
 39 subdivision (2).
- 40 (4) If a political party did not have a candidate for secretary of  
 41 state in the ~~last most recent~~ **election for secretary of state** or a  
 42 nominee is an independent candidate or independent ticket



- 1 (described in IC 3-11-2-6), the party or candidate is listed after  
 2 the parties described in subdivisions (1), (2), and (3).  
 3 (5) If more than one (1) political party or independent candidate  
 4 or ticket described in subdivision (4) qualifies to be on the ballot,  
 5 the parties, candidates, or tickets are listed in the order in which  
 6 the party filed its petition of nomination under IC 3-8-6-12.  
 7 (6) A space for write-in voting is placed after the candidates listed  
 8 in subdivisions (1) through (5), if required by law.  
 9 (7) The name of a write-in candidate may not be listed on the  
 10 ballot.  
 11 (h) The names of the candidates grouped in the order established by  
 12 subsection (g) must be printed in type with uniform capital letters and  
 13 have a uniform space between each name. The name of the candidate's  
 14 political party, or the word "Independent" if the:  
 15 (1) candidate; or  
 16 (2) ticket of candidates for:  
 17 (A) President and Vice President of the United States; or  
 18 (B) governor and lieutenant governor;  
 19 is independent, must be placed immediately below or beside the name  
 20 of the candidate and must be printed in a uniform size and type.  
 21 (i) All the candidates of the same political party for election to  
 22 at-large seats on the fiscal or legislative body of a political subdivision  
 23 must be grouped together:  
 24 (1) under the name of the office that the candidates are seeking;  
 25 (2) in the order established by subsection (g); and  
 26 (3) within the political party, in alphabetical order according to  
 27 surname.  
 28 A statement reading substantially as **follows provided in subsection**  
 29 **(f)(2)** must be placed immediately below the name of the office and  
 30 above the name of the first candidate. "~~Vote for not more than (insert~~  
 31 ~~the number of candidates to be elected) candidate(s) of ANY party for~~  
 32 ~~this office.~~".  
 33 (j) Candidates for election to at-large seats on the governing body  
 34 of a school corporation must be grouped:  
 35 (1) under the name of the office that the candidates are seeking;  
 36 and  
 37 (2) in alphabetical order according to surname.  
 38 A statement reading substantially as **follows provided in subsection**  
 39 **(f)(2)** must be placed immediately below the name of the office and  
 40 above the name of the first candidate. "~~Vote for not more than (insert~~  
 41 ~~the number of candidates to be elected) candidate(s) for this office.~~".  
 42 (k) The following information must be placed at the top of the ballot



- 1 before the first public question is listed:
- 2 (1) The cautionary statement described in IC 3-11-2-7.
- 3 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
- 4 and IC 3-11-2-10(e).
- 5 (l) The ballot must include a single connectable arrow, circle, oval,
- 6 or square, or a voting position for voting a straight party or an
- 7 independent ticket (described in IC 3-11-2-6) by one (1) mark as
- 8 required by section 14 of this chapter, and the single connectable
- 9 arrow, circle, oval, or square, or the voting position for casting a
- 10 straight party or an independent ticket ballot must be identified by:
- 11 (1) the name of the political party or independent ticket
- 12 (described in IC 3-11-2-6); and
- 13 (2) immediately below or beside the political party's or
- 14 independent ticket's name, the device of that party or ticket
- 15 (described in IC 3-11-2-5).
- 16 The name and device of each political party or independent ticket must
- 17 be of uniform size and type and arranged in the order established by
- 18 subsection (g) for listing candidates under each office. The instructions
- 19 described in IC 3-11-2-10(c) for voting a straight party ticket and the
- 20 statement concerning presidential electors required under IC 3-10-4-3
- 21 must be placed on the ballot label. The instructions for voting a straight
- 22 party ticket must include the statement: "If you do not wish to vote a
- 23 straight party ticket, do not make a mark in this section and proceed to
- 24 voting the ballot by office."
- 25 (m) 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 single connectable
- 27 arrow, a circle, or an oval may be used instead of a square. Except as
- 28 expressly authorized or required by statute, a county election board
- 29 may not print a ballot card that contains language concerning the public
- 30 question other than the language authorized by a statute.
- 31 (n) 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 optical scan ballots.
- 35 (o) The procedure described in IC 3-11-2-16 must be used when a
- 36 ballot does not comply with the requirements imposed by this title or
- 37 contains another error or omission that might result in confusion or
- 38 mistakes by voters.
- 39 (p) This subsection applies to an optical scan ballot that does not
- 40 list:
- 41 (1) the names of political parties or candidates; or
- 42 (2) the text of public questions;





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

4 SECTION 24. IC 3-11-13-12 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. If ballot labels  
 6 consist of a number of separate pages, the office title with a statement  
 7 of the number of candidates to be voted for **or ranked** may be printed  
 8 above or at the side of the name of each candidate for that office.  
 9 Except in a primary election, the political party designation or  
 10 independent status of each candidate, which may be abbreviated, shall  
 11 be printed following the candidate's name.

12 SECTION 25. IC 3-11-13-13 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. If there are more  
 14 candidates for an office than can be printed on one (1) ballot page, the  
 15 ballot label shall be clearly marked that the list of candidates is  
 16 continued on the following page. Arrows and numbers may be used to  
 17 indicate the place to vote for **or rank** each candidate and **vote** on each  
 18 public question.

19 SECTION 26. IC 3-11-13-14, AS AMENDED BY P.L.21-2016,  
 20 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2021]: Sec. 14. (a) In partisan elections, the ballot labels must  
 22 include a voting square or position where a voter may by one (1) voting  
 23 mark on each card record a straight party or an independent ticket vote  
 24 for all the candidates of one (1) political party or the independent  
 25 ticket, except for offices for which the voter:

- 26 (1) is required to cast an individual vote **or ranking** for a
- 27 candidate under IC 3-11-7-4(b); or
- 28 (2) has voted individually for **or given a #1 ranking to a**
- 29 candidate for any other office.

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

33 SECTION 27. IC 3-11-13-18, AS AMENDED BY P.L.278-2019,  
 34 SECTION 105, IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2021]: Sec. 18. (a) Except as provided in  
 36 subsection (d), the county election board in a county using a ballot card  
 37 voting system shall provide ballot cards to the precinct election board  
 38 that permit voters to cast **votes or rank** write-in **votes candidates** for  
 39 each officer to be voted for at that election.

40 (b) The ballot cards provided under subsection (a) must be:

- 41 (1) designed to be folded; or
- 42 (2) accompanied by a secrecy envelope;



1 to ensure the secrecy of each of the votes cast **or rankings given** by a  
2 voter.

3 (c) This subsection is enacted to comply with 52 U.S.C. 21081 by  
4 establishing uniform and nondiscriminatory standards to define what  
5 constitutes a vote on an optical scan voting system. Except as provided  
6 in subsection (d), a write-in vote ~~shall be cast~~ **or a ranking may be**  
7 **given to a candidate** by making a voting mark on the appropriate place  
8 on the ballot and printing the name of the candidate and the title of the  
9 office (if the title of the office is not already printed on the ballot) in the  
10 space provided for write-in votes **or rankings** on a ballot card or  
11 secrecy envelope.

12 (d) Space for write-in voting **or ranking** for an office is not required  
13 if:

- 14 (1) there are no declared write-in candidates for that office; or  
15 (2) the marking device allows for entry of a write-in candidate  
16 that can be read by a tabulator.

17 However, procedures must be implemented to permit write-in voting  
18 for candidates for federal offices.

19 SECTION 28. IC 3-11-13-22, AS AMENDED BY P.L.135-2020,  
20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2021]: Sec. 22. (a) This section applies to:

- 22 (1) a ballot card voting system; and  
23 (2) a voting system that includes features of a ballot card voting  
24 system and a direct record electronic voting system.

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

- 32 (1) if a machine to be selected in the list is not scheduled to be  
33 used in the upcoming election, the selection process will move to  
34 the next machine in the order listed;  
35 (2) each selected machine is scheduled to be used in the  
36 upcoming election; and  
37 (3) the number of machines selected is not less than five percent  
38 (5%) of the machines in the county scheduled by the county  
39 election board to be used in the upcoming election.

40 (c) The county election board shall test the machines as described  
41 in subsection (b) to ascertain that the machines will correctly ~~count~~  
42 **tabulate** the votes cast **and rankings given** for straight party tickets,



1 for all candidates (including write-in candidates), and **the votes cast** on  
 2 all public questions. If an individual attending the public test requests  
 3 that additional automatic tabulating machines be tested, then the county  
 4 election board shall select and test additional machines from the list in  
 5 the manner described in subsection (b).

6 (d) If VSTOP does not provide the lists under subsection (b) not  
 7 later than sixty (60) days before the election, the county election board  
 8 shall establish and implement a procedure for random selection of not  
 9 less than five percent (5%) of the machines in the county to be used in  
 10 the upcoming election. The county election board shall then test the  
 11 machines selected as described in subsection (c).

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

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

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

21 (1) a ballot:

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

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

28 (i) ceased to be a candidate; and

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

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

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

40 SECTION 29. IC 3-11-13-24, AS AMENDED BY P.L.169-2015,  
 41 SECTION 128, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2021]: Sec. 24. (a) This subsection applies to



1 a ballot card voting system. The test required by section 22 of this  
2 chapter must:

3 (1) be conducted by processing a preaudited group of ballot cards  
4 marked so as to record a predetermined number of valid votes  
5 **and rankings** for each candidate and **for votes cast** on each  
6 public question; and

7 (2) include for each office one (1) or more ballot cards that have  
8 votes in excess of the number allowed by law **and rankings not**  
9 **permitted under this title** in order to test the ability of the  
10 automatic tabulating machines to reject the votes **and rankings**.

11 (b) This subsection applies to a voting system that includes features  
12 of a ballot card voting system and a direct record electronic voting  
13 system. The test required by section 22 of this chapter must:

14 (1) be conducted by the entry of:

15 (A) a preaudited group of ballots; and

16 (B) at least ten (10) ballots cast by using the headphone or a  
17 sip/puff device;

18 so as to record a predetermined number of valid votes **and**  
19 **rankings** for each candidate and **votes cast** on each public  
20 question; and

21 (2) include at least one (1) ballot for each office and public  
22 question that has votes in excess of the number allowed by law  
23 **and rankings not permitted under this title** in order to test the  
24 ability of the voting system to reject the overvotes.

25 SECTION 30. IC 3-11-13-28.7, AS AMENDED BY P.L.128-2015,  
26 SECTION 191, IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2021]: Sec. 28.7. (a) The two (2) poll clerks of  
28 each precinct shall place their initials in ink on the secrecy envelope of  
29 a ballot card (or on the fold-over part of a ballot card described in  
30 section 18(b)(1) of this chapter) at the time the card is issued to a voter.  
31 The initials must be in the poll clerk's ordinary handwriting or printing  
32 and without a distinguishing mark of any kind.

33 (b) This subsection is enacted to comply with 52 U.S.C. 21081 by  
34 establishing uniform and nondiscriminatory standards to define what  
35 constitutes a vote on an optical scan voting system. A write-in vote cast  
36 **or ranking given** on a secrecy envelope or fold-over envelope:

37 (1) is not valid unless:

38 (A) the secrecy envelope is initialed by both poll clerks; and

39 (B) the vote **or ranking** includes both the name of the write-in  
40 candidate and the office for which the write-in vote **or**  
41 **ranking** is cast **or given**; and

42 (2) makes the secrecy envelope or fold-over envelope a ballot for



- 1 purposes of this title.
- 2 SECTION 31. IC 3-11-13-31.7, AS AMENDED BY P.L.21-2016,  
 3 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2021]: Sec. 31.7. (a) This section is enacted to comply with  
 5 52 U.S.C. 21081 by establishing uniform and nondiscriminatory  
 6 standards to define what constitutes a vote on an optical scan voting  
 7 system.
- 8 (b) After receiving ballot cards, a voter shall, without leaving the  
 9 room, go alone into one (1) of the booths or compartments that is  
 10 unoccupied and indicate:
- 11 (1) the candidates for whom the voter desires to vote **or rank** by  
 12 marking the connectable arrows, circles, ovals, or squares  
 13 immediately beside:
- 14 (A) the candidates' names; or  
 15 (B) the numbers referring to the candidates; and
- 16 (2) the voter's preference on each public question by marking the  
 17 connectable arrow, oval, or square beside:
- 18 (A) the word "yes" or "no" under the question; or  
 19 (B) the number referring to the word "yes" or "no" on the  
 20 ballot.
- 21 (c) If an election is a general or municipal election and a voter  
 22 desires to vote for all the candidates of one (1) political party or  
 23 independent ticket (described in IC 3-11-2-6), the voter may mark:
- 24 (1) the circle enclosing the device; or  
 25 (2) the connectable arrow, circle, oval, or square described in  
 26 section 11 of this chapter;  
 27 that designates the candidates of that political party or independent  
 28 ticket (described in IC 3-11-2-6). Except as provided by  
 29 IC 3-11-7-4(b), the voter's vote shall then be counted for all the  
 30 candidates of that political party or included in the independent ticket  
 31 (described in IC 3-11-2-6). However, if the voter marks the circle,  
 32 arrow, oval, or square of an independent ticket (described in  
 33 IC 3-11-2-6), the vote shall not be counted for any other independent  
 34 candidate on the ballot.
- 35 (d) This subsection applies to a voter casting a ballot on a voting  
 36 system that includes features of both an optical scan ballot card voting  
 37 system and a direct record electronic voting system. After entering into  
 38 a booth used with the voting system, the voter shall indicate the  
 39 candidates for whom the voter desires to vote **or rank** and the voter's  
 40 preference on each public question by:
- 41 (1) inserting a paper ballot or an optical scan ballot into the voting  
 42 system; or



1 (2) using headphones to listen to a recorded list of political  
2 parties, candidates, and public questions.

3 (e) A voter using a voting system described in subsection (d) may  
4 indicate the voter's selections by:

5 (1) touching a device on or in the squares immediately adjacent  
6 to the name of a political party, candidate, or response to a public  
7 question; or

8 (2) indicating the voter's choices by using a sip puff device that  
9 enables the voter to indicate a choice by inhaling or exhaling.

10 SECTION 32. IC 3-11-13-32.8 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 32.8. If a voter shows  
12 the voter's ballot card or a part of the card to another person after the  
13 card has been marked so as to disclose any of the candidates voted for  
14 **or ranked** or how the voter voted on a public question, the ballot card  
15 may not be deposited in a ballot box. A record of the occurrence shall  
16 be made on the poll list, and the voter may not vote again at the  
17 election.

18 SECTION 33. IC 3-11-14-3.5, AS AMENDED BY P.L.141-2020,  
19 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2021]: Sec. 3.5. (a) Each county election board shall have the  
21 names of all candidates for all elected offices, political party offices,  
22 and public questions printed on ballot labels for use in an electronic  
23 voting system as provided in this chapter.

24 (b) The county may:

25 (1) print all offices and public questions on a single ballot label;  
26 and

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

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

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

39 (e) The ballot labels must list the offices and public questions on the  
40 general election ballot in the order listed in ~~IC 3-11-2-12,~~  
41 ~~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),~~  
42 ~~IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and~~



1 ~~IC 3-11-2-14(d)~~. **required by IC 3-11-2.** Each office and public  
 2 question may have a separate screen, or the offices and public  
 3 questions may be listed in a continuous column either vertically or  
 4 horizontally.

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

9 (1) ~~"Vote for one (1) only."~~; If only one (1) candidate is to be  
 10 elected to the office, **the following:**

11 **(A) For candidates whose election is not subject to ranked**  
 12 **choice voting, "Vote for one (1) only."**

13 **(B) For candidates whose election is subject to ranked**  
 14 **choice voting, the following:**

15 **"You may rank one (1) candidate as your #1 choice, one (1)**  
 16 **candidate as your #2 choice, and one (1) candidate as your**  
 17 **#3 choice, and so on. You may, but are not required to,**  
 18 **rank all the candidates that appear. However, you may not**  
 19 **give any candidate more than one (1) ranking. Giving a**  
 20 **candidate a #1 ranking is an automatic vote for that**  
 21 **candidate."**

22 (2) **If more than one (1) candidate is to be elected to the office,**  
 23 **the following:**

24 **(A) For candidates whose election is not subject to ranked**  
 25 **choice voting, the following:**

26 "Vote for not more than (insert the number of candidates to be  
 27 elected) candidate(s) for this office. To vote for any candidate  
 28 for this office, you must make a voting mark for each  
 29 candidate you wish to vote for. A straight party vote will not  
 30 count as a vote for any candidate for this office." ~~if more than~~  
 31 ~~one (1) candidate is to be elected to the office.~~

32 **(B) For candidates whose election is subject to ranked**  
 33 **choice voting, the following:**

34 **"You may rank one (1) candidate as your #1 choice, one (1)**  
 35 **candidate as your #2 choice, and one (1) candidate as your**  
 36 **#3 choice, and so on. You may, but are not required to,**  
 37 **rank all the candidates that appear. However, you may not**  
 38 **give any candidate more than one (1) ranking. Giving a**  
 39 **candidate a #1 ranking is an automatic vote for that**  
 40 **candidate."**

41 (g) Below the name of the office and the statement required by  
 42 subsection (f), the names of the candidates for each office must be



1 grouped together in the following order:

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

5 (2) The major political party whose candidate received the second  
6 ~~highest~~ **greatest** number of votes in the county for secretary of  
7 state **at the most recent election for secretary of state** is listed  
8 second.

9 (3) All other political parties listed in the order that the parties'  
10 candidates for secretary of state finished in the **last most recent**  
11 election **for secretary of state** are listed after the party listed in  
12 subdivision (2).

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

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

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

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

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

34 (1) candidate; or

35 (2) ticket of candidates for:

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

37 (B) governor and lieutenant governor;

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

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





- 1 (1) under the name of the office that the candidates are seeking;  
 2 (2) in the party order established by subsection (g); and  
 3 (3) within the political party, in alphabetical order according to  
 4 surname.

5 A statement reading substantially as ~~follows~~ **provided in subsection**  
 6 **(f)(2)** must be placed immediately below the name of the office and  
 7 above the name of the first candidate. ~~"Vote for not more than (insert~~  
 8 ~~the number of candidates to be elected) candidate(s) of ANY party for~~  
 9 ~~this office."~~

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

- 12 (1) under the name of the office that the candidates are seeking;  
 13 and  
 14 (2) in alphabetical order according to surname.

15 A statement reading substantially as ~~follows~~ **provided in subsection**  
 16 **(f)(2)** must be placed immediately below the name of the office and  
 17 above the name of the first candidate. ~~"Vote for not more than (insert~~  
 18 ~~the number of candidates to be elected) candidate(s) for this office."~~

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

22 (l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and  
 23 IC 3-11-2-10(e) may be:

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

27 (m) The ballot label must include a touch sensitive point or button  
 28 for voting a straight political party or independent ticket (described in  
 29 IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button  
 30 must be identified by:

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

35 The name and device of each party or ticket must be of uniform size  
 36 and type, and arranged in the order established by subsection (g) for  
 37 listing candidates under each office. The instructions described in  
 38 IC 3-11-2-10(c) for voting a straight party ticket and the statement  
 39 concerning presidential electors required under IC 3-10-4-3 must be  
 40 placed on the ballot label. The instructions for voting a straight party  
 41 ticket must include the statement: "If you do not wish to vote a straight  
 42 party ticket, press "NEXT" (or replace "NEXT" with the term used by



1 that voting system to permit a voter to skip a ballot screen) to continue  
2 voting."

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

9 (o) The requirements in this section:

10 (1) do not replace; and

11 (2) are in addition to;

12 any other requirements in this title that apply to ballots for electronic  
13 voting systems.

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

18 SECTION 34. IC 3-11-14-23, AS AMENDED BY P.L.21-2016,  
19 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2021]: Sec. 23. (a) This section is enacted to comply with 52  
21 U.S.C. 21081 by establishing uniform and nondiscriminatory standards  
22 to define what constitutes a vote on an electronic voting system.

23 (b) If a voter is not challenged by a member of the precinct election  
24 board, the voter may pass the railing to the side where an electronic  
25 voting system is and into the voting booth. There the voter shall  
26 ~~register~~ **indicate** the voter's ~~vote~~ **choices** in secret by ~~indicating~~: **doing**  
27 **the following:**

28 (1) **If the election of candidates is not subject to ranked choice**  
29 **voting, do the following:**

30 (A) **Indicate** the candidates for whom the voter desires to vote  
31 by touching a device on or in the squares immediately above  
32 the candidates' names.

33 (2) (B) If the voter intends to cast a write-in vote, **indicate** a  
34 write-in vote by touching a device on or in the square  
35 immediately below the candidates' names and printing the  
36 name of the candidate in the window provided for write-in  
37 voting. ~~and~~

38 (2) **If the election of candidates is subject to ranked choice**  
39 **voting, do the following:**

40 (A) **Indicate the rankings of the candidates by touching the**  
41 **device to indicate the voter's rank of each candidate.**

42 (B) **If the voter intends to rank a write-in candidate,**



1           **indicate the ranking of the candidate by touching the**  
 2           **device to indicate the rank of the write-in candidate and**  
 3           **printing the name of the candidate in the window provided**  
 4           **for write-in voting.**

5           (3) **Indicate** the voter's preference on each public question by  
 6           touching a device above the word "yes" or "no" under the  
 7           question.

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

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

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

20           (2) provided the opportunity to change the ballot or correct any  
 21           error in a private and independent manner before the ballot is cast  
 22           and counted, including the opportunity to receive a replacement  
 23           ballot if the voter is otherwise unable to change or correct the  
 24           ballot; and

25           (3) notified before the ballot is cast regarding the effect of casting  
 26           multiple votes for the office and provided an opportunity to  
 27           correct the ballot before the ballot is cast and counted.

28          SECTION 35. IC 3-11-14-29 IS AMENDED TO READ AS  
 29          FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 29. If a voter shows or  
 30          discloses to another person the candidates voted for **or ranked** or how  
 31          the voter voted on a public question before the vote **or ranking** is  
 32          registered, the vote **or ranking** may not be registered on the electronic  
 33          voting system. A record of the occurrence shall be made on the poll  
 34          list, and the voter may not vote again at the election.

35          SECTION 36. IC 3-11-14-30 IS AMENDED TO READ AS  
 36          FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 30. Subject to  
 37          IC 3-12-2-5, as soon as the polls are closed, the inspector, in the  
 38          presence of the judges and poll clerks, immediately shall secure each  
 39          electronic voting system against voting **and ranking** and obtain at least  
 40          one (1) paper printout of the total votes cast **and rankings given** for  
 41          each candidate and **the votes cast** on each public question in that  
 42          precinct.



1 SECTION 37. IC 3-11-14-31 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 31. As soon as the  
 3 paper printouts of the ~~vote count counts~~ are obtained **under section 30**  
 4 **of this chapter**, the inspector shall close the system and remove the  
 5 computer memory pack from the system. The inspector and the judge  
 6 of the opposite political party shall then transport the computer memory  
 7 packs and each electronic voting system to the county election board.

8 SECTION 38. IC 3-11-14-32, AS AMENDED BY P.L.278-2019,  
 9 SECTION 112, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2021]: Sec. 32. The certificates of the **total**  
 11 number of votes cast **and rankings given** for each ~~person~~ **candidate**  
 12 shall be made and signed as required by IC 3-12, and the precinct  
 13 election officers shall make and sign the statement of the number of  
 14 votes **and rankings** required under section 30 of this chapter. The  
 15 inspector is only required to provide duplicate copies of the statement  
 16 to another precinct election officer or a watcher, upon request. The  
 17 certificates and other papers shall be returned to the circuit court clerk  
 18 in the same manner and with the same penalties that are prescribed in  
 19 IC 3-12 for election returns from precincts in which electronic voting  
 20 systems are not used.

21 SECTION 39. IC 3-11-14.5-1, AS AMENDED BY P.L.135-2020,  
 22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2021]: Sec. 1. (a) Not later than seventy-four (74) days before  
 24 election day, for each county planning to use an electronic voting  
 25 system at the next election, VSTOP shall provide each county election  
 26 board with a randomly sorted list of unique identification numbers for  
 27 the inventory of machines in the county maintained under  
 28 IC 3-11-16-4. Starting at the top of the list, the county election board  
 29 shall select machines in the list in the order listed so that:

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

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

35 (3) the number of machines selected is not less than five percent  
 36 (5%) of the machines in the county scheduled by the county  
 37 election board to be used in the upcoming election.

38 (b) The county election board shall test the machines as described  
 39 in subsection (a) to ascertain that the machines will correctly count the  
 40 votes cast **and rankings given** for straight party tickets, for all  
 41 candidates (including write-in candidates), and **votes cast** on all public  
 42 questions. If an individual attending the public test requests that



1 additional electronic voting systems be tested, then the county election  
 2 board shall select and test additional machines from the list in the  
 3 manner described in subsection (a).

4 (c) If VSTOP does not provide the lists under subsection (a) not  
 5 later than sixty (60) days before the election, the county election board  
 6 shall establish and implement a procedure for random selection of not  
 7 less than five percent (5%) of the machines in the county. The county  
 8 election board shall then test the machines selected to be used in the  
 9 upcoming election as described in subsection (b).

10 (d) The testing under subsection (b) must begin before absentee  
 11 voting starts in the office of the circuit court clerk under IC 3-11-10-26.

12 (e) If a county election board determines that:

13 (1) a ballot provided by an electronic voting system:

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

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

20 (i) ceased to be a candidate; and

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

23 (2) machines used in the test conducted under this section did not  
 24 contain a ballot that was reprinted or corrected to remove the  
 25 omission of a candidate, political party, or public question, or  
 26 indicate the name of the successor candidate;

27 the county election board shall conduct an additional public test  
 28 described in subsection (b) using the machines previously tested and  
 29 containing the reprinted or corrected ballots.

30 SECTION 40. IC 3-11-14.5-5, AS ADDED BY P.L.221-2005,  
 31 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2021]: Sec. 5. The test required by this chapter must include  
 33 the following:

34 (1) The visual inspection of the voting system and ballot labels.

35 (2) The manual entry of a preaudited group of ballots marked so  
 36 as to record a predetermined number of valid votes **and rankings**  
 37 for each candidate and **votes** on each public question.

38 (3) At least one (1) ballot for each office that has votes **and**  
 39 **rankings** in excess of the number allowed by law in order to test  
 40 the ability of the electronic voting system to reject the overvotes.

41 SECTION 41. IC 3-11-14.5-8, AS ADDED BY P.L.221-2005,  
 42 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 8. Immediately following the completion of the  
 2 voting system test under section 5 of this chapter, the county election  
 3 board shall enter the ~~vote~~ totals from the voting systems tested under  
 4 this chapter into the component of the voting system used by the county  
 5 election board to tabulate election results under IC 3-12-3.5. The board  
 6 shall determine whether this component of the voting system properly  
 7 tabulates the votes cast **and rankings given** in each of the precincts  
 8 tested under this chapter.

9 SECTION 42. IC 3-11-15-13.7 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13.7. (a) If a voting  
 11 system has any of the following functions, the functions must be  
 12 operable in the voting system's equipment actually in use in a precinct:

13 (1) The voting system can demonstrate to the voter that the voter  
 14 has:

15 (A) cast votes for too many candidates for an office; **or**

16 (B) **given rankings not permitted by this title.**

17 (2) The voting system can demonstrate to the voter that the voter  
 18 has cast votes both in favor of and in opposition to a public  
 19 question.

20 (b) Except as provided in subsection (c), a voting system described  
 21 in subsection (a) must be able to inform the voter how the voter may  
 22 correct errors on the voter's ballot.

23 (c) A voting system is not required to provide the information  
 24 required by subsection (b) if the information is provided in writing  
 25 conspicuously on or near the components of the voting system where  
 26 the voter casts the voter's votes.

27 SECTION 43. IC 3-11-15-20, AS AMENDED BY P.L.100-2018,  
 28 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2021]: Sec. 20. (a) A voting system must be able to record  
 30 accurately each vote **cast and candidate ranking given** and be able to  
 31 produce an accurate report of all votes cast **and rankings given.**

32 (b) As used in this subsection, "error rate" refers to the error rate of  
 33 the voting system in counting ballots (determined by taking into  
 34 account only those errors that are attributable to the voting system and  
 35 not attributable to an act of the voter). As required by 52 U.S.C. 21081,  
 36 a voting system must comply with the error rate standards established  
 37 under section 4.1.1 of the Voluntary Voting System Guidelines adopted  
 38 by the United States Election Assistance Commission, as amended on  
 39 March 31, 2015.

40 (c) The inclusion of control logic and data processing methods  
 41 incorporating parity and check-sums (or equivalent error detection and  
 42 correction methods) must demonstrate that the system has been



1 designed for accuracy.

2 SECTION 44. IC 3-11-18.1-14, AS AMENDED BY P.L.278-2019,  
3 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) The precinct election board  
5 administering an election at a vote center shall keep the ballots cast in  
6 each precinct separate from the ballots cast in any other precinct whose  
7 election is administered at the vote center, so that the votes cast **and**  
8 **rankings given** for each candidate and **the votes cast** on each public  
9 question in each of the precincts administered by the board may be  
10 determined and included on the statement required by IC 3-12-4-9.

11 (b) This subsection applies to a county having a consolidated city,  
12 if either of the following applies to the county:

13 (1) The county has adopted an order under IC 3-7-29-6(a)(1) to  
14 use an electronic poll book.

15 (2) The county is a vote center county under IC 3-11-18.1.

16 The precinct election board administering an election at a vote center  
17 shall keep the ballots secure so that the votes cast **and rankings given**  
18 for each candidate and **the votes cast** on each public question in each  
19 of the precincts administered by the board may be determined and  
20 included on the statement required by IC 3-12-4-9. The county election  
21 board shall separate the ballots by precinct if a recount is requested.

22 (c) This subsection applies:

23 (1) to a county described under section 12 of this chapter on and  
24 after the date absentee ballots are first transmitted to voters; and

25 (2) to any anomaly or problem, whether due to a technical reason  
26 or due to human error with electronic poll book use.

27 A person that receives a certification for an electronic poll book shall  
28 file not later than forty-eight (48) hours after the discovery of an  
29 anomaly or problem with the poll book a written report in accordance  
30 with IC 3-11-17-7.

31 SECTION 45. IC 3-12-0.1 IS ADDED TO THE INDIANA CODE  
32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2021]:

34 **Chapter 0.1. Authority to Determine Vote Totals for Candidates**

35 **Sec. 1. (a) This chapter designates the entity for determining the**  
36 **vote totals for each candidate at an election, notwithstanding any**  
37 **other provision of this title.**

38 **(b) Vote totals for a public question shall be determined as**  
39 **otherwise provided in this title.**

40 **Sec. 2. The total vote for each candidate at an election shall be**  
41 **determined by the following:**

42 **(1) The county election board for candidates for a local or a**



1 school board office.

2 (2) The election division for candidates for federal, state, and  
3 legislative offices.

4 **Sec. 3. (a) This section applies only to an election for a local  
5 office or a school board office.**

6 (b) A precinct election board shall determine and report to its  
7 county election board the following:

8 (1) The total vote for each candidate whose election is not  
9 subject to ranked choice voting.

10 (2) Only the total of each ranking for each candidate whose  
11 election is subject to ranked choice voting at the election.

12 (c) Except as provided in subsection (d), the county election  
13 board shall determine the vote totals for each candidate for a local  
14 office or a school board office as provided in IC 3-12-0.5.

15 (d) If the election district for a local office or a school board  
16 office is located in more than one (1) county, the vote totals for  
17 candidates for nomination or election to that office shall be  
18 determined as provided in IC 3-12-5-2.

19 SECTION 46. IC 3-12-0.5 IS ADDED TO THE INDIANA CODE  
20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2021]:

22 **Chapter 0.5. Ranked Choice Voting**

23 **Sec. 1. The rules for counting ballots set forth in this article also  
24 apply to counting ballots under this chapter.**

25 **Sec. 2. (a) This chapter applies to the following:**

26 (1) The election of candidates to all local offices elected in the  
27 county only if the county legislative body adopts an ordinance  
28 making this chapter applicable to elections held in the county.

29 (2) The election of candidates to all local offices elected in a  
30 municipality, only if the municipal legislative body adopts an  
31 ordinance making this chapter applicable to elections to  
32 municipal offices of the municipality.

33 (3) The election of candidates to be members of the governing  
34 body of a school corporation, only if the governing body of the  
35 school corporation adopts a resolution making this chapter  
36 applicable to elections of the members of the governing body.

37 (b) This subsection applies if both of the following apply:

38 (1) A county adopts ranked choice voting for all local offices  
39 elected in the county.

40 (2) A municipality or school corporation located in a county  
41 described in subdivision (1) also has territory located in a  
42 county that has not adopted ranked choice voting for all local





1 offices and school corporations elected in that county.

2 An election for a municipal office of a municipality described in  
3 subdivision (2) shall be conducted according to ranked choice  
4 voting in the part of the municipality located in the county that has  
5 adopted ranked choice voting and as otherwise provided in this  
6 title in that part of the municipality located in a county that has not  
7 adopted ranked choice voting.

8 (c) An ordinance or resolution adopted under this section must  
9 be adopted not later than January 1 of the year in which an  
10 election in which ranked choice voting is to be used is held. An  
11 ordinance or resolution adopted under this section may not be  
12 repealed until at least ten (10) years after the date the ordinance or  
13 resolution was adopted.

14 (d) An ordinance or resolution adopted under this section must  
15 be filed with the circuit court clerk of the county not later than  
16 January 15 after the ordinance or resolution is adopted.

17 Sec. 3. As used in this chapter, "exhausted ballot" means a  
18 ballot on which all available rankings have been used as provided  
19 in this chapter.

20 Sec. 4. (a) As used in this chapter, "last place candidate" means  
21 a candidate who has received the fewest votes among the  
22 candidates who remain at any stage.

23 (b) Two (2) or more candidates both become "last place  
24 candidates" if the sum of the number of each of their votes is less  
25 than the number of votes for the candidate who has the next  
26 greatest number of votes.

27 Sec. 5. (a) As used in this chapter, "rank" or "ranking" refers  
28 to the order of preference a voter gives to a candidate for a  
29 particular office.

30 (b) A voter's choices are referred to as the following rankings:

31 (1) A voter's first choice is referred to as the voter's "#1  
32 ranking".

33 (2) A voter's second choice is referred to as the voter's "#2  
34 ranking".

35 (3) A voter's third choice is referred to as the voter's "#3  
36 ranking".

37 (4) A voter's choice lower than the voter's third choice may be  
38 referred to as the voter's "#n ranking," with "n" being the  
39 number of the ranking the voter has given to a candidate.

40 Sec. 6. As used in this chapter, "remaining candidate" refers to  
41 a candidate who has not been eliminated.

42 Sec. 7. As used in this chapter, "stage" means a step in



1 determining and counting votes for a particular office during  
 2 which votes for all remaining candidates are counted to determine  
 3 whether a candidate has achieved a majority of the votes, and if  
 4 not, which candidates are eliminated.

5 Sec. 8. (a) As used in this chapter, "vote" means a ballot ranking  
 6 that is counted toward nomination or election of a candidate. All  
 7 #1 rankings are votes. Lower rankings are potential votes that, as  
 8 provided in this chapter, may be credited to a candidate as a vote  
 9 for that candidate at a subsequent stage.

10 (b) For purposes of this title, the term "vote", when used with  
 11 respect to a candidate to which this chapter applies, is the same as  
 12 a #1 ranking for that candidate. Depending on context, the term  
 13 "vote" may refer to a #1 ranking only or may refer generally to all  
 14 possible rankings a voter may give to candidates.

15 Sec. 9. (a) Ranked choice voting applies to voting in a primary,  
 16 general, or special election for an office for which candidates are  
 17 seeking the nomination or election to that office.

18 (b) In an election for an office with fewer than three (3)  
 19 candidates (including write-in candidates), the candidate who  
 20 receives the most #1 rankings at the first stage is elected.

21 (c) Ranked choice voting does not apply to the following unless  
 22 the rules of the convention or caucus require ranked choice voting:

- 23 (1) Nomination of candidates by a convention.
- 24 (2) Selection of an individual to fill a candidate vacancy.
- 25 (3) Selection of an individual to fill a vacancy in an office.

26 Sec. 10. (a) The following generally apply to counting ballots  
 27 under this chapter:

- 28 (1) All votes (#1 rankings) must be counted, subject to the  
 29 other provisions of this title.
- 30 (2) A candidate who receives a majority of the votes as  
 31 determined in this chapter is nominated or elected.
- 32 (3) If a candidate does not receive a majority of the votes at  
 33 any stage, the candidate having the fewest votes as determined  
 34 at that stage is eliminated from subsequent stages.
- 35 (4) The next rankings on ballots for an eliminated candidate  
 36 become votes for the candidates as indicated on those ballots.
- 37 (5) This process continues until the earlier of the following:  
 38 (A) All ballots have been exhausted.  
 39 (B) All but the number of candidates to be nominated or  
 40 elected are eliminated.

41 (b) Counting ballots in an election using ranked choice voting  
 42 shall be done in the following manner:



1 (1) All #1 rankings are counted first. If a candidate has a  
 2 majority of the #1 rankings, that candidate is nominated or  
 3 elected and the counting ends.

4 (2) If a candidate does not have a majority of the votes under  
 5 subdivision (1) (first stage), second stage counting begins by  
 6 eliminating the last place candidate from among the  
 7 remaining candidates. The following then apply:

8 (A) The #2 rankings made on ballots of the eliminated  
 9 candidate become #1 rankings for the #2 choice candidate  
 10 indicated on the eliminated candidate's ballots.

11 (B) The #3 rankings made on ballots of the eliminated  
 12 candidate become #2 rankings for the #3 choice candidate  
 13 indicated on the eliminated candidate's ballots.

14 (C) The #n rankings made on ballots of the eliminated  
 15 candidate become the #(n-1) rankings for the #n choice  
 16 candidate indicated on the eliminated candidate's ballot.

17 After clauses (A) through (C) are applied, if any candidate  
 18 then has a majority of the votes, that candidate is nominated  
 19 or elected and the counting ends.

20 (3) If a candidate does not receive a majority of the votes  
 21 under subdivision (2) (second stage), the third stage counting  
 22 begins by eliminating the last place candidate from among the  
 23 remaining candidates. The third stage counting proceeds as  
 24 described in subdivision (2).

25 The counting continues through each stage as described in this  
 26 subsection until a candidate receives a majority of the votes. That  
 27 candidate is nominated or elected and the counting ends.

28 (c) If at any stage in the counting there are two (2) or more last  
 29 place candidates, those candidates are eliminated simultaneously,  
 30 and the next rankings made on ballots that had rankings for one (1)  
 31 or more eliminated candidates become rankings for the indicated  
 32 candidates who remain.

33 Sec. 11. Once a ballot is exhausted, it must be disregarded and  
 34 no longer counted. A ballot assigning the same ranking to more  
 35 than one (1) candidate for an office is exhausted for that office  
 36 when the duplicate ranking is reached, in which case a vote may  
 37 not be recorded for any of the candidates who have the same  
 38 ranking.

39 Sec. 12. If a ballot skips a ranking, the next ranking below the  
 40 skipped ranking is moved up and counted as though it were the  
 41 rank of the skipped ranking.

42 Sec. 13. (a) This section applies only to a candidate who is a



1 declared write-in candidate.

2 (b) A voter may rank a write-in candidate for an office and  
3 assign a ranking to that candidate and to the candidates whose  
4 names already appear on the ballot.

5 Sec. 14. If ballots do not contain sufficient effective choices for  
6 a particular office, so that at the end of the counting a candidate  
7 has not received a majority of the votes, the candidate who receives  
8 the most votes is nominated or elected.

9 Sec. 15. Votes for an eliminated candidate may not be counted,  
10 regardless of how many lower rankings might otherwise have  
11 become votes for the candidate at a later stage.

12 SECTION 47. IC 3-12-1-1, AS AMENDED BY P.L.64-2014,  
13 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2021]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, 9.5, and 13 of  
15 this chapter, the primary factor to be considered in determining a  
16 voter's choice on a ballot is the intent of the voter. If the voter's intent  
17 can be determined on the ballot or on part of the ballot, the vote **or**  
18 **ranking** shall be counted for the affected candidate or candidates or on  
19 the public question. However, if it is impossible to determine a voter's  
20 choice **vote or ranking** of candidates on a part of a ballot or vote on a  
21 public question, then the voter's vote **or ranking** concerning those  
22 candidates or public questions may not be counted.

23 SECTION 48. IC 3-12-1-1.7 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.7. (a) The following  
25 provisions govern the counting of **votes or rankings for write-in votes:**  
26 **candidates:**

27 (1) Except as provided in subsection (b), only votes cast **or**  
28 **rankings given** for declared write-in candidates shall be counted  
29 and certified.

30 (2) The name of a candidate, written on the space reserved for  
31 write-in voting, is not considered a distinguishing mark that  
32 would invalidate a ballot under section 3 of this chapter.  
33 However, the name or office of a candidate written in a place on  
34 the ballot other than the place reserved for write-in voting may  
35 not be counted for that office.

36 (3) A **vote or ranking for a write-in vote candidate** for an office  
37 is void if the voter attempts to **cast indicate** the vote **or ranking**  
38 by a means other than printing the name of the candidate in ink or  
39 lead pencil. The use of stickers, labels, rubber stamps, or other  
40 similar device is not permitted.

41 (4) An abbreviation, a misspelling, or other minor variation in the  
42 form of the name of a candidate or an office shall be disregarded



- 1 in determining the validity of the ballot if the intention of the  
 2 voter can be ascertained.
- 3 (5) ~~Write-in~~ **Votes or rankings** for each write-in candidate shall  
 4 be counted separately using the tally sheets provided by the  
 5 county election board.
- 6 (b) This subsection does not apply to an office for which more than  
 7 one (1) individual may be nominated or elected within the same  
 8 election district. A **vote cast or a ranking given as a** write-in ~~vote cast~~  
 9 for an individual whose name appears on the ballot as a candidate for  
 10 that office shall be counted as a **vote cast or ranking given** for the  
 11 candidate.
- 12 SECTION 49. IC 3-12-1-5, AS AMENDED BY P.L.278-2019,  
 13 SECTION 137, IS AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) This subsection does not  
 15 apply to a ballot card voting system or an electronic voting system.  
 16 Except as provided in subsection (d), a voting mark made by a voter on  
 17 or in a voting square at the left of a candidate's name or political party's  
 18 name shall be counted as a **vote or ranking** for the candidate or **votes**  
 19 **for each of the** candidates of the political party.
- 20 (b) This subsection applies to a ballot card voting system. A voting  
 21 mark made by a voter:
- 22 (1) on or in a circle, oval, or square; or  
 23 (2) to connect a connectable arrow;  
 24 immediately below or beside a candidate's name or political party's  
 25 name shall be counted as a **vote or ranking** for the candidate or **votes**  
 26 **for each of the** candidates of the political party, except as provided in  
 27 subsection (d).
- 28 (c) This subsection applies to a direct record electronic voting  
 29 system. A voting mark made by a voter touching a touch sensitive point  
 30 or button below or beside a candidate's name or political party's name  
 31 shall be counted as a **vote or ranking** for the candidate or **votes for**  
 32 **each of the** candidates of the political party, except as provided in  
 33 subsection (d).
- 34 (d) A voter who wishes to ~~cast a ballot vote~~ for **or rank** a candidate  
 35 for election to an at-large district to which more than one (1) person  
 36 may be elected on a:
- 37 (1) county council;  
 38 (2) city common council;  
 39 (3) town council; or  
 40 (4) township board;  
 41 must make a voting mark for **or rank** each individual candidate for  
 42 whom the voter wishes to ~~cast a vote~~ **or rank**. A straight ticket voting



1 mark on a paper ballot, ballot card voting system, or electronic voting  
2 system shall not be counted as a straight party ticket voting mark as a  
3 vote for any candidate for an office described by this subsection.

4 SECTION 50. IC 3-12-1-7.5, AS AMENDED BY P.L.21-2016,  
5 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2021]: Sec. 7.5. (a) If a voter votes for one (1) individual  
7 candidate for an office for which only one (1) person may be elected  
8 and also writes in the name of another candidate **and votes for or gives**  
9 **that candidate a #1 ranking** for the same office, **neither a vote or**  
10 **ranking may not** be counted.

11 (b) If a voter votes for at least one (1) individual candidate for an  
12 office for which at least two (2) people may be elected and also writes  
13 in the name of at least one (1) candidate **and votes for or gives that**  
14 **candidate a #1 ranking**, the vote for that office may not be counted  
15 unless the number of individual votes cast for the office, when added  
16 to the number of write-in votes cast for that office, is less than or equal  
17 to the number of seats available for that office.

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

22 SECTION 51. IC 3-12-1-16, AS AMENDED BY P.L.219-2013,  
23 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2021]: Sec. 16. (a) This section applies when:

- 25 (1) a ballot is reprinted under IC 3-11-3-29.5(d) to omit the name  
26 of an individual who is no longer a candidate; and  
27 (2) the candidate vacancy is filled following the reprinting of the  
28 ballots.

29 (b) A vote cast **or ranking given** on the ballot where the statement  
30 "NO CANDIDATE" or "CANDIDATE DECEASED" appears is  
31 considered a vote cast **or the same ranking given** for the successor  
32 candidate.

33 SECTION 52. IC 3-12-1-18, AS ADDED BY P.L.66-2010,  
34 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2021]: Sec. 18. (a) This section applies to a federal write-in  
36 absentee ballot cast in a primary election as provided in  
37 IC 3-11-4-12.5(b)(1) by an absent uniformed services voter or overseas  
38 voter.

39 (b) If a voter does any of the following, the voter's vote **is or**  
40 **rankings for candidates for that office are** void:

- 41 (1) The voter votes for **or gives** more than one (1) candidate **a #1**  
42 **ranking**, and the candidates are not on the official primary ballot



1 of the same political party.

2 (2) The voter votes for **or gives a #1 ranking to** a candidate who  
3 is not on the official primary ballot of any political party.

4 (3) The voter votes for **or gives a #1 ranking to** a candidate who  
5 is on the official primary ballot of a political party, but the voter  
6 does not indicate the office for which the candidate seeks to be  
7 nominated.

8 (c) If the voter votes for a political party, but the voter does not vote  
9 for any individual candidates who are on that political party's official  
10 primary ballot, the voter's vote is void.

11 SECTION 53. IC 3-12-2-1, AS AMENDED BY P.L.278-2019,  
12 SECTION 141, IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) This chapter:

14 (1) is enacted to comply with 52 U.S.C. 21081 by establishing  
15 uniform and nondiscriminatory standards to define what will be  
16 counted as a vote on a paper ballot; and

17 (2) applies to each precinct where voting is by paper ballot.

18 (b) After the polls have closed, each precinct election board shall  
19 ~~count~~ **tabulate** the paper ballot votes **and rankings** for each candidate  
20 for each office and **the votes cast** on each public question. The ballots  
21 shall be counted by laying each ballot upon a table in the order in  
22 which it is taken from the ballot box.

23 (c) If a precinct election board administers more than one (1)  
24 precinct, the board shall keep the ballots cast in each precinct separate  
25 from ballots cast in any other precinct, so that the votes cast **and**  
26 **rankings given** for each candidate and **the votes cast** on each public  
27 question in each of the precincts administered by the board may be  
28 determined.

29 SECTION 54. IC 3-12-2-2 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. During the ~~counting~~  
31 **tabulation** of the ~~votes; ballots~~, the inspector and the judge of the  
32 opposite political party from the inspector shall view the ballots as the  
33 names of the candidates ~~voted for~~ **and their respective votes or**  
34 **rankings** are read from the ballots.

35 SECTION 55. IC 3-12-2-3 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. During the ~~counting~~  
37 **tabulation** of the ~~votes; ballots~~, any member of the precinct election  
38 board may protest the ~~counting~~ **tabulation** of any ballot or any part of  
39 a ballot.

40 SECTION 56. IC 3-12-2-5 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. Except as provided  
42 in section 1(c) of this chapter, if the polls for more than one (1)



1 precinct are located in the same room, the inspector of a precinct using  
 2 the room may not begin the ~~vote count~~ **ballot tabulation** procedure  
 3 until all the polls in the room are officially closed and no more persons  
 4 are waiting in line to vote.

5 SECTION 57. IC 3-12-2-6, AS AMENDED BY P.L.221-2005,  
 6 SECTION 101, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) When all ~~votes~~ **ballots** have  
 8 been ~~counted~~, **tabulated**, the precinct election board shall prepare a  
 9 certificate stating the **following**:

10 (1) **The total number of votes (if ranked choice voting does not**  
 11 **apply to the election for office) or each ranking (if ranked**  
 12 **choice voting applies to the election for office) that each**  
 13 **candidate received for each office. and**

14 (2) **The total number of votes cast on each public question.**

15 The number of **votes or each ranking that each candidate received**  
 16 **and the** votes that each ~~candidate~~ **and** public question received shall be  
 17 written in words and numbers.

18 (b) **This subsection applies only if ranked choice voting applies**  
 19 **to the election for an office.** The board shall also prepare a  
 20 memorandum of the total vote cast for each candidate and ensure that  
 21 each member of the board receives a copy of the memorandum.

22 SECTION 58. IC 3-12-2-7.5, AS AMENDED BY P.L.278-2019,  
 23 SECTION 142, IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2021]: Sec. 7.5. (a) This section applies to the  
 25 counting of federal write-in absentee ballots described in  
 26 IC 3-11-4-12.5.

27 (b) If a voter writes an abbreviation, misspelling, or other minor  
 28 variation instead of the correct name of a candidate or political party,  
 29 that vote shall be counted if the intent of the voter can be determined.

30 (c) If a voter casts a ballot under this section for President or Vice  
 31 President of the United States and writes in the name of a candidate or  
 32 political party that has not:

33 (1) certified a list of presidential electors and alternate  
 34 presidential electors under IC 3-10-4-5; or

35 (2) included a list of presidential electors and alternate  
 36 presidential electors on the declaration for candidacy filed by a  
 37 write-in candidate under IC 3-8-2-2.5;

38 the vote for President or Vice President is void. The remaining votes  
 39 **and rankings** on the ballot may be ~~counted~~: **tabulated**.

40 (d) As required by 52 U.S.C. 20303(b), and except as provided in  
 41 this section, an absentee ballot subject to this section shall be submitted  
 42 and processed in the same manner provided by this title for a regular





- 1 absentee ballot.
- 2 (e) IC 3-12-1-7 applies to a ballot subject to this section.
- 3 (f) As required by 52 U.S.C. 20303(b), a ballot subject to this  
4 section may not be ~~counted~~ **tabulated** if **any of the following apply to**  
5 **the ballot:**
- 6 (1) The ballot was submitted:
- 7 (A) by an overseas voter who is not an absent uniformed  
8 services voter; and  
9 (B) from within the United States.
- 10 (2) The overseas voter's application for a regular absentee ballot  
11 was received by the county election board after the applicable  
12 absentee ballot application deadline set forth in IC 3-11-4-3.
- 13 (3) The voter's completed regular state absentee ballot was  
14 received by the county election board by the deadline for  
15 receiving absentee ballots under IC 3-11.5-4-10 or IC 3-12-1-17.  
16 ~~or~~
- 17 (4) The ballot subject to this section was not received by the  
18 county election board by the deadline for receiving absentee  
19 ballots under IC 3-11.5-4-10 or IC 3-12-1-17.
- 20 (g) If a federal write-in absentee ballot is received by the county  
21 election board in an envelope that does not indicate that the envelope  
22 contains the ballot, and the envelope is opened by the county election  
23 board, the absentee ballot shall nevertheless be ~~counted~~ **tabulated** if  
24 otherwise valid. The county election board shall:
- 25 (1) immediately seal the absentee ballot and the envelope in  
26 which the ballot was received in a carrier envelope indicating that  
27 a voted absentee ballot is enclosed; and  
28 (2) document the date the absentee ballot was sealed within the  
29 carrier envelope, attested to by the signature of each member of  
30 the county election board.
- 31 SECTION 59. IC 3-12-2-8 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. As soon as the  
33 ballots have been ~~counted~~; **tabulated**, the inspector shall, in the  
34 presence of the judges and poll clerks:
- 35 (1) place in a strong and stout paper envelope or bag:  
36 (A) all ballots, voted and not voted, together with all protested,  
37 disputed, and ~~uncounted~~ **untabulated** ballots;  
38 (B) the seals of the ballot packages; and  
39 (C) one (1) copy of each of the certificates, list of voters, and  
40 tally papers;  
41 (2) securely seal the envelope or bag;  
42 (3) have both clerks initial the envelope or bag; and



- 1 (4) plainly mark on the outside of the envelope or bag, in ink, the  
 2 precinct where the ballots were cast.
- 3 SECTION 60. IC 3-12-2-9 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. The inspector and  
 5 the judge of the opposite political party shall deliver the envelope or  
 6 bag prepared under section 8 of this chapter to the circuit court clerk  
 7 immediately upon tabulation of the ~~votes~~ **ballots**. The inspector shall  
 8 notify the clerk of the number of ballots placed in the envelope or bag  
 9 and the condition of the seals of the ballot packages.
- 10 SECTION 61. IC 3-12-2-15 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. Immediately upon  
 12 completion of the ~~vote count~~, **ballot tabulation**, each precinct election  
 13 board shall make and sign a certificate for the news media showing the  
 14 total number of votes **or each ranking** received by each candidate and  
 15 **the number of votes** on each public question in the precinct. The  
 16 inspector and judge of the opposite political party shall deliver the  
 17 certificate to the circuit court clerk at the same time that the  
 18 certificates, lists of voters, and tally papers are delivered under section  
 19 7 of this chapter. The circuit court clerk immediately shall deliver the  
 20 certificate made for the news media to any person designated to receive  
 21 the certificate by the editors of the newspapers published in the county  
 22 or by the managers of the radio and television stations operating in the  
 23 county. The county election board shall furnish each precinct election  
 24 board with the forms on which the certificates are to be prepared.
- 25 SECTION 62. IC 3-12-3-1.2 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.2. This section  
 27 applies to a precinct where votes have been cast on a ballot card system  
 28 that is designed to allow the counting and tabulation of ~~votes~~ **ballots** by  
 29 the precinct election board. Except as provided in section 14 of this  
 30 chapter, if the polls for more than one (1) precinct are located in the  
 31 same room, the inspector of a precinct using the room may not begin  
 32 the ~~vote counting~~ **ballot tabulation** procedure until all the polls in the  
 33 room are officially closed and no more persons are waiting in line to  
 34 vote.
- 35 SECTION 63. IC 3-12-3-1.5 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.5. (a) During the  
 37 tabulation of the ~~votes~~, **ballots**, any member of the precinct election  
 38 board in a precinct where votes have been cast on a ballot card system  
 39 that is designed to allow the counting and tabulation of ~~votes~~ **ballots** by  
 40 the precinct election board may protest the counting of any ballot or  
 41 any part of a ballot cast in that precinct.
- 42 (b) During the tabulation of ~~votes~~ **ballots** at a central counting



1 location under section 3 of this chapter:

2 (1) a member of the precinct election board in a precinct where  
3 votes were cast on a ballot card system; or

4 (2) a member of the county election board, if a member of the  
5 precinct election board is not present during the tabulation of the  
6 ~~votes ballots~~ of the precinct;

7 may protest the counting of any ballot or part of a ballot cast in that  
8 precinct.

9 (c) If a ballot or any part of a ballot is protested, the poll clerks in  
10 the precinct where votes have been cast or the member of the county  
11 election board, if the poll clerks are not present during the tabulation  
12 of ~~votes ballots~~ at a central counting location, immediately shall write  
13 on the back of the protested ballot card the word "counted" or "not  
14 counted" as appropriate. The clerks or county election board member  
15 then shall officially sign each protested ballot card.

16 SECTION 64. IC 3-12-3-2 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) After the ballot  
18 cards have been ~~counted tabulated~~ under section 1 of this chapter, the  
19 precinct election board shall comply with this section.

20 (b) This subsection applies if the ~~votes ballots~~ have been cast on a  
21 ballot card voting system that is not designed to allow the ~~counting and~~  
22 tabulation of ~~votes ballots~~ by the precinct election board. The inspector  
23 shall place all cards that have been cast in the container provided for  
24 that purpose and the container shall be sealed by the inspector in the  
25 presence of the precinct election board. The inspector and the judge of  
26 the opposite political party shall immediately deliver the container,  
27 together with the unused, uncounted, and defective cards and returns,  
28 to the central counting location or other designated place.

29 (c) This subsection applies if the ~~votes ballots~~ have been cast on a  
30 ballot card voting system that is designed to allow the ~~counting and~~  
31 tabulation of ~~votes ballots~~ by the precinct election board. The precinct  
32 election board shall:

33 (1) process the ballot cards with the automatic tabulating machine  
34 provided to the precinct, if the ~~vote ballot~~ is not automatically  
35 registered by the ballot card voting system;

36 (2) take the ~~vote and rankings~~ as tabulated under subdivision (1)  
37 or as automatically registered by the ballot card voting system;  
38 and

39 (3) certify the totals and the ballot count as required under section  
40 1 of this chapter on forms supplied to the precinct for that  
41 purpose.

42 Copies of the totals shall be delivered to each member of the precinct



1 election board. One (1) copy of the ~~vote~~ totals shall be prepared and  
 2 signed for the news media on the form furnished by the county election  
 3 board.

4 SECTION 65. IC 3-12-3-5, AS AMENDED BY P.L.194-2013,  
 5 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2021]: Sec. 5. (a) If a ballot card is damaged or defective so  
 7 that it cannot properly be ~~counted~~ **tabulated** by the automatic  
 8 tabulating machines, then a remake team composed of one (1) person  
 9 from each of the major political parties of the county shall have the  
 10 card prepared for processing so as to record accurately the intention of  
 11 the voter insofar as it can be ascertained.

12 (b) If the ballot card voting system is designed to allow the ~~counting~~  
 13 ~~and~~ tabulation of ~~votes~~ **ballots** by the precinct election board, the  
 14 members of the remake team must be members of the precinct election  
 15 board in which the ballot was cast. If a county provides for the ~~counting~~  
 16 ~~and~~ tabulation of ballot card voting systems in a central location, the  
 17 members of the remake team shall be appointed by the county election  
 18 board.

19 (c) If necessary, a true, duplicate copy shall be made of the damaged  
 20 ballot card in the presence of witnesses and substituted for the damaged  
 21 card. Similarly, a duplicate ballot card shall be made of a defective  
 22 card, not including the ~~uncounted~~ **untabulated** votes.

23 (d) This subsection applies to an absent uniformed services voter or  
 24 overseas voter permitted to transmit an absentee ballot by fax or  
 25 electronic mail under IC 3-11-4-6. To facilitate the transmittal and  
 26 return of the voter's absentee ballot by fax or electronic mail, the county  
 27 election board may provide the voter with a paper ballot rather than a  
 28 ballot card. The paper ballot must conform with the requirements for  
 29 paper ballots set forth in IC 3-10 and IC 3-11. After the voter returns  
 30 the ballot by fax or electronic mail, a remake team appointed by the  
 31 county election board under this section shall prepare a ballot card for  
 32 processing that accurately records the intention of the voter as  
 33 indicated on the paper ballot. The ballot card created under this  
 34 subsection must be marked and counted as a duplicate ballot under  
 35 sections 6 through 7 of this chapter.

36 (e) If an automatic tabulating machine fails during the ~~counting and~~  
 37 tabulation of votes following the close of the polls, the county election  
 38 board shall immediately arrange for the repair and proper functioning  
 39 of the system. The county election board may, by unanimous vote of its  
 40 entire membership, authorize the ~~counting and~~ tabulation of votes for  
 41 this election on an automatic tabulating machine approved for use in  
 42 Indiana by the commission:



- 1 (1) until the repair and retesting of the malfunctioning machine;  
 2 and  
 3 (2) whether or not the machine was tested under IC 3-11-13-22.
- 4 SECTION 66. IC 3-12-3-7 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. Each duplicate ballot  
 6 card shall be ~~counted~~ **tabulated** instead of the damaged or defective  
 7 card.
- 8 SECTION 67. IC 3-12-3-8, AS AMENDED BY P.L.85-2017,  
 9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2021]: Sec. 8. If a test of automatic tabulating machines  
 11 required by IC 3-11-13-22 is not conducted for a particular office or  
 12 public question, the votes **or rankings** for that office or **the votes for**  
 13 **that** question shall be ~~counted~~ **tabulated** manually. If for any reason  
 14 it becomes impracticable to ~~count~~ **tabulate** all or some of the ballot  
 15 cards with automatic tabulating machines:
- 16 (1) the precinct election board in which the machine is located, if  
 17 the ballot card voting system is designed to allow the ~~counting~~  
 18 ~~and~~ tabulation of ~~votes~~ **ballots** by the precinct election board; or  
 19 (2) the county election board, if the ballot card voting system is  
 20 not designed to allow the ~~counting~~ ~~and~~ tabulation of ~~votes~~ **ballots**  
 21 by the precinct election board;  
 22 may direct that they be ~~counted~~ **tabulated** manually.
- 23 SECTION 68. IC 3-12-3-9 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. If ballot cards are  
 25 ~~counted~~ **tabulated** manually, the tabulation of ~~votes~~ **ballots** must  
 26 comply with the standards prescribed by IC 3-11-7.
- 27 SECTION 69. IC 3-12-3-10 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) After the ~~voting~~  
 29 ~~totals~~ **ballots** have been ~~taken~~ **tabulated** and certified by a precinct  
 30 election board under section 2(c) of this chapter, the inspector shall:
- 31 (1) seal each automatic tabulating machine used in the precinct;  
 32 (2) place all ballot cards that have been ~~counted~~ **tabulated** in the  
 33 container provided for that purpose; and  
 34 (3) seal the container into which the ballot cards have been  
 35 placed;  
 36 in the presence of the precinct election board. The automatic tabulating  
 37 machine may not be moved from the polls after the polls are closed  
 38 until collected.
- 39 (b) The inspector and judge of the opposite political party shall  
 40 deliver:
- 41 (1) the certification of the ~~vote totals~~ **tabulation** and one (1) copy  
 42 of the certificate prepared under section 2(c) of this chapter for



- 1 the circuit court clerk;
- 2 (2) the certificate of the ~~vote totals~~ **tabulation** prepared under
- 3 section 2(c) of this chapter for the news media;
- 4 (3) the container in which ballot cards have been placed under
- 5 subsection (a); and
- 6 (4) the unused, ~~uncounted~~, **untabulated**, and defective ballot
- 7 cards and returns;
- 8 to the circuit court clerk.
- 9 (c) The inspector and judge of the opposite political party shall
- 10 deliver the certificates and the list of voters to the county election board
- 11 by midnight on election day. However, if:
- 12 (1) a ballot card voting system failed;
- 13 (2) the failure of the system was reported as required by this title;
- 14 (3) paper ballots were used in place of the system; and
- 15 (4) the use of the paper ballots caused a substantial delay in the
- 16 ~~vote counting~~ **tabulation** process;
- 17 then the certificates, the list of voters, and the tally papers shall be
- 18 delivered as soon as possible.
- 19 (d) Upon delivery of the container to the circuit court clerk under
- 20 subsection (c), the inspector shall take and subscribe an oath before the
- 21 clerk stating that the inspector:
- 22 (1) closed and sealed the container in the presence of the judges
- 23 and poll clerks;
- 24 (2) securely kept the ballot cards in the container;
- 25 (3) did not permit any person to open the container or to otherwise
- 26 touch or tamper with the ballot cards; and
- 27 (4) has no knowledge of any other person opening the container.
- 28 (e) Each oath taken under subsection (d) shall be filed in the circuit
- 29 court clerk's office with other election papers.
- 30 (f) Upon completion of the ~~counting~~ **tabulation** of the ~~votes~~ **ballots**
- 31 by a precinct election board under section 2(c) of this chapter or at a
- 32 central location, all ballot cards shall be arranged by precincts and kept
- 33 by the circuit court clerk for the period required by IC 3-10-1-31 or
- 34 IC 3-10-1-31.1. The clerk shall determine the final disposition of all
- 35 ~~voted~~ ballot cards.
- 36 SECTION 70. IC 3-12-3-11, AS AMENDED BY P.L.230-2005,
- 37 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2021]: Sec. 11. (a) The return printed by the automatic
- 39 tabulating machines, along with the return of ~~votes~~ **by** absentee and
- 40 provisional voters, constitutes the official return of each precinct. Upon
- 41 completion of the count, the return is open to the public.
- 42 (b) This subsection applies if ~~the votes~~ **ballots** have been cast on a



1 ballot card voting system that is not designed to allow the ~~counting and~~  
 2 tabulation of ~~votes ballots~~ by the precinct election board. The circuit  
 3 court clerk shall, upon request, furnish to the media in the area the  
 4 results of the tabulation.

5 (c) This subsection applies if ~~the votes ballots~~ have been cast on a  
 6 ballot card voting system that is designed to allow the ~~counting and~~  
 7 tabulation of ~~votes ballots~~ by the precinct election board. Upon  
 8 receiving the certificate for the media prepared under section 2(c) of  
 9 this chapter, the circuit court clerk shall deliver the certificate to any  
 10 person designated to receive the certificate by the editors of the  
 11 newspapers published in the county or by the managers of the radio and  
 12 television stations operating in the county.

13 (d) If a precinct election board administers more than one (1)  
 14 precinct, the precinct election board or circuit court clerk shall keep the  
 15 ballots cast in each precinct separate from ballots cast in any other  
 16 precinct, so that the votes cast ~~or rankings given~~ for each candidate  
 17 and ~~the votes cast~~ on each public question in each of the precincts  
 18 administered by the board may be determined.

19 SECTION 71. IC 3-12-3-12 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. ~~Votes by~~ Absentee  
 21 voters may ~~be~~ cast ~~ballots~~ on paper ballots or ballot cards, or both  
 22 methods may be used. The ballots may be ~~counted~~ ~~tabulated~~ by an  
 23 automatic tabulating machine or by special canvassing boards  
 24 appointed by and under the direction of the county election board. A  
 25 true copy of each paper absentee ballot may be made on a ballot card,  
 26 which, after being verified in the presence of witnesses, shall be  
 27 ~~counted~~ ~~tabulated~~ in the same manner as other ballot cards.

28 SECTION 72. IC 3-12-3-12.5 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12.5. To minimize the  
 30 delay in the ~~counting tabulation~~ of the vote, the ~~count~~ ~~tabulation~~ must  
 31 begin immediately upon delivery of the cards to the central counting  
 32 location under section 2(b) of this chapter or upon the closing of the  
 33 polls under section 2(c) of this chapter. The tabulation must continue  
 34 without interruption until all ~~votes ballots~~ are canvassed and all  
 35 certificates of the ~~vote~~ totals required under section 10(b) of this  
 36 chapter or totals required under section 11(b) of this chapter are  
 37 completed and delivered to the persons entitled to receive the  
 38 certificates or totals.

39 SECTION 73. IC 3-12-3-13 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. In case of a recount,  
 41 all ballot cards shall be ~~recounted~~ ~~retabulated~~ in the manner  
 42 prescribed by this chapter unless:



1 (1) the court ordering the ~~recount~~ **retabulation** or the state  
 2 recount commission directs that they be ~~counted~~ **tabulated**  
 3 manually; or

4 (2) a request for a manual ~~recount~~ **retabulation** is made under  
 5 IC 3-12-6 or IC 3-12-11.

6 SECTION 74. IC 3-12-3-14 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) The precinct  
 8 election board may ~~count~~ **tabulate** absentee ballots before the polls  
 9 have closed.

10 (b) If the precinct election board ~~counts~~ **tabulates** absentee ballots  
 11 under this section, a member of the precinct election board may not,  
 12 before the polls have closed, provide any person other than a member  
 13 of the precinct election board with information concerning the: ~~number~~  
 14 ~~of votes:~~

15 (1) **number of votes or rankings** a candidate received for an  
 16 office; or

17 (2) **number of votes** cast to approve or reject a public question;  
 18 on absentee ballots ~~counted~~ **tabulated** under this section.

19 SECTION 75. IC 3-12-3.5-1.5 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.5. Except as provided  
 21 in section 7 of this chapter, if the polls for more than one (1) precinct  
 22 are located in the same room, the inspector of a precinct using the room  
 23 may not begin the ~~vote counting~~ **ballot tabulation** procedure until all  
 24 the polls in the room are officially closed and no more persons are  
 25 waiting in line to vote.

26 SECTION 76. IC 3-12-3.5-2, AS AMENDED BY P.L.221-2005,  
 27 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2021]: Sec. 2. After each electronic voting  
 29 system has been secured and the paper vote ~~and ranking~~ total printouts  
 30 obtained, the inspector shall announce in a distinct tone of voice that  
 31 the printouts are available for inspection by the members of the  
 32 precinct election board and any watchers present within the polls. The  
 33 members and watchers are entitled to inspect and copy the printouts to  
 34 document the: ~~votes cast for:~~

35 (1) **votes cast for or rankings given to** each candidate on each  
 36 system; and

37 (2) **votes cast for** each public question on each system.

38 SECTION 77. IC 3-12-3.5-3, AS AMENDED BY P.L.135-2020,  
 39 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2021]: Sec. 3. (a) When paper ~~vote~~ total printouts have been  
 41 obtained, the precinct election board shall prepare certificates stating  
 42 the **total** number of:





- 1           **(1) votes or each ranking** that each candidate received for each  
 2           office; and ~~the~~  
 3           **(2) votes** on each public question;  
 4           by attaching the paper ~~vote~~ total printouts to certificate forms supplied  
 5           by the county election board.
- 6           (b) Each member of the board shall be given a copy of the  
 7           certificate.
- 8           (c) If a precinct election board administers more than one (1)  
 9           precinct, the board shall keep the ballots cast in each precinct separate  
 10          from ballots cast in any other precinct, so that the:  
 11          **(1) votes cast for or rankings given to** each candidate; and  
 12          **(2) votes cast** on each public question;  
 13          in each of the precincts administered by the board may be determined.
- 14          (d) If a precinct or vote center uses a direct record electronic voting  
 15          system that contains a voter verifiable paper audit trail, the election  
 16          board is not required to print out the paper audit trail in preparing the  
 17          certificates setting forth the number of votes prepared under subsection  
 18          (a).
- 19          (e) The certificates prepared under subsection (a) **must** set forth the  
 20          official:  
 21          **(1) votes cast or rankings given** by the voters for a candidate; or  
 22          **(2) the votes cast** on a public question by the voters of the  
 23          precinct.
- 24          (f) However, in a recount or contest proceeding under IC 3-12-6,  
 25          IC 3-12-8, IC 3-12-11, or IC 3-12-12, the information set forth on the  
 26          voter verifiable paper audit trail may be used as evidence for a recount  
 27          commission or a court to determine:  
 28          **(1) the votes cast or rankings given** for a candidate; or  
 29          **(2) the votes cast** on a public question in the precinct.
- 30          SECTION 78. IC 3-12-3.5-4 IS AMENDED TO READ AS  
 31          FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. The inspector and  
 32          judge of the opposite political party shall deliver the certificates  
 33          prepared under section 3 of this chapter and the list of voters to the  
 34          county election board **by not later than midnight on after the** election.  
 35          ~~day.~~ However, if:  
 36          (1) an electronic voting system failed;  
 37          (2) the failure of the system was reported as required by this title;  
 38          (3) paper ballots were used in place of the system; and  
 39          (4) the use of the paper ballots caused a substantial delay in the  
 40          ~~vote counting~~ **ballot tabulating** process;  
 41          then the certificates, the list of voters, and the tally papers shall be  
 42          delivered as soon as possible.



1 SECTION 79. IC 3-12-3.5-5 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. Immediately upon  
 3 completion of the ~~vote count~~, **ballot tabulation**, each precinct election  
 4 board shall make and sign a certificate for the news media showing the  
 5 total number of votes received by **or rankings given to** each candidate  
 6 in the precinct. The inspector and judge of the opposite political party  
 7 shall deliver the certificate to the circuit court clerk at the same time  
 8 that the certificates, the list of voters, and the tally papers are delivered  
 9 under section 4 of this chapter. The circuit court clerk immediately  
 10 shall deliver the certificate made for the news media to any person  
 11 designated to receive the certificate by the editors of the newspapers  
 12 published in the county or by the managers of the radio and television  
 13 stations operating in the county. The county election board shall furnish  
 14 each precinct election board with the forms on which the certificates  
 15 are to be prepared.

16 SECTION 80. IC 3-12-3.5-6 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. To minimize the  
 18 delay in the ~~counting~~ **tabulation** of the ~~vote~~, **ballots**, canvassing must  
 19 begin immediately upon the closing of the polls and continue without  
 20 interruption until all the ~~votes~~ **ballots** are canvassed and all certificates  
 21 ~~of the vote~~ required under section 3 of this chapter are completed and  
 22 delivered to the persons entitled to receive the certificates.

23 SECTION 81. IC 3-12-3.5-7 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The precinct  
 25 election board may ~~count~~ **tabulate** absentee ballots before the polls  
 26 have closed.

27 (b) If the precinct election board ~~counts~~ **tabulates** absentee ballots  
 28 under this section, a member of the precinct election board may not,  
 29 before the polls have closed, provide any person other than a member  
 30 of the precinct election board with information concerning the: ~~number~~  
 31 ~~of votes~~:

32 (1) **number of votes or rankings** a candidate received for an  
 33 office; or

34 (2) **number of votes** cast to approve or reject a public question;  
 35 on absentee ballots counted under this section.

36 SECTION 82. IC 3-12-3.5-8, AS AMENDED BY P.L.210-2018,  
 37 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2021]: Sec. 8. (a) As used in this section, "audit threshold  
 39 number" refers to the following number:

40 (1) One (1), if the total number of ~~votes~~ **ballots** cast, as  
 41 determined under subsection (c), is not more than twenty (20).

42 (2) Two (2), if the total number of ~~votes~~ **ballots** cast, as



- 1 determined under subsection (c), is:  
 2 (A) more than twenty (20); but  
 3 (B) not more than forty (40).  
 4 (3) Three (3), if the total number of **votes ballots** cast, as  
 5 determined under subsection (c), is:  
 6 (A) more than forty (40); but  
 7 (B) not more than sixty (60).  
 8 (4) Four (4), if the total number of **votes ballots** cast, as  
 9 determined under subsection (c), is:  
 10 (A) more than sixty (60); but  
 11 (B) not more than eighty (80).  
 12 (5) Five percent (5%) of the total number of **votes ballots** cast,  
 13 rounded up to the nearest whole number, if the total number of  
 14 votes cast, as determined under subsection (c), is:  
 15 (A) more than eighty (80); but  
 16 (B) not more than five hundred (500).  
 17 (6) Twenty-five (25), if the total number of **votes ballots** cast, as  
 18 determined under subsection (c) is more than five hundred (500).  
 19 (b) As used in this section, "judge" refers only to the judge who is  
 20 a member of a political party other than the political party of the  
 21 inspector.  
 22 (c) After each electronic voting system has been secured and the  
 23 paper vote total printouts obtained, the inspector and judge shall record  
 24 the total number of:  
 25 (1) votes cast on all electronic voting systems located within the  
 26 precinct; and  
 27 (2) voters who have received a ballot by signing in at the polls  
 28 according to the poll lists for each precinct;  
 29 to determine if the total number of **votes ballots** cast on the electronic  
 30 voting systems differs from the number of voters shown to have  
 31 received a ballot at the polls according to the poll lists.  
 32 (d) The inspector and judge shall record the information set forth in  
 33 subsection (c) on a form prescribed under IC 3-5-4-8 and provided to  
 34 each precinct and vote center under IC 3-11-3-10 by the county  
 35 election board. The inspector and judge shall sign the form before  
 36 delivering the certificates in accordance with section 4 of this chapter  
 37 and return the form with the certificates.  
 38 (e) If the number of ballots received at the polls differs from the  
 39 total number of voters shown on the poll lists, the inspector and judge  
 40 shall report this fact in writing to the county election board together  
 41 with the reasons for the discrepancy, if known, at the time that the  
 42 inspector and judge return the precinct poll list to the board on the form



- 1 required under subsection (d).
- 2 (f) The county election board shall compile the following
- 3 information into a single document listing for each precinct:
- 4 (1) The number of ~~votes~~ **ballots** cast on the electronic voting
- 5 systems in the precinct, as shown on the form required for the
- 6 precinct under subsection (d).
- 7 (2) The number of voters who cast ballots on the electronic voting
- 8 systems as shown on the form required for the precinct under
- 9 subsection (d).
- 10 (3) The number of absentee ballots returned by voters of the
- 11 precinct.
- 12 (4) The number of absentee ballots described in subdivision (3)
- 13 that were counted.
- 14 (5) The difference between the number in subdivision (1) and the
- 15 number in subdivision (2).
- 16 Not later than noon on the second Friday following the election, the
- 17 county election board shall discuss and publish the document described
- 18 in this subsection at a public hearing and immediately make the
- 19 document available for inspection and copying by any voter of the
- 20 county.
- 21 (g) If the number determined under subsection (f)(5) is greater than
- 22 or equal to the audit threshold number, then the county election board
- 23 or the secretary of state may order an audit of all the ~~votes~~ **ballots** cast
- 24 in that precinct under this section. Before ordering an audit, the county
- 25 election board shall recheck the computations reported by the inspector
- 26 and judge under subsection (c).
- 27 (h) The county election board shall confirm that the ~~votes~~ **ballots**
- 28 cast in an election:
- 29 (1) for each candidate and each public question; and
- 30 (2) on a direct record electronic voting system in the precinct;
- 31 were correctly ~~counted~~ **tabulated**.
- 32 (i) The county election board shall conduct an audit by means of
- 33 tests and procedures that are approved by the commission and
- 34 independent of the provider of the direct record electronic voting
- 35 system being audited.
- 36 (j) The county election board shall certify the results of the audit not
- 37 later than noon thirty (30) days after the election. The certification must
- 38 be on the form prescribed by the election division. One (1) copy shall
- 39 be filed with the election returns, and one (1) copy must be delivered
- 40 to the election division.
- 41 (k) Public notice of the time and place of an audit shall be given at
- 42 least forty-eight (48) hours before the audit. The notice shall be



1 published once in accordance with IC 5-3-1-4. However, if publication  
 2 in accordance with IC 5-3-1-4 will not allow the county election board  
 3 to certify the results of the audit within thirty (30) days after the  
 4 election, notice shall be given by posting at or near the office of the  
 5 county election board.

6 (l) Not later than ninety (90) days after each election in which an  
 7 audit is conducted under this section, the secretary of state shall publish  
 8 a report stating whether the results of each audit indicate that the  
 9 discrepancy was the result of human error, intentional violations of  
 10 election laws, unknown causes, or a combination of these factors.

11 SECTION 83. IC 3-12-4-1 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. The members of  
 13 each county election board shall canvass the ~~votes~~ **ballots** cast in the  
 14 county.

15 SECTION 84. IC 3-12-4-4, AS AMENDED BY P.L.2-2007,  
 16 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2021]: Sec. 4. (a) Each county election board may employ  
 18 clerical assistants if necessary for the proper canvassing and tabulating  
 19 of the vote. However, except as provided in subsection (d), not more  
 20 than one-half (1/2) of the assistants employed by the board may be  
 21 members of the same political party.

22 (b) The county election board shall appoint the number of two (2)  
 23 member write-in teams that are necessary to examine and ~~count~~  
 24 **tabulate** write-in votes cast on ballot card voting systems on election  
 25 night. The county chairmen of the two (2) major political parties of a  
 26 county shall each designate one (1) member of each write-in team. The  
 27 write-in teams are considered employees of the county canvassing  
 28 board and must meet the qualifications of canvassing board employees.

29 (c) Except as provided in subsection (d), a county election board  
 30 may not employ a person to assist with canvassing unless the person  
 31 would be eligible to serve as a precinct election officer under  
 32 IC 3-6-6-7.

33 (d) The county election board may, by unanimous vote of the entire  
 34 membership of the board, employ a student to assist the board under  
 35 this section if the student is:

- 36 (1) enrolled at a postsecondary educational institution (including
- 37 a community college); and
- 38 (2) a registered voter of the county.

39 A student appointed under this subsection must serve the board in a  
 40 nonpartisan manner.

41 SECTION 85. IC 3-12-4-10 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) The statement



1 prepared under section 9 of this chapter must contain **the following**  
 2 **information:**

- 3 (1) The name of each candidate.  
 4 (2) The elected offices.  
 5 (3) The **total number of votes received by following for each**  
 6 **candidate:**

7 **(A) For offices not subject to ranked choice voting, the**  
 8 **total number of votes received.**

9 **(B) For offices subject to ranked choice voting, the**  
 10 **following:**

11 **(i) The total of each ranking.**

12 **(ii) The total number of votes received by each candidate**  
 13 **as determined under IC 3-12-0.5.**

- 14 (4) The **total number of votes received by each candidate and**  
 15 **following for each precinct:**

16 **(A) For each candidate, the information described in**  
 17 **subdivision (3).**

18 **(B) The total number of votes cast for and against each**  
 19 **public question. in each precinct; and**

- 20 (5) The total number of **votes ballots** cast at the election.

21 (b) Notwithstanding IC 33-37-5-1, upon request by a candidate, the  
 22 circuit court clerk shall prepare a copy of the statement for the  
 23 candidate at a fee not to exceed twenty-five cents (\$0.25) per page.

24 SECTION 86. IC 3-12-4-13 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. After the county  
 26 election board has tabulated the ~~vote~~ **ballots:**

- 27 (1) the canvass sheets used by the board; and  
 28 (2) the certificates, poll lists, and tally papers returned by each  
 29 inspector in the county;

30 shall be delivered to the circuit court clerk. The clerk shall file and  
 31 preserve all the material in the clerk's office as provided in  
 32 IC 3-10-1-31 or IC 3-10-1-31.1.

33 SECTION 87. IC 3-12-4-16, AS AMENDED BY P.L.84-2016,  
 34 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2021]: Sec. 16. If there is a disagreement between the  
 36 members of a county election board as to how the ~~vote~~ **ballots** of a  
 37 precinct should be ~~counted~~, **tabulated**, the board shall:

- 38 (1) immediately report the matter in dispute to the judge of the  
 39 circuit court, superior court, or probate court; and  
 40 (2) provide the judge with a written brief stating the grounds of  
 41 the disagreement and all papers concerning the matter.

42 SECTION 88. IC 3-12-4-17, AS AMENDED BY P.L.84-2016,



1 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2021]: Sec. 17. The judge of the circuit court, superior court,  
 3 or probate court shall summarily determine a dispute presented under  
 4 section 16 of this chapter and direct the county election board how to  
 5 ~~count~~ **tabulate** the ~~vote~~ **ballots**. The judge's determination is final with  
 6 respect to the action of the board.

7 SECTION 89. IC 3-12-4-18, AS AMENDED BY P.L.194-2013,  
 8 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2021]: Sec. 18. If electronic voting systems are used in a  
 10 precinct, the county election board may, upon the adoption of an order  
 11 by unanimous vote of the entire membership of the board, inspect the  
 12 registering counter or other recording device on any electronic voting  
 13 system showing the number of votes cast **or rankings given** for any  
 14 candidate or public question. The board may conduct an inspection,  
 15 after filing notice of the order authorizing the inspection with the  
 16 secretary of state, either before the board proceeds to ~~count and~~  
 17 **tabulate the vote ballots** or within one (1) day after the ~~count and~~  
 18 **tabulation are is** finished.

19 SECTION 90. IC 3-12-4-20, AS AMENDED BY P.L.221-2005,  
 20 SECTION 107, IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2021]: Sec. 20. When making an inspection  
 22 under section 18 of this chapter, a county election board shall compare  
 23 the ~~number of votes~~ **numbers** registered on the counter or other  
 24 recording device on the electronic voting systems with the returns  
 25 made by the precinct election board of the precinct in which the  
 26 electronic voting system was used.

27 SECTION 91. IC 3-12-4-21, AS AMENDED BY P.L.221-2005,  
 28 SECTION 108, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2021]: Sec. 21. If there is a discrepancy  
 30 between the ~~number of votes~~ **numbers** registered on an electronic  
 31 voting system and the returns made by the precinct election board, the  
 32 county election board shall correct the returns made by the precinct  
 33 election board so that the returns conform to the ~~vote~~ **numbers**  
 34 registered on the electronic voting system. The corrected returns shall  
 35 be considered the true and correct returns of the number of votes cast  
 36 **or rankings given** for each candidate ~~or and the number of votes cast~~  
 37 on each public question in the precinct.

38 SECTION 92. IC 3-12-4-22, AS AMENDED BY P.L.221-2005,  
 39 SECTION 109, IS AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2021]: Sec. 22. If a nomination or election is  
 41 contested or a recount is conducted, the returns of each precinct  
 42 election board, as corrected by the county election board under section



1 21 of this chapter, constitute prima facie evidence of the ~~vote~~ **votes** cast  
 2 **or rankings given** for each candidate and **the votes cast** on each  
 3 public question to the same extent as the tabulation and return of the  
 4 vote in a precinct where electronic voting systems are not used.

5 SECTION 93. IC 3-12-4-23 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 23. The county election  
 7 board shall have tally papers printed for use in tabulating the vote at  
 8 each election held under its jurisdiction. The tally papers must:

- 9 (1) contain the name of each office and candidate ~~to be voted for~~  
 10 at an election;  
 11 (2) provide for tallying the votes on each public question  
 12 submitted to the voters; and  
 13 (3) list political parties and candidates in the same order on the  
 14 tally sheet as listed on the ballot printed by the county election  
 15 board under IC 3-11-2-6.

16 SECTION 94. IC 3-12-5-2 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Whenever a  
 18 candidate is elected:

- 19 (1) to a local or school board office other than:  
 20 (A) one for which a town clerk-treasurer issues a certificate of  
 21 election under IC 3-10-7-34; or  
 22 (B) one commissioned by the governor under IC 4-3-1-5; or  
 23 (2) a precinct committeeman or state convention delegate;

24 the circuit court clerk shall, when permitted under section 16 of this  
 25 chapter, prepare and deliver to the candidate on demand a certificate  
 26 of the candidate's election.

27 (b) This subsection applies to a local or school board office  
 28 described in subsection (a) with an election district located in more  
 29 than one (1) county and a local public question placed on the ballot in  
 30 more than one (1) county. The circuit court clerk of the county that  
 31 contains the greatest percentage of the population of the election  
 32 district shall, upon demand of the candidate or a person entitled to  
 33 request a recount of the votes cast on a public question under  
 34 IC 3-12-12, **do the following:**

- 35 (1) Obtain the certified statement of:  
 36 (A) the votes cast **or rankings given to each candidate** for  
 37 that office; or  
 38 (B) **the votes cast** on that question;  
 39 that was prepared under IC 3-12-4-9 from the circuit court clerk  
 40 in each other county in which the election district is located.  
 41 (2) Tabulate:  
 42 (A) the total votes cast **or each ranking given to each**





1                   **candidate for that office and determine which candidate has**  
2                   **been elected to that office as provided in this title; or**  
3                   **(B) the total votes cast** on that question;  
4                   as shown on the certified statement of each county in the election  
5                   district. ~~and~~  
6                   (3) Issue a certificate:  
7                    **(A)** of election to the candidate when permitted under section  
8                    16 of this chapter; or a ~~certificate~~  
9                    **(B)** declaring the local public question approved or rejected.

10                  SECTION 95. IC 3-12-5-6, AS AMENDED BY P.L.278-2019,  
11                  SECTION 146, IS AMENDED TO READ AS FOLLOWS  
12                  [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Not later than noon on the  
13                  second Monday following an election, each circuit court clerk shall  
14                  prepare a certified statement under the clerk's seal of the **total** number  
15                  of votes **or each ranking** received by each candidate for:  
16                    (1) federal office;  
17                    (2) state office;  
18                    (3) legislative office; and  
19                    (4) a local office for which a declaration of candidacy must be  
20                    filed with the election division under IC 3-8-2.  
21                  (b) The clerk shall transmit the statements to the election division  
22                  in accordance with section 1.5 of this chapter.  
23                  (c) The election division shall provide a copy of each statement to  
24                  the office.

25                  SECTION 96. IC 3-12-5-7, AS AMENDED BY P.L.201-2017,  
26                  SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27                  JULY 1, 2021]: Sec. 7. Upon receipt of the certified statements from  
28                  the circuit court clerks under section 6 of this chapter and not later than  
29                  noon of the last Tuesday in November, the election division shall  
30                  tabulate the number of votes **as provided in this title** cast for each  
31                  candidate for:  
32                    (1) presidential electors and alternate presidential electors;  
33                    (2) a state office other than governor and lieutenant governor; and  
34                    (3) a local office for which a declaration of candidacy must be  
35                    filed with the election division under IC 3-8-2.

36                  Immediately following the election division's tabulation, the secretary  
37                  of state shall certify to the governor the candidate receiving the highest  
38                  number of votes for each office.

39                  SECTION 97. IC 3-12-5-8 IS AMENDED TO READ AS  
40                  FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) If, not later than  
41                  the final date and hour for filing a recount or contest petition under  
42                  ~~IC 3-12;~~ **this article,** a circuit court clerk files a correction with the



1 election division that amends a certified statement under section 6 of  
 2 this chapter and the amendment results in a different candidate  
 3 receiving the highest number of votes for an office, the election  
 4 division shall immediately notify the governor and the office of the  
 5 amendment.

6 (b) If no errors are found by the final date and hour for filing a  
 7 recount or contest under ~~IC 3-12-3~~ **this article**, and not later than noon  
 8 on the first Tuesday in December following the election, the governor  
 9 shall prepare the candidate's commission for each candidate certified  
 10 under section 7 of this chapter.

11 (c) Immediately upon preparing the commissions under subsection  
 12 (b), the governor shall deliver the commissions to the election division.  
 13 Not later than the second Tuesday in December, the election division  
 14 shall transmit the commission to each candidate at the address set forth  
 15 in the declaration of candidacy filed with the division, or to any more  
 16 recent address furnished to the division by the candidate.

17 SECTION 98. IC 3-12-6-3 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. Each petition filed  
 19 under section 2 of this chapter must state the following:

- 20 (1) The office for which the petitioner desires a recount.
- 21 (2) The precincts within the county in which the petitioner desires  
 22 a recount.
- 23 (3) That the petitioner is entitled to a recount under section 1 of  
 24 this chapter.
- 25 (4) That the nomination or office was voted upon in the precincts  
 26 specified.
- 27 (5) The name of each candidate for the nomination or office as set  
 28 forth on the ballot for the election and the address of each  
 29 candidate for nomination or election to the office as set forth in  
 30 the records of the county election board or election division.
- 31 (6) That the petitioner in good faith believes that the votes cast for  
 32 nomination or election to the office at the election in the precincts  
 33 were not correctly **tabulated**, counted, and returned.
- 34 (7) That the petitioner desires a recount of all of the votes cast for  
 35 nomination or election to the office in the precincts specified.

36 SECTION 99. IC 3-12-6-6 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. Each cross-petition  
 38 filed under section 4 of this chapter must state the following:

- 39 (1) The office for which the cross-petitioner desires a recount.
- 40 (2) The precincts within the county in which the cross-petitioner  
 41 desires a recount.
- 42 (3) That the cross-petitioner was a candidate at the election for



1 nomination or election to the office and that the nomination or  
2 office was voted upon in the precincts specified.

3 (4) The name and address of the cross-petitioner's opposing  
4 candidate or candidates.

5 (5) That the cross-petitioner in good faith believes that the votes  
6 cast for nomination or election to the office at the election in the  
7 precincts were not correctly **tabulated**, counted, and returned.

8 (6) That the cross-petitioner desires a recount of all of the votes  
9 cast for nomination or election to the office in the precincts  
10 specified.

11 SECTION 100. IC 3-12-6-22 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 22. (a) When a recount  
13 is completed by a commission appointed under this chapter, the  
14 commission shall **do the following**:

15 (1) Make and sign a certificate showing the total number of votes  
16 received **or each ranking given** in the precincts by each  
17 candidate for nomination or election to the office.

18 (2) State in its certificate the candidate who received the highest  
19 number of votes **or the rankings given** in the precincts for  
20 nomination or election to the office **as determined under this**  
21 **title** and by what plurality. **and**

22 (3) File its certificate with the circuit court clerk.

23 (b) The circuit court clerk shall:

24 (1) enter the certificate in the order book of the court;

25 (2) file a copy of the certificate in the minutes of the county  
26 election board; and

27 (3) if the recount concerned an office for which a declaration of  
28 candidacy must be filed with the election division under IC 3-8-2,  
29 file a copy of the certificate with the election division not later  
30 than seven (7) days after the date the recount commission filed  
31 the certificate with the clerk of the circuit court.

32 (c) If a certificate is filed with the election division under subsection  
33 (b), the election division shall provide a copy of the certificate to the  
34 office.

35 SECTION 101. IC 3-12-6-27 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 27. If a recount is made  
37 under this chapter for nomination or election to an office for which  
38 votes were cast in more than one (1) county, each circuit court clerk  
39 where the recount was made shall determine whether the votes **or**  
40 **rankings** in the precincts shown by the recount certificate differ from  
41 the votes **or rankings** that were tabulated by the county election board.  
42 If a circuit court clerk finds that there is a difference between the votes



1 **or rankings** shown by the recount certificate and the votes **or**  
 2 **rankings** tabulated by the county election board, the clerk shall prepare  
 3 a certificate showing the total vote **or each ranking** in the county for  
 4 each candidate for nomination or election to the office as corrected in  
 5 accordance with the recount certificate.

6 SECTION 102. IC 3-12-6-28 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28. (a) A circuit court  
 8 clerk shall immediately transmit a certificate prepared under section 27  
 9 of this chapter showing the votes cast **or rankings given** for  
 10 nomination or election to an office to the election division if the  
 11 recount concerned an office for which a declaration of candidacy must  
 12 be filed with the election division under IC 3-8-2.

13 (b) The election division shall provide a copy of a certificate  
 14 transmitted to the election division under this section to the office.

15 SECTION 103. IC 3-12-6-29 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 29. Upon receipt of a  
 17 circuit court clerk's certificate under section 28 of this chapter, the  
 18 election division shall tabulate the vote **or ranking** from the county for  
 19 the office in accordance with the certificate. If the election division  
 20 previously included in a tabulation the votes cast **or rankings given** for  
 21 the office as returned by the county election board, the election division  
 22 shall correct the tabulation in accordance with the certificate.

23 SECTION 104. IC 3-12-11-3, AS AMENDED BY P.L.221-2005,  
 24 SECTION 123, IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) Each petition for a recount  
 26 filed under section 2 of this chapter must state the following:

- 27 (1) The office for which the petitioner desires a recount.
- 28 (2) The precincts in which the petitioner desires a recount.
- 29 (3) That the individual is entitled to a recount under this chapter  
 30 and that the nomination or election to office at issue was voted  
 31 upon in the precincts specified.
- 32 (4) The name of the candidates as set forth on the ballot for the  
 33 election and address of the candidates as set forth in the records  
 34 of the election division.
- 35 (5) That the petitioner in good faith believes that the votes cast for  
 36 nomination or election to the office at the election in the precincts  
 37 were not correctly **tabulated**, counted, and returned.
- 38 (6) That the petitioner desires a recount of all of the votes cast for  
 39 nomination or election to the office in the precincts specified.

40 (b) Each petition for a contest filed under section 2 of this chapter  
 41 must state the following:

- 42 (1) The nomination or election to office that the petitioner



- 1 contests.
- 2 (2) That the individual is entitled to contest an election or a
- 3 nomination to office under this chapter.
- 4 (3) The name of the candidates as set forth on the ballot for the
- 5 election and address of each of the candidates as set forth in the
- 6 records of the election division.
- 7 (4) That the petitioner in good faith believes that one (1) or more
- 8 of the following occurred:
- 9 (A) The person declared nominated or elected does not comply
- 10 with a specific constitutional or statutory requirement set forth
- 11 in the petition that is applicable to a candidate for the office.
- 12 (B) A mistake was made in the printing or distribution of
- 13 ballots used in the election that makes it impossible to
- 14 determine which candidate received the highest number of
- 15 votes cast in the election.
- 16 (C) A mistake occurred in the programming of an electronic
- 17 voting system, making it impossible to determine the
- 18 candidate who received the highest number of votes.
- 19 (D) An electronic voting system malfunctioned, making it
- 20 impossible to determine the candidate who received the
- 21 highest number of votes.
- 22 (E) A deliberate act or series of actions occurred making it
- 23 impossible to determine the candidate who received the
- 24 highest number of votes cast in the election.
- 25 (c) A petition stating that the petitioner believes that a mistake
- 26 described in subsection (b)(4)(B), (b)(4)(C), or (b)(4)(D) has occurred
- 27 must identify each precinct in which:
- 28 (1) ballots:
- 29 (A) containing the printing mistake; or
- 30 (B) distributed by mistake;
- 31 were cast;
- 32 (2) a mistake occurred in the programming of an electronic voting
- 33 system; or
- 34 (3) an electronic voting system malfunctioned.
- 35 (d) A petition stating that the petitioner believes that an act or series
- 36 of actions described in subsection (b)(4)(E) occurred must identify
- 37 each precinct or other location in which the act or series of actions
- 38 occurred to the extent known to the petitioner.
- 39 SECTION 105. IC 3-12-11-6 IS AMENDED TO READ AS
- 40 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. Each cross-petition
- 41 filed under section 4 of this chapter must state the following:
- 42 (1) The office for which the cross-petitioner desires a recount.



1 (2) The precincts in which the cross-petitioner desires a recount.

2 (3) That the cross-petitioner was a candidate at the election for  
3 nomination or election to the office and that the nomination or  
4 election to office was voted upon in the precincts specified.

5 (4) The name and address of the cross-petitioner's opposing  
6 candidate or candidates.

7 (5) That the cross-petitioner in good faith believes that the votes  
8 cast for nomination or election to the office at the election in the  
9 precincts were not correctly **tabulated**, counted, and returned.

10 (6) That the cross-petitioner desires a recount of all of the votes  
11 cast for nomination or election to the office in the precincts  
12 specified.

13 SECTION 106. IC 3-12-11-18, AS AMENDED BY P.L.221-2005,  
14 SECTION 130, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2021]: Sec. 18. (a) When a recount is  
16 completed by the state recount commission or its designee, the  
17 commission shall **do the following**:

18 (1) Make and sign a certificate showing the total number of votes  
19 **or each ranking** received in the precincts by each candidate for  
20 nomination or election to the office.

21 (2) State in its certificate the candidate who received the highest  
22 number of votes **or rankings received** in the precincts for  
23 nomination or election to the office **as determined under this**  
24 **title** and by what plurality. ~~and~~

25 (3) File its certificate with the election division.

26 (b) When a contest proceeding in which a candidate is alleged to be  
27 ineligible is completed by the state recount commission or its designee,  
28 the commission shall make a final determination concerning the  
29 eligibility of the candidate for nomination or election to the office.

30 (c) If the state recount commission or its designee determines that:

31 (1) a mistake was made in the printing or distribution of ballots  
32 used in the election;

33 (2) a mistake was made in the programming of an electronic  
34 voting system;

35 (3) an electronic voting system malfunctioned; or

36 (4) a deliberate act or series of actions occurred;

37 that makes it impossible to determine which candidate received the  
38 highest number of votes cast, the commission shall order that a special  
39 election be conducted under IC 3-10-8.

40 (d) The special election ordered under subsection (c) shall be held  
41 in the precincts identified in the petition in which the commission  
42 determines that:



- 1 (1) ballots containing the printing mistake or distributed by  
 2 mistake were cast;  
 3 (2) a mistake occurred in the programming of an electronic voting  
 4 system;  
 5 (3) an electronic voting system malfunctioned; or  
 6 (4) a deliberate act or series of actions occurred.

7 SECTION 107. IC 3-12-11-19 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. Except in recount  
 9 proceedings for an election to the offices of governor and lieutenant  
 10 governor and legislative offices, a recount certificate made under  
 11 section 18 of this chapter supersedes all previous returns made in any  
 12 form of the recounted votes. A certified copy of a recount certificate  
 13 constitutes prima facie evidence of the votes cast **or rankings given** for  
 14 nomination or election to the office in the precincts in any proceeding  
 15 in which there is an issue as to the votes cast at the election for the  
 16 nomination or election to office.

17 SECTION 108. IC 3-14-4-10, AS AMENDED BY P.L.158-2013,  
 18 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2021]: Sec. 10. **A person who knowingly violates: (a) As used**  
 20 **in this section, "applicable statute" refers to any of the following:**

- 21 (1) IC 3-11.5-5.  
 22 (2) IC 3-11.5-6.  
 23 (3) IC 3-12-2-1.  
 24 (4) IC 3-12-3-14. **or**  
 25 (5) IC 3-12-3.5-7.

26 **(b) A person who knowingly violates an applicable statute by**  
 27 **providing any other person with information concerning:**

28 **(1) the:**

29 **(A) number of votes; or**

30 **(B) rankings;**

31 a candidate received for an office; or

32 **(2) the number of votes** cast to approve or reject a public  
 33 question;

34 on absentee ballots counted under IC 3-11.5-5, IC 3-11.5-6, or IC 3-12  
 35 before the closing of the polls commits a Level 6 felony.

