

SENATE BILL No. 35

DIGEST OF INTRODUCED BILL

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

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 Repeals superseded statutes relating to straight ticket voting.

Effective: July 1, 2014.

Delph

January 6, 2014, read first time and referred to Committee on Elections.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 35



A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-10-7-32, AS AMENDED BY P.L.190-2011,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 32. (a) A town election board shall determine
4 what voting method will be used in a municipal election.
5 (b) The town election board and its precinct election officers shall
6 perform the duties of the county election board and its precinct election
7 officers under IC 3-11 for each voting method used.
8 (c) The town election board shall prepare the ballots in the form
9 prescribed by IC 3-11 and distribute them to the precincts in the town.
10 (d) This subsection applies only to paper ballots. Notwithstanding
11 subsection (c), the town election board, by unanimous consent of the
12 board's entire membership, may authorize the printing or reproduction
13 of ballots on equipment under the control of the town clerk-treasurer.
14 If the town election board acts under this subsection, the ballots are not
15 required to conform to the precise dimensions concerning the size of
16 political party devices under IC 3-11-2-9 or the placement of a



1 candidate's name under ~~IC 3-11-2-10(f)~~. **IC 3-11-2-10(d)**. However,
 2 the ballots must otherwise substantially conform with IC 3-11-2.

3 SECTION 2. IC 3-11-2-10, AS AMENDED BY P.L.219-2013,
 4 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2014]: Sec. 10. (a) Public questions shall be placed on the
 6 general election ballot in the following order after the statement
 7 described in section 7 of this chapter, and the instructions described in
 8 **subsections (d) and (e) subsection (c)** and section 8 of this chapter:

9 (1) Ratification of a state constitutional amendment.

10 (2) Local public questions.

11 Each public question shall be placed in a separate column on the ballot.

12 (b) The name or title of the political party or independent ticket
 13 described in section 6 of this chapter shall be placed on the general
 14 election ballot after the public questions described in subsection (a).
 15 The device of the political party or independent ticket shall be placed
 16 immediately under the name of the political party or independent ticket.
 17 The instructions for voting a straight party ticket shall be placed to the
 18 right of the device:

19 (c) The instructions for voting a straight party ticket must conform
 20 as nearly as possible to the following: "To vote a straight (insert
 21 political party name) ticket for all (insert political party name)
 22 candidates on this ballot, make a voting mark on or in this circle and do
 23 not make any other marks on this ballot. If you wish to vote for a
 24 candidate seeking a nonpartisan office or on a public question, you
 25 must make another voting mark on the appropriate place on this
 26 ballot."

27 (d) If the ballot contains an independent ticket described in section
 28 6 of this chapter and at least one (1) other independent candidate, the
 29 ballot must also contain a statement that reads substantially as follows:
 30 "A vote cast for an independent ticket will only be counted 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) (c) The ballot must also contain a statement that reads
 36 substantially as follows: "A write-in vote will NOT be counted unless
 37 the vote is for a DECLARED write-in candidate. To vote for a write-in
 38 candidate, you must make a voting mark on or in the square to the left
 39 of the name you have written in or your vote will not be counted."

40 (f) (d) The list of candidates of the political party shall be placed
 41 immediately under the instructions for voting a straight party ticket:
 42 **device of the political party**. The names of the candidates shall be



1 placed three-fourths (3/4) of an inch apart from center to center of the
 2 name. The name of each candidate must have, immediately on its left,
 3 a square three-eighths (3/8) of an inch on each side.

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

7 SECTION 3. IC 3-11-7-4, AS AMENDED BY P.L.219-2013,
 8 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 4. (a) A ballot card voting system must permit a
 10 voter to vote

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

14 ~~(2) for one (1) or more candidates of each political party or~~
 15 ~~independent candidates, or for one (1) or more school board~~
 16 ~~candidates nominated by petition.~~

17 ~~(3) a split ticket for the candidates of different political parties~~
 18 ~~and for independent candidates; or~~

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

22 (b) A ballot card voting system must permit a voter to vote:

23 (1) for all candidates for presidential electors of a political party
 24 or an independent ticket by making a single voting mark; and

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

26 SECTION 4. IC 3-11-7-6 IS REPEALED [EFFECTIVE JULY 1,
 27 2014]. Sec. 6. A ballot card voting system must count a ballot in
 28 accordance with IC 3-12-1-7 when a voter votes a straight ticket vote
 29 and votes for individual candidates as described by IC 3-12-1-7.

30 SECTION 5. IC 3-11-11-10 IS REPEALED [EFFECTIVE JULY 1,
 31 2014]. Sec. 10. If an election is a general or municipal election and a
 32 voter desires to vote for all the candidates of one (1) political party or
 33 group of petitioners, the voter may make a voting mark on or in a large
 34 circle enclosing the device and before the name under which the
 35 candidates of the party or group of petitioners are printed. The voter's
 36 vote shall then be counted for all the candidates under that party name
 37 or for the two (2) candidates comprising an independent ticket.

38 SECTION 6. IC 3-11-13-11, AS AMENDED BY P.L.194-2013,
 39 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2014]: Sec. 11. (a) The ballot information, whether placed on
 41 the ballot card or on the marking device, must be in the order of
 42 arrangement provided for ballots under this section.



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

- 5 (1) print all offices and questions on a single ballot card; and
6 (2) include a ballot variation code to ensure that the proper
7 version of a ballot is used within a precinct.

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

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

18 (e) The offices and public questions on the general election ballot
19 must be placed on the ballot in the order listed in IC 3-11-2-12,
20 IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),
21 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
22 IC 3-11-2-14(d). The offices and public questions may be listed in a
23 continuous column either vertically or horizontally and on a number of
24 separate pages.

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

- 29 (1) "Vote for one (1) only.", if only one (1) candidate is to be
30 elected to the office.
31 (2) "Vote for not more than (insert the number of candidates to be
32 elected) candidate(s) for this office.", if more than one (1)
33 candidate is to be elected to the office.

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

- 37 (1) The major political party whose candidate received the highest
38 number of votes in the county for secretary of state at the last
39 election is listed first.
40 (2) The major political party whose candidate received the second
41 highest number of votes in the county for secretary of state is
42 listed second.



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



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

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

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

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

10 (l) The ballot must include: a ~~single connectable arrow; circle; oval;~~
 11 ~~or square; or a voting position for voting a straight party or an~~
 12 ~~independent ticket (described in IC 3-11-2-6) by one (1) mark as~~
 13 ~~required by section 14 of this chapter; and the single connectable~~
 14 ~~arrow; circle; oval; or square; or the voting position for casting a~~
 15 ~~straight party or an independent ticket ballot must be identified by:~~

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

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

21 The name and device of each political party or independent ticket must
 22 be of uniform size and type and arranged in the order established by
 23 subsection (g) for listing candidates under each office. ~~The instructions~~
 24 ~~described in IC 3-11-2-10(e) for voting a straight party ticket and~~ The
 25 statement concerning presidential electors required under IC 3-10-4-3
 26 may be placed on the ballot beside or above the names and devices
 27 within the voting booth in a location that permits the voter to easily
 28 read the instructions.

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

35 (n) The requirements in this section:

36 (1) do not replace; and

37 (2) are in addition to;

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

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



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

- 3 (1) the names of ~~political parties or~~ candidates; or
4 (2) the text of public questions;

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

8 SECTION 7. IC 3-11-13-14 IS REPEALED [EFFECTIVE JULY 1,
9 2014]. ~~Sec. 14. In partisan elections, the ballot labels must include a~~
10 ~~voting square or position where a voter may by one (1) mark on each~~
11 ~~card record a straight party or an independent ticket vote for all the~~
12 ~~candidates of one (1) political party or the independent ticket, except~~
13 ~~for offices for which the voter has voted individually for a candidate.~~
14 ~~If the voter records a vote for the two (2) candidates comprising an~~
15 ~~independent ticket, the vote must not count for any other independent~~
16 ~~candidate on the ballot.~~

17 SECTION 8. IC 3-11-13-31.7, AS AMENDED BY P.L.221-2005,
18 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2014]: Sec. 31.7. (a) This section is enacted to comply with
20 42 U.S.C. 15481 by establishing uniform and nondiscriminatory
21 standards to define what constitutes a vote on an optical scan voting
22 system.

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

26 (1) the candidates for whom the voter desires to vote by marking
27 the connectable arrows, circles, ovals, or squares immediately
28 beside:

29 (A) the candidates' names; or

30 (B) the numbers referring to the candidates; and

31 (2) the voter's preference on each public question by marking the
32 connectable arrow, oval, or square beside:

33 (A) the word "yes" or "no" under the question; or

34 (B) the number referring to the word "yes" or "no" on the
35 ballot.

36 (c) ~~If an election is a general or municipal election and a voter~~
37 ~~desires to vote for all the candidates of one (1) political party or~~
38 ~~independent ticket (described in IC 3-11-2-6), the voter may mark:~~

39 (1) the circle enclosing the device; or

40 (2) the connectable arrow, circle, oval, or square described in
41 section 11 of this chapter;

42 that designates the candidates of that political party or independent



1 ticket (described in IC 3-11-2-6). The voter's vote shall then be counted
 2 for all the candidates of that political party or included in the
 3 independent ticket (described in IC 3-11-2-6). However, if the voter
 4 marks the circle, arrow, oval, or square of an independent ticket
 5 (described in IC 3-11-2-6), the vote shall not be counted for any other
 6 independent candidate on the ballot.

7 SECTION 9. IC 3-11-14-3.5, AS AMENDED BY P.L.194-2013,
 8 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 3.5. (a) Each county election board shall have the
 10 names of all candidates for all elected offices, political party offices,
 11 and public questions printed on ballot labels for use in an electronic
 12 voting system as provided in this chapter.

13 (b) The county may:

- 14 (1) print all offices and public questions on a single ballot label;
 15 and
 16 (2) include a ballot variation code to ensure that the proper
 17 version of a ballot label is used within a precinct.

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

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

29 (e) The ballot labels must list the offices and public questions on the
 30 general election ballot in the order listed in IC 3-11-2-12,
 31 IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),
 32 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
 33 IC 3-11-2-14(d). Each office and public question may have a separate
 34 screen, or the offices and public questions may be listed in a
 35 continuous column either vertically or horizontally.

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

- 40 (1) "Vote for one (1) only.", if only one (1) candidate is to be
 41 elected to the office.
 42 (2) "Vote for not more than (insert the number of candidates to be



- 1 elected) candidate(s) for this office.", if more than one (1)
 2 candidate is to be elected to the office.
- 3 (g) Below the name of the office and the statement required by
 4 subsection (f), the names of the candidates for each office must be
 5 grouped together in the following order:
- 6 (1) The major political party whose candidate received the highest
 7 number of votes in the county for secretary of state at the last
 8 election is listed first.
- 9 (2) The major political party whose candidate received the second
 10 highest number of votes in the county for secretary of state is
 11 listed second.
- 12 (3) All other political parties listed in the order that the parties'
 13 candidates for secretary of state finished in the last election are
 14 listed after the party listed in subdivision (2).
- 15 (4) If a political party did not have a candidate for secretary of
 16 state in the last election or a nominee is an independent candidate
 17 or independent ticket (described in IC 3-11-2-6), the party or
 18 candidate is listed after the parties described in subdivisions (1),
 19 (2), and (3).
- 20 (5) If more than one (1) political party or independent candidate
 21 or ticket described in subdivision (4) qualifies to be on the ballot,
 22 the parties, candidates, or tickets are listed in the order in which
 23 the party filed its petition of nomination under IC 3-8-6-12.
- 24 (6) A space for write-in voting is placed after the candidates listed
 25 in subdivisions (1) through (5), if required by law. A space for
 26 write-in voting for an office is not required if there are no
 27 declared write-in candidates for that office. However, procedures
 28 must be implemented to permit write-in voting for candidates for
 29 federal offices.
- 30 (7) The name of a write-in candidate may not be listed on the
 31 ballot.
- 32 (h) The names of the candidates grouped in the order established by
 33 subsection (g) must be printed in type with uniform capital letters and
 34 have a uniform space between each name. The name of the candidate's
 35 political party, or the word "Independent", if the:
- 36 (1) candidate; or
 37 (2) ticket of candidates for:
- 38 (A) President and Vice President of the United States; or
 39 (B) governor and lieutenant governor;
- 40 is independent, must be placed immediately below or beside the name
 41 of the candidate and must be printed in uniform size and type.
- 42 (i) All the candidates of the same political party for election to



1 at-large seats on the fiscal or legislative body of a political subdivision
2 must be grouped together:

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

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

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

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

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

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

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

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

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

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

36 The name and device of each party or ticket must be of uniform size
37 and type, and arranged in the order established by subsection (g) for
38 listing candidates under each office. ~~The instructions described in~~
39 ~~IC 3-11-2-10(c) for voting a straight party ticket and~~ The statement
40 concerning presidential electors required under IC 3-10-4-3 may be
41 placed on the ballot label or in a location within the voting booth that
42 permits the voter to easily read the instructions.



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

7 (o) The requirements in this section:

8 (1) do not replace; and

9 (2) are in addition to;

10 any other requirements in this title that apply to ballots for electronic
 11 voting systems.

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

16 SECTION 10. IC 3-11-14-23, AS AMENDED BY P.L.164-2006,
 17 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) This section is enacted to
 19 comply with 42 U.S.C. 15481 by establishing uniform and
 20 nondiscriminatory standards to define what constitutes a vote on an
 21 electronic voting system.

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

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

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

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

35 (c) If an election is a general or municipal election and a voter
 36 desires to vote for all the candidates of one (1) political party or group
 37 of petitioners, the voter may cast a straight party ticket by touching that
 38 party's device. The voter's vote shall then be counted for all the
 39 candidates under that name. However, if the voter casts a vote by
 40 touching the circle of an independent ticket comprised of two (2)
 41 candidates, the vote shall not be counted for any other independent
 42 candidate on the ballot.



1 ~~(d)~~ (c) As provided by 42 U.S.C. 15481, a voter casting a ballot on
2 an electronic voting system must be:

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

5 (2) provided the opportunity to change the ballot or correct any
6 error in a private and independent manner before the ballot is cast
7 and counted, including the opportunity to receive a replacement
8 ballot if the voter is otherwise unable to change or correct the
9 ballot; and

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

13 SECTION 11. IC 3-12-1-1 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Subject to sections
15 5, 6, 8, 9, 9.5, and 13 of this chapter, the primary factor to be
16 considered in determining a voter's choice on a ballot is the intent of
17 the voter. If the voter's intent can be determined on the ballot or on part
18 of the ballot, the vote shall be counted for the affected candidate or
19 candidates or on the public question. However, if it is impossible to
20 determine a voter's choice of candidates on a part of a ballot or vote on
21 a public question, then the voter's vote concerning those candidates or
22 public questions may not be counted.

23 SECTION 12. IC 3-12-1-7, AS AMENDED BY P.L.164-2006,
24 SECTION 124, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2014]: Sec. 7. ~~(a) This subsection applies~~
26 ~~whenever a voter:~~

27 ~~(1) votes a straight party ticket; and~~

28 ~~(2) votes only for one (1) or more individual candidates who are~~
29 ~~all of the same political party as the straight ticket vote.~~

30 ~~The straight ticket vote shall be counted and the individual candidate~~
31 ~~votes may not be counted.~~

32 ~~(b) This subsection applies whenever:~~

33 ~~(1) a voter has voted a straight party ticket for the candidates of~~
34 ~~one (1) political party;~~

35 ~~(2) only one (1) person may be elected to an office; and~~

36 ~~(3) the voter has voted for one (1) individual candidate for the~~
37 ~~office described in subdivision (2) who is:~~

38 ~~(A) a candidate of a political party other than the party for~~
39 ~~which the voter voted a straight ticket; or~~

40 ~~(B) an independent candidate for the office.~~

41 ~~If the voter has voted for one (1) individual candidate for the office~~
42 ~~described in subdivision (2); the individual candidate vote for that~~



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

4 (c) This subsection applies whenever:

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

7 (2) the voter has voted for more individual candidates for the
 8 office than the number of persons to be elected to that office.

9 The individual candidate votes for that office may not be counted; the
 10 straight party ticket vote for that office may not be counted; and the
 11 straight party ticket votes for other offices on the ballot shall be
 12 counted.

13 (d) This subsection applies whenever:

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

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

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

19 (A) independent candidates;

20 (B) candidates of a political party other than the political party
 21 for which the voter cast a straight party ticket under
 22 subdivision (1); or

23 (C) a combination of candidates described in clauses (A) and
 24 (B).

25 The individual votes cast by the voter for the office for the independent
 26 candidates and the candidates of a political party other than the
 27 political party for which the voter cast a straight party ticket shall be
 28 counted. The straight party ticket vote cast by that voter for that office
 29 shall be counted unless the total number of votes cast for the office by
 30 the voter, when adding the voter's votes for the individual candidates
 31 for the office and the voter's straight party ticket votes for the office, is
 32 greater than the number of persons to be elected to the office. If the
 33 total number of votes cast for the office is greater than the number of
 34 persons to be elected to the office, the straight party ticket votes for the
 35 office may not be counted. The straight party ticket votes for other
 36 offices on the voter's ballot shall be counted.

37 (e) This subsection applies whenever:

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

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

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



1 (A) independent candidates or candidates of a political party
 2 other than the political party for which the voter cast a straight
 3 party ticket under subdivision (1); and

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

6 The individual votes cast by the voter for the office for the independent
 7 candidates and the candidates of a political party other than the
 8 political party for which the voter cast a straight party ticket shall be
 9 counted. The individual votes cast by the voter for the office for the
 10 candidates of the same political party for which the voter cast a straight
 11 party ticket may not be counted. The straight party ticket vote cast by
 12 that voter for that office shall be counted unless the total number of
 13 votes cast for the office by the voter, when adding the voter's votes for
 14 the individual candidates for the office and the voter's straight party
 15 ticket vote for the office is greater than the number of persons to be
 16 elected to the office. If the total number of votes cast for the office is
 17 greater than the number of persons to be elected to the office, the
 18 straight party ticket votes for that office may not be counted. The
 19 straight party ticket votes for other offices on the voter's ballot shall be
 20 counted.

21 (f) If a voter votes a straight party ticket for more than one (1)
 22 political party, the whole ballot is void with regard to all candidates
 23 nominated by a political party or designated as independent candidates
 24 on the ballot. However, the voter's vote for a school board candidate or
 25 on a public question shall be counted if otherwise valid under this
 26 chapter.

27 (g) (a) If a voter does not vote a straight party ticket and the number
 28 of votes cast by that a voter for the candidates for an office are is less
 29 than or equal to the number of openings for that office, the individual
 30 candidates' votes shall be counted.

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

35 SECTION 13. IC 3-12-1-7.5 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) If a voter votes
 37 a straight party ticket for at least one (1) office for which only one (1)
 38 person may be elected and writes in the name of a candidate, the
 39 straight party ticket vote shall be counted for all offices except the
 40 offices for which a write-in vote was cast. The write-in vote shall be
 41 counted if the voter's intent can be determined.

42 (b) If a voter votes a straight party ticket for an office for which at



1 least two (2) people may be elected and writes in the name of a
 2 candidate; the straight party vote for that office may not be counted
 3 unless:

4 (1) fewer candidates appear on the party's ticket than may be
 5 elected; and

6 (2) the voter has not written in a number of names that, when
 7 added to the straight party candidate's name, would be greater
 8 than the number of seats available for that office.

9 (c) (a) If a voter votes for one (1) individual candidate for an office
 10 for which only one (1) person may be elected and also writes in the
 11 name of another candidate for the same office, neither vote may be
 12 counted.

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

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

23 SECTION 14. IC 3-12-1-8 IS REPEALED [EFFECTIVE JULY 1,
 24 2014]. Sec. 8: A voting mark made by a voter on or in a circle
 25 containing a political party device shall be counted as a vote for each
 26 candidate of that political party on that ballot.

27 SECTION 15. IC 3-12-1-14 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) This section
 29 does not apply to a vote

30 (1) cast for President or Vice President of the United States under
 31 IC 3-10-4-6. or

32 (2) described by section 15 of this chapter.

33 (b) A vote cast for a candidate who ceases to be a candidate may not
 34 be counted as a vote for a successor candidate selected under IC 3-13-1
 35 or IC 3-13-2.

36 SECTION 16. IC 3-12-1-15 IS REPEALED [EFFECTIVE JULY 1,
 37 2014]. Sec. 15: (a) This section applies to a vote cast for one (1)
 38 straight party ticket that includes a candidate for election to office who:

39 (1) ceases to be a candidate; and

40 (2) is succeeded by a candidate selected under IC 3-13-1 or
 41 IC 3-13-2.

42 (b) A vote cast in the election for the original nominee is considered



1 a vote cast for the successor:

