

SENATE BILL No. 81

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11; IC 3-12-1.

Synopsis: Straight ticket voting for at-large candidates. Provides that when a voter casts a straight party ticket in a general or municipal election, the voter is casting a ballot for all candidates of that party whose names appear on the ballot, including candidates for offices in a county or municipality for which more than one individual can be elected (county council member at large; city common council member at large; town council member at large; township board member at large). (Returns the law relating to straight party ticket voting to the substantive form it had before 2016.) Repeals a statute that requires votes for candidates for such offices must be cast for each individual candidate.

Effective: Upon passage.

Messmer

January 6, 2020, read first time and referred to Committee on Elections.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 81

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 3-11-2-10, AS AMENDED BY P.L.278-2019,
2 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 10. (a) Public questions shall be placed on the
4 general election ballot in the following order after the statement
5 described in section 7 of this chapter, and the instructions described in
6 subsections (d) and (e) and section 8 of this chapter, if instructions are
7 printed on the ballot:
8 (1) Ratification of a state constitutional amendment.
9 (2) Local public questions.
10 Subject to section 10.1 of this chapter, each public question shall be
11 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



- 1 right of the device, if instructions are printed on the ballot.
 2 (c) The instructions for voting a straight party ticket must conform
 3 as nearly as possible to the following:
 4 "(1) To vote a straight (insert political party name) ticket for all
 5 (insert political party name) candidates on this ballot, ~~except for~~
 6 ~~candidates described in (2) below~~; make a voting mark on or in
 7 this circle and do not make any other marks on this ballot.
 8 ~~(2) To vote for any candidate for an at-large office (insert county~~
 9 ~~council, city common council, town council, or township board if~~
 10 ~~those offices appear on this ballot) to which more than one person~~
 11 ~~may be elected; you must make another voting mark for each~~
 12 ~~candidate you wish to vote for. Your straight party vote will not~~
 13 ~~count as a vote for any candidate for that office.~~
 14 ~~(3) (2) If you wish to vote for a candidate seeking a nonpartisan~~
 15 ~~office or on a public question, you must make another voting~~
 16 ~~mark on the appropriate place on this ballot."~~
 17 (d) Except as permitted under section 8(b) of this chapter, if the
 18 ballot contains an independent ticket described in section 6 of this
 19 chapter and at least one (1) other independent candidate, the ballot
 20 must also contain a statement that reads substantially as follows: "A
 21 vote cast for an independent ticket will only be counted for the
 22 candidates for President and Vice President or governor and lieutenant
 23 governor comprising that independent ticket. This vote will NOT be
 24 counted for any OTHER independent candidate appearing on the
 25 ballot."
 26 (e) Except as permitted under section 8(b) of this chapter, the ballot
 27 must also contain a statement that reads substantially as follows: "A
 28 write-in vote will NOT be counted unless the vote is for a DECLARED
 29 write-in candidate. To vote for a write-in candidate, you must make a
 30 voting mark on or in the square to the left of the name you have written
 31 in or your vote will not be counted."
 32 (f) Subject to section 10.1 of this chapter, the list of candidates of
 33 the political party shall be placed immediately under the instructions
 34 for voting a straight party ticket. The names of the candidates shall be
 35 placed three-fourths (3/4) of an inch apart from center to center of the
 36 name. The name of each candidate must have, immediately on its left,
 37 a square three-eighths (3/8) of an inch on each side.
 38 (g) The circuit court clerk may authorize the printing of ballots
 39 containing a ballot variation code to ensure that the proper version of
 40 a ballot is used within a precinct.
 41 SECTION 2. IC 3-11-2-12, AS AMENDED BY P.L.278-2019,
 42 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 12. The following offices shall be placed on
 2 the general election ballot in the following order after the public
 3 questions described in section 10(a) of this chapter:

4 (1) Federal and state offices:

5 (A) President and Vice President of the United States.

6 (B) United States Senator.

7 (C) Governor and lieutenant governor.

8 (D) Secretary of state.

9 (E) Auditor of state.

10 (F) Treasurer of state.

11 (G) Attorney general.

12 (H) United States Representative.

13 (2) Legislative offices:

14 (A) State senator.

15 (B) State representative.

16 (3) Circuit offices and county judicial offices:

17 (A) Judge of the circuit court, and unless otherwise specified
 18 under IC 33, with each division separate if there is more than
 19 one (1) judge of the circuit court.

20 (B) Judge of the superior court, and unless otherwise specified
 21 under IC 33, with each division separate if there is more than
 22 one (1) judge of the superior court.

23 (C) Judge of the probate court.

24 (D) Prosecuting attorney.

25 (E) Clerk of the circuit court.

26 (4) County offices:

27 (A) County auditor.

28 (B) County recorder.

29 (C) County treasurer.

30 (D) County sheriff.

31 (E) County coroner.

32 (F) County surveyor.

33 (G) County assessor.

34 (H) County commissioner.

35 (I) County council member. ~~except as provided in section 12.4~~
 36 ~~of this chapter.~~

37 (5) Township offices:

38 (A) Township assessor (only in a township referred to in
 39 IC 36-6-5-1(d)).

40 (B) Township trustee.

41 (C) Township board member. ~~except as provided in section~~
 42 ~~12.4 of this chapter.~~



- 1 (D) Judge of the small claims court.
 2 (E) Constable of the small claims court.
 3 (6) City offices:
 4 (A) Mayor.
 5 (B) Clerk or clerk-treasurer.
 6 (C) Judge of the city court.
 7 (D) City-county council member or common council member.
 8 ~~except as provided in section 12.4 of this chapter.~~
 9 (7) Town offices:
 10 (A) Clerk-treasurer.
 11 (B) Judge of the town court.
 12 (C) Town council member. ~~except as provided in section 12.4~~
 13 ~~of this chapter.~~

14 SECTION 3. IC 3-11-2-12.2, AS AMENDED BY P.L.74-2017,
 15 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: Sec. 12.2. (a) Whenever candidates are to be
 17 elected to an office that includes more than one (1) district, the districts
 18 shall be placed on the ballot in alphabetical or numerical order,
 19 according to the designation given to the district.

20 (b) Whenever candidates are to be elected to a school board office
 21 that includes both an at-large member and a member representing a
 22 district, the candidates seeking election as a member representing a
 23 district shall be placed on the ballot before candidates seeking election
 24 as an at-large member.

25 **(c) Whenever candidates are to be elected to an office that**
 26 **includes both an at-large member and a member representing a**
 27 **district, the candidates seeking election as at-large members shall**
 28 **be placed on the ballot before candidates seeking election to**
 29 **represent a district.**

30 SECTION 4. IC 3-11-2-12.4 IS REPEALED [EFFECTIVE UPON
 31 PASSAGE]. Sec. 12.4. (a) ~~This section applies whenever more than~~
 32 ~~one (1) candidate may be elected to an office.~~

33 (b) ~~The office shall be placed on the general election ballot after the~~
 34 ~~offices described in section 12 of this chapter and before the offices~~
 35 ~~described in section 12.9 of this chapter.~~

36 (c) ~~The ballot shall contain a statement reading substantially as~~
 37 ~~follows above the name of the first candidate: "To vote for any~~
 38 ~~candidate for this office, you must make a voting mark for each~~
 39 ~~candidate you wish to vote for. A straight party vote will not count as~~
 40 ~~a vote for any candidate for this office."~~

41 SECTION 5. IC 3-11-2-12.9, AS AMENDED BY P.L.21-2016,
 42 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 12.9. (a) School board offices to be elected at
 2 the general election shall be placed on the general election ballot after
 3 the offices described in section ~~12.4~~ 12 of this chapter with each
 4 candidate for the office designated as "nonpartisan".

5 (b) If the ballot contains a candidate for a school board office, the
 6 ballot must also contain a statement that reads substantially as follows:
 7 "To vote for a candidate for this office, make a voting mark on or in the
 8 square to the left of the candidate's name."

9 SECTION 6. IC 3-11-7-4, AS AMENDED BY P.L.278-2019,
 10 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 4. (a) ~~Except as provided in subsection (b);~~ A
 12 ballot card voting system must permit a voter to vote:

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

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

19 (3) a split ticket for the candidates of different political parties
 20 and for independent candidates; or

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

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

27 ~~(1) county council;~~

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

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

30 ~~(4) township board;~~

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

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

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

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

40 SECTION 7. IC 3-11-7.5-10, AS AMENDED BY P.L.278-2019,
 41 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 10. (a) ~~Except as provided in subsection (b);~~



- 1 An electronic voting system must permit a voter to vote:
- 2 (1) except at a primary election, a straight party ticket for all the
- 3 candidates of one (1) political party by touching the device of that
- 4 party;
- 5 (2) for one (1) or more candidates of each political party or
- 6 independent candidates, or for one (1) or more school board
- 7 candidates nominated by petition;
- 8 (3) a split ticket for the candidates of different political parties
- 9 and for independent candidates; or
- 10 (4) a straight party ticket and then split that ticket by casting
- 11 individual votes for candidates of another political party or
- 12 independent candidates.
- 13 (b) An electronic voting system must require that a voter who
- 14 wishes to cast a ballot for a candidate for election to an at-large district
- 15 to which more than one person may be elected; on a:
- 16 (1) county council;
- 17 (2) city common council;
- 18 (3) town council; or
- 19 (4) township board;
- 20 make a voting mark for each individual candidate for whom the voter
- 21 wishes to cast a vote. The electronic voting system may not count any
- 22 straight party ticket voting mark as a vote for any candidate for an
- 23 office described by this subsection.
- 24 (c) (b) An electronic voting system must permit a voter to vote:
- 25 (1) for as many candidates for an office as the voter may vote for,
- 26 but no more;
- 27 (2) for or against a public question on which the voter may vote,
- 28 but no other; and
- 29 (3) for all the candidates for presidential electors and alternate
- 30 presidential electors of a political party or an independent ticket
- 31 by making a single voting mark.
- 32 SECTION 8. IC 3-11-13-11, AS AMENDED BY P.L.278-2019,
- 33 SECTION 104, IS AMENDED TO READ AS FOLLOWS
- 34 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The ballot information,
- 35 whether placed on the ballot card or on the marking device, must be in
- 36 the order of arrangement provided for ballots under this section.
- 37 (b) Each county election board shall have the names of all
- 38 candidates for all elected offices, political party offices, and public
- 39 questions printed on a ballot card as provided in this chapter. The
- 40 county may:
- 41 (1) print all offices and questions on a single ballot card; and
- 42 (2) include a ballot variation code to ensure that the proper



- 1 version of a ballot is used within a precinct.
- 2 (c) Each type of ballot card must be of uniform size and of the same
3 quality and color of paper (except as permitted under IC 3-10-1-17).
- 4 (d) The nominees of a political party or an independent candidate
5 or independent ticket (described in IC 3-11-2-6) nominated by
6 petitioners shall be listed on the ballot with the name and device set
7 forth on the certification or petition. The circle containing the device
8 may be of any size that permits a voter to readily identify the device.
9 IC 3-11-2-5 applies if the certification or petition does not include a
10 name or device, or if the same device is selected by two (2) or more
11 parties or petitioners.
- 12 (e) The offices and public questions on the general election ballot
13 must be placed on the ballot in the order listed in IC 3-11-2-12,
14 IC 3-11-2-12.2, ~~IC 3-11-2-12.4~~, IC 3-11-2-12.5, IC 3-11-2-12.7(b),
15 IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c),
16 IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions
17 may be listed in a continuous column either vertically or horizontally
18 and on a number of separate pages.
- 19 (f) The name of each office must be printed in a uniform size in bold
20 type. A statement reading substantially as follows must be placed
21 immediately below the name of the office and above the name of the
22 first candidate:
- 23 (1) "Vote for one (1) only.", if only one (1) candidate is to be
24 elected to the office.
- 25 (2) "Vote for not more than (insert the number of candidates to be
26 elected) candidate(s) for this office.", ~~To vote for any candidate~~
27 ~~for this office, you must make a voting mark for each candidate~~
28 ~~you wish to vote for. A straight party vote will not count as a vote~~
29 ~~for any candidate for this office."~~, if more than one (1) candidate
30 is to be elected to the office.
- 31 (g) Below the name of the office and the statement required by
32 subsection (f), the names of the candidates for each office must be
33 grouped together in the following order:
- 34 (1) The major political party whose candidate received the **highest**
35 **greatest** number of votes in the county for secretary of state at the
36 last election is listed first.
- 37 (2) The major political party whose candidate received the second
38 **highest greatest** number of votes in the county for secretary of
39 state is listed second.
- 40 (3) All other political parties listed in the order that the parties'
41 candidates for secretary of state finished in the last election are
42 listed after the party listed in subdivision (2).



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



1 candidates to be elected) candidate(s) for this office.".

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

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

5 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
6 and IC 3-11-2-10(e).

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

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

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

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

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 9. IC 3-11-13-14, AS AMENDED BY P.L.21-2016,
 5 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 14. (a) In partisan elections, the ballot labels
 7 must include a voting square or position where a voter may by one (1)
 8 voting mark on each card record a straight party or an independent
 9 ticket vote for all the candidates of one (1) political party or the
 10 independent ticket, except for offices for which the voter

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

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

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

17 SECTION 10. IC 3-11-13-31.7, AS AMENDED BY P.L.21-2016,
 18 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 31.7. (a) This section is enacted to comply
 20 with 52 U.S.C. 21081 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). ~~Except as provided by~~
 2 ~~IC 3-11-7-4(b)~~, The voter's vote shall then be counted for all the
 3 candidates of that political party or included in the independent ticket
 4 (described in IC 3-11-2-6). However, if the voter marks the circle,
 5 arrow, oval, or square of an independent ticket (described in
 6 IC 3-11-2-6), the vote shall not be counted for any other independent
 7 candidate on the ballot.

8 (d) This subsection applies to a voter casting a ballot on a voting
 9 system that includes features of both an optical scan ballot card voting
 10 system and a direct record electronic voting system. After entering into
 11 a booth used with the voting system, the voter shall indicate the
 12 candidates for whom the voter desires to vote and the voter's preference
 13 on each public question by:

- 14 (1) inserting a paper ballot or an optical scan ballot into the voting
 15 system; or
 16 (2) using headphones to listen to a recorded list of political
 17 parties, candidates, and public questions.

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

- 20 (1) touching a device on or in the squares immediately adjacent
 21 to the name of a political party, candidate, or response to a public
 22 question; or
 23 (2) indicating the voter's choices by using a sip puff device that
 24 enables the voter to indicate a choice by inhaling or exhaling.

25 SECTION 11. IC 3-11-14-3.5, AS AMENDED BY P.L.21-2016,
 26 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 3.5. (a) Each county election board shall have
 28 the names of all candidates for all elected offices, political party
 29 offices, and public questions printed on ballot labels for use in an
 30 electronic voting system as provided in this chapter.

31 (b) The county may:

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

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

38 (d) The nominees of a political party or an independent candidate
 39 or independent ticket (described in IC 3-11-2-6) nominated by
 40 petitioners must be listed on the ballot label with the name and device
 41 set forth on the certification or petition. The circle containing the
 42 device may be of any size that permits a voter to readily identify the



1 device. IC 3-11-2-5 applies if the certification or petition does not
 2 include a name or device, or if the same device is selected by two (2)
 3 or more parties or petitioners.

4 (e) The ballot labels must list the offices and public questions on the
 5 general election ballot in the order listed in IC 3-11-2-12,
 6 IC 3-11-2-12.2, ~~IC 3-11-2-12.4~~, IC 3-11-2-12.5, IC 3-11-2-12.7(b),
 7 IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c),
 8 IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question
 9 may have a separate screen, or the offices and public questions may be
 10 listed in a continuous column either vertically or horizontally.

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

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

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

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

26 (1) The major political party whose candidate received the highest
 27 number of votes in the county for secretary of state at the last
 28 election is listed first.

29 (2) The major political party whose candidate received the second
 30 highest number of votes in the county for secretary of state is
 31 listed second.

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

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

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



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

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

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

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

14 (1) candidate; or

15 (2) ticket of candidates for:

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

17 (B) governor and lieutenant governor;

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

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

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

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

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

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

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

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

35 (2) in alphabetical order according to surname.

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

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



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

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

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

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

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

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

27 (o) The requirements in this section:

- 28 (1) do not replace; and
29 (2) are in addition to;

30 any other requirements in this title that apply to ballots for electronic
31 voting systems.

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

36 SECTION 12. IC 3-11-14-23, AS AMENDED BY P.L.21-2016,
37 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 23. (a) This section is enacted to comply with
39 52 U.S.C. 21081 by establishing uniform and nondiscriminatory
40 standards to define what constitutes a vote on an electronic voting
41 system.

42 (b) If a voter is not challenged by a member of the precinct election



1 board, the voter may pass the railing to the side where an electronic
 2 voting system is and into the voting booth. There the voter shall
 3 register the voter's vote in secret by indicating:

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

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

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

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

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

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

25 (2) provided the opportunity to change the ballot or correct any
 26 error in a private and independent manner before the ballot is cast
 27 and counted, including the opportunity to receive a replacement
 28 ballot if the voter is otherwise unable to change or correct the
 29 ballot; and

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

33 SECTION 13. IC 3-12-1-5, AS AMENDED BY P.L.278-2019,
 34 SECTION 137, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This subsection does not
 36 apply to a ballot card voting system or an electronic voting system.
 37 ~~Except as provided in subsection (d);~~ A voting mark made by a voter
 38 on or in a voting square at the left of a candidate's name or political
 39 party's name shall be counted as a vote for the candidate or candidates
 40 of the political party.

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



- 1 (1) on or in a circle, oval, or square; or
 2 (2) to connect a connectable arrow;
 3 immediately below or beside a candidate's name or political party's
 4 name shall be counted as a vote for the candidate or candidates of the
 5 political party. ~~except as provided in subsection (d)~~;
 6 (c) This subsection applies to a direct record electronic voting
 7 system. A voting mark made by a voter touching a touch sensitive point
 8 or button below or beside a candidate's name or political party's name
 9 shall be counted as a vote for the candidate or candidates of the
 10 political party. ~~except as provided in subsection (d)~~;
 11 (d) ~~A voter who wishes to cast a ballot for a candidate for election~~
 12 ~~to an at-large district to which more than one (1) person may be elected~~
 13 ~~on a:~~
 14 ~~(1) county council;~~
 15 ~~(2) city common council;~~
 16 ~~(3) town council; or~~
 17 ~~(4) township board;~~
 18 ~~must make a voting mark for each individual candidate for whom the~~
 19 ~~voter wishes to cast a vote. A straight ticket voting mark on a paper~~
 20 ~~ballot, ballot card voting system, or electronic voting system shall not~~
 21 ~~be counted as a straight party ticket voting mark as a vote for any~~
 22 ~~candidate for an office described by this subsection.~~
 23 SECTION 14. IC 3-12-1-7, AS AMENDED BY P.L.21-2016,
 24 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 7. (a) This subsection applies whenever a
 26 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 ~~Except as provided in subsection (d) or (e)~~; The straight ticket vote
 31 shall be counted and the individual candidate votes may not be
 32 counted.
 33 (b) This subsection applies whenever:
 34 (1) a voter has voted a straight party ticket for the candidates of
 35 one (1) political party;
 36 (2) only one (1) person may be elected to an office; and
 37 (3) the voter has voted for one (1) individual candidate for the
 38 office described in subdivision (2) who is:
 39 (A) a candidate of a political party other than the party for
 40 which the voter voted a straight ticket; or
 41 (B) an independent candidate or declared write-in candidate
 42 for the office.



1 If the voter has voted for one (1) individual candidate for the office
 2 described in subdivision (2), the individual candidate vote for that
 3 office shall be counted, the straight party ticket vote for that office may
 4 not be counted, and the straight party ticket votes for other offices on
 5 the ballot shall be counted.

6 (c) This subsection applies whenever:

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

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

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

15 (d) This subsection applies whenever:

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

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

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

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

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

25 (C) a combination of candidates described in clauses (A) and
 26 (B).

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



1 (e) This subsection applies whenever:

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

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

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

7 (A) independent candidates, declared write-in candidates, or
8 candidates of a political party other than the political party for
9 which the voter cast a straight party ticket under subdivision
10 (1); and

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

13 The individual votes cast by the voter for the office for the independent
14 candidates, the declared write-in candidates, and the candidates of a
15 political party other than the political party for which the voter cast a
16 straight party ticket ~~and the candidates of the political party for which~~
17 ~~the voter cast a straight party ticket shall be counted. unless the total~~
18 ~~number of these individual votes is greater than the number of persons~~
19 ~~to be elected to the office. The straight party ticket votes for the office~~
20 ~~shall not be counted. The individual votes cast by the voter for the~~
21 ~~office for the candidates of the same political party for which the~~
22 ~~voter cast a straight party ticket may not be counted. The straight~~
23 ~~party ticket vote cast by that voter for that office shall be counted~~
24 ~~unless the total number of votes cast for the office by the voter,~~
25 ~~when adding the voter's votes for the individual candidates for the~~
26 ~~office and the voter's straight party ticket vote for the office, is~~
27 ~~greater than the number of persons to be elected to the office. If the~~
28 ~~total number of votes cast for the office is greater than the number~~
29 ~~of persons to be elected to the office, the straight party ticket votes~~
30 ~~for that office may not be counted.~~ The straight party ticket votes for
31 other offices on the voter's ballot shall be counted.

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

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

42 (h) If a voter does not vote a straight party ticket and the number of



1 votes cast by that voter for an office exceeds the number of openings
2 for that office, none of the votes concerning that office may be counted.

3 SECTION 15. IC 3-12-1-7.5, AS AMENDED BY P.L.21-2016,
4 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 7.5. **(a) If a voter votes a straight party
6 ticket for at least one (1) office for which only one (1) person may
7 be elected and writes in the name of a candidate, the straight party
8 ticket vote shall be counted for all offices except the offices for
9 which a write-in vote was cast. The write-in vote shall be counted
10 if the voter's intent can be determined.**

11 **(b) If a voter votes a straight party ticket for an office for which
12 at least two (2) people may be elected and writes in the name of a
13 candidate, the straight party vote for that office may not be
14 counted unless:**

15 **(1) fewer candidates appear on the party's ticket than may be
16 elected; and**

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

20 **(c)** If a voter votes for one (1) individual candidate for an office
21 for which only one (1) person may be elected and also writes in the
22 name of another candidate for the same office, neither vote may be
23 counted.

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

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

34 SECTION 16. IC 3-12-1-8, AS AMENDED BY P.L.278-2019,
35 SECTION 138, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a) Except as provided in
37 subsection (b);** A voting mark made by a voter on or in a circle
38 containing a political party device shall be counted as a vote for each
39 candidate of that political party on that ballot.

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



1 (1) county council;
2 (2) city common council;
3 (3) town council; or
4 (4) township board;
5 must make a voting mark for each individual candidate for whom the
6 voter wishes to cast a vote. A voting mark on or in a circle containing
7 a political party device shall not be counted as a straight party ticket
8 voting mark as a vote for any candidate for an office described by this
9 subsection.
10 SECTION 17. An emergency is declared for this act.

