

SENATE BILL No. 106

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5-3-1; IC 3-12-4-19; IC 3-13.

Synopsis: Political parties and ballot access. Reduces the minimum number of votes cast at an election required for certain purposes from 2% of the votes cast in the last election for secretary of state to 0.5% of the votes cast at the most recent election for secretary of state. Defines "standard political party" as any of the following political parties: (1) A major political party. (2) A political party whose nominee for secretary of state received at least 0.5% of the total vote cast for secretary of state at the most recent election for secretary of state. (3) A political party that has obtained at least 4,500 signatures of voters in the state, including at least 500 signatures of voters from each congressional district, on a petition of nomination under IC 3-8-6-3. Permits a standard political party to nominate candidates by convention. Makes conforming amendments.

Effective: January 1, 2021.

Walker

January 13, 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. 106

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 3-5-2-5.5 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 5.5. "Bona fide
- 3 political party" means **any of the following:**
- 4 (1) A **major standard** political party. ~~or~~
- 5 (2) A political party that has:
- 6 (A) nominated at least one (1) candidate for political office
- 7 during the preceding five (5) years;
- 8 (B) held a convention; or
- 9 (C) raised money and filed the financial reports required by
- 10 law.
- 11 SECTION 2. IC 3-5-2-48.9 IS ADDED TO THE INDIANA CODE
- 12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 13 JANUARY 1, 2021]: **Sec. 48.9. "Standard political party" means**
- 14 **any of the following:**
- 15 (1) A **major political party.**
- 16 (2) A **political party whose nominee for secretary of state**
- 17 **received at least one-half of one percent (0.5%) of the total**



1 votes cast for secretary of state at the most recent election for
2 secretary of state.

3 **(3) A political party that obtained at least four thousand five**
4 **hundred (4,500) signatures of voters in Indiana, including at**
5 **least five hundred (500) signatures of voters from each**
6 **congressional district, on a petition of nomination under**
7 **IC 3-8-6-3.**

8 SECTION 3. IC 3-5-4-8, AS AMENDED BY P.L.169-2015,
9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JANUARY 1, 2021]: Sec. 8. (a) Except as provided in subsection (e),
11 but notwithstanding any other statute, whenever the election division
12 acts under IC 3-6-4.2-12 to approve a uniform election or registration
13 form for use throughout Indiana or to approve a revision to an existing
14 form, a person must use the most recent version of the form approved
15 by the election division to comply with this title after the effective date
16 of the election division's order approving the form.

17 (b) Except as provided in subsection (d) or (f), before an order
18 approving a form takes effect under this section, the election division
19 shall transmit a copy of each form or revised form approved by the
20 order to the following:

21 (1) Each circuit court clerk, if the election division determines
22 that the form is primarily used by a candidate, a county election
23 board member, a county or town political party, or for absentee or
24 provisional ballot purposes.

25 (2) Each county voter registration office, if the election division
26 determines that the form is primarily used in voter registration.

27 (3) The state chairman of each ~~major~~ **standard** political party.

28 (4) The state chairman of any other political party who has filed
29 a written request with the election division during the preceding
30 twelve (12) months to be furnished with copies of forms.

31 (c) The election division, an election board, a circuit court clerk, a
32 county voter registration office, or any other official responsible for
33 receiving a filing under this title shall reject a filing that does not
34 comply with this section.

35 (d) The election division shall specify the effective date of the form
36 or revised form and may do any of the following:

37 (1) Delay the effective date of the approval of a form or revised
38 form.

39 (2) Permit an earlier approved version of the form or an
40 alternative form to be used before the effective date of the form.

41 (3) Provide for a retroactive effective date for the approval of the
42 form.



1 (e) The election division may allow an earlier approved version of
2 the form to be used if the:

3 (1) earlier version of the form complies with all other
4 requirements imposed under federal law or this title; and

5 (2) election division determines that the existing stock of the form
6 should be exhausted to prevent waste and unnecessary expense.

7 (f) This subsection applies to a form that the election division
8 determines is used primarily by the election division. The election
9 division may provide that an order concerning a form described by this
10 subsection is effective immediately upon adoption, without any
11 requirement to distribute the form to other persons.

12 (g) A form approved by the commission under this section before
13 July 1, 2015, is considered to be approved by the election division
14 without any further action by the election division being required.

15 SECTION 4. IC 3-6-2-10.5, AS AMENDED BY P.L.278-2019,
16 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JANUARY 1, 2021]: Sec. 10.5. The county chairman of a **major**
18 **standard** political party shall, upon the request of a person who is
19 serving in an elected office (as defined in IC 3-5-2-17), provide to that
20 person the name and address of the precinct committeeman and vice
21 committeeman of that party for each precinct in the county.

22 SECTION 5. IC 3-6-5-14, AS AMENDED BY P.L.258-2013,
23 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JANUARY 1, 2021]: Sec. 14. (a) Each county election board, in
25 addition to duties otherwise prescribed by law, shall do the following:

26 (1) Conduct all elections and administer the election laws within
27 the county, except as provided in IC 3-8-5 and IC 3-10-7 for town
28 conventions and municipal elections in certain small towns.

29 (2) Prepare all ballots.

30 (3) Distribute all ballots to all of the precincts in the county.

31 (b) Not later than the Monday before distributing ballots and voting
32 systems to the precincts in the county, the county election board shall
33 notify the county chairman of:

34 (1) each **major standard** political party; and

35 (2) upon request, the chairman of any other bona fide political
36 party in the county;

37 that sample ballots are available for inspection.

38 SECTION 6. IC 3-6-6-4 IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JANUARY 1, 2021]: Sec. 4. (a) A county election board
40 shall adopt a written resolution not later than twenty-eight (28) days
41 before election day designating the precincts for which assistant clerks
42 are to be appointed.



1 **(b)** The county election board shall file a copy of the resolution in
 2 the office of the circuit court clerk and shall mail copies to the county
 3 chairmen of the **major standard** political parties of the county.

4 SECTION 7. IC 3-6-7-1, AS AMENDED BY P.L.74-2017,
 5 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2021]: Sec. 1. (a) Each political party or independent
 7 candidate may appoint challengers and pollbook holders for each
 8 precinct in which the political party or independent candidate is on the
 9 ballot.

10 (b) This subsection applies to a public question that is submitted to
 11 the electorate. A county election board may appoint challengers and
 12 pollbook holders if a petition requesting the appointment is filed with
 13 the board. The petition must be signed by:

14 (1) the chairman of a political action committee organized under
 15 IC 3-9 to support or oppose the approval of the public question;
 16 and

17 (2) at least the number of voters equal to ~~two percent (2%)~~
 18 **one-half of one percent (0.5%)** of the votes cast in the ~~last most~~
 19 **recent** election for secretary of state in the county.

20 (c) A challenger must be at least eighteen (18) years of age.

21 (d) The county election board, county chairman, other local
 22 chairman of the party, or independent candidate:

23 (1) must make the appointments in writing; and

24 (2) shall issue one (1) identification card for each person
 25 appointed under this section.

26 (e) Except as provided in subsections (f) and (g), each political party
 27 or independent candidate described in subsection (a) or a political
 28 action committee described in subsection (b) may have only one (1)
 29 challenger and one (1) pollbook holder present at each precinct's polls
 30 at any time during election day.

31 (f) If more than one (1) precinct votes at the same polling place, the
 32 number of challengers and pollbook holders of each political party or
 33 independent candidate described in subsection (a) or a political action
 34 committee described in subsection (b) entitled to be present at the
 35 polling place equals the number of precincts voting at the polling place.

36 (g) In a county designated as a vote center county under
 37 IC 3-11-18.1, the number of challengers and pollbook holders of each
 38 political party or independent candidate described in subsection (a) or
 39 a political action committee described in subsection (b) entitled to be
 40 present at the vote center is one (1) challenger and one (1) pollbook
 41 holder for:

42 (1) each electronic poll book station present at the vote center; or



- 1 (2) the number of electronic poll book stations specified in the
 2 county vote center plan for the vote center;
 3 whichever is greater.
- 4 (h) The challenger and pollbook holder present at the polls must
 5 possess an identification card issued under subsection (d).
- 6 (i) The identification card issued under subsection (d) must clearly
 7 state the following:
- 8 (1) The status of the individual as an appointed challenger or
 9 pollbook holder.
- 10 (2) The name of the individual serving as a challenger or pollbook
 11 holder.
- 12 (3) The name of the person who appointed the individual as a
 13 challenger or pollbook holder, and whether the person is a
 14 political party, an independent candidate, or a county election
 15 board.
- 16 (4) If the challenger or pollbook holder has been appointed by a
 17 political party, the name of the political party.
- 18 SECTION 8. IC 3-6-8-1, AS AMENDED BY P.L.74-2017,
 19 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JANUARY 1, 2021]: Sec. 1. (a) The state chairman and county
 21 chairman of each bona fide political party or an independent candidate
 22 for a federal or a state office are entitled to appoint watchers at each
 23 precinct in which the political party or independent candidate is on the
 24 ballot.
- 25 (b) This subsection applies to a public question that is submitted to
 26 the electorate. A county election board may appoint watchers if a
 27 petition requesting the appointment is filed with the board. The petition
 28 must be signed by:
- 29 (1) the chairman of a political action committee organized under
 30 IC 3-9 to support or oppose the approval of the public question;
 31 and
- 32 (2) at least the number of voters equal to ~~two percent (2%)~~
 33 **one-half of one percent (0.5%)** of the votes cast in the ~~last most~~
 34 **recent** election for secretary of state in the county.
- 35 (c) Except as provided in subsections (d), (e), and (f), at any time
 36 during election day, each political action committee, each political
 37 party, or an independent candidate for a federal or a state office may
 38 have only one (1) watcher present at each precinct's polls.
- 39 (d) If both the state chairman and the county chairman of a political
 40 party have appointed watchers within the county, the political party
 41 may have two (2) watchers present at the polls of each precinct of the
 42 county or at each electronic poll book station at any time during



1 election day.

2 (e) If more than one (1) precinct votes at the same polling place, the
3 number of watchers of each political party, an independent candidate
4 for federal or state office, or each political action committee described
5 in subsection (b) entitled to be present at the polling place equals the
6 number of precincts voting at the polling place.

7 (f) In a county designated as a vote center county under
8 IC 3-11-18.1, the number of watchers of each political party, an
9 independent candidate for federal or state office, or each political
10 action committee described in subsection (b) entitled to be present at
11 the vote center is one (1) watcher for:

- 12 (1) each electronic poll book station present at the vote center; or
13 (2) the number of electronic poll book stations specified in the
14 county vote center plan for the vote center;

15 whichever is greater.

16 SECTION 9. IC 3-7-26.4-6, AS AMENDED BY P.L.64-2014,
17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JANUARY 1, 2021]: Sec. 6. Upon request, and not later than five (5)
19 days after the request is filed with the election division, the election
20 division shall provide a complete compilation of the voter registration
21 information contained in the computerized list, including any format
22 information or other information necessary to decode the data, to any
23 of the following entities:

- 24 (1) The state committee of a **major standard** political party.
25 (2) The state organization of a bona fide political party that is not
26 a **major standard** political party if the party has at least two (2)
27 candidates on the ballot in the next election.
28 (3) The committee of an independent candidate for federal or state
29 office if the candidate is on the ballot in the next general election.
30 (4) A member of the media for publication in a news broadcast or
31 newspaper.
32 (5) The chief justice of the supreme court, for purposes of state
33 administration of a jury management system.
34 (6) The clerk of the:
35 (A) United States District Court for the Northern District of
36 Indiana; and
37 (B) United States District Court for the Southern District of
38 Indiana;
39 for purposes of administration of a jury management system.
40 (7) Each of the following:
41 (A) The speaker of the house of representatives.
42 (B) The minority leader of the house of representatives.



1 (C) The president pro tempore of the senate.

2 (D) The minority leader of the senate.

3 SECTION 10. IC 3-7-28-2, AS AMENDED BY P.L.258-2013,
4 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2021]: Sec. 2. (a) This section does not apply to
6 confidential information included on a voter registration application.

7 (b) A report containing information regarding all registration
8 applications executed under this article during that part of a registration
9 period ending sixty-five (65) days before a primary, general, or
10 municipal election shall be forwarded not later than sixty (60) days
11 before the election to the following upon request:

12 (1) Each of the county chairmen of the **major standard** political
13 parties of the county.

14 (2) The chairman of the following:

15 (A) A bona fide political party that has at least one (1)
16 candidate on the ballot of the election.

17 (B) An independent candidate's committee if the candidate is
18 on the ballot at the election.

19 SECTION 11. IC 3-7-28-3, AS AMENDED BY P.L.258-2013,
20 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JANUARY 1, 2021]: Sec. 3. (a) This section does not apply to
22 confidential information included on a voter registration application.

23 (b) A report containing information regarding all registration
24 applications executed under this article during that part of a registration
25 period beginning sixty-five (65) days before a primary, general, or
26 municipal election and ending twenty-nine (29) days before the
27 election shall be forwarded daily and within forty-eight (48) hours of
28 the date on which the report was originally made to the following upon
29 request:

30 (1) Each of the county chairmen of the **major standard** political
31 parties of the county.

32 (2) The chairman of the following:

33 (A) A bona fide political party that has at least one (1)
34 candidate on the ballot of the election.

35 (B) An independent candidate's committee if the candidate is
36 on the ballot at the election.

37 SECTION 12. IC 3-7-28-4 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 4. After the
39 county election board receives a written request from the county
40 chairman of a **major political party**, **under section 3 of this chapter**,
41 one (1) copy of the registered voter list prepared for the inspector of
42 each precinct under IC 3-7-29-1 shall be furnished to the county



1 chairman making the request. The copy shall be furnished to the county
2 chairman as soon as the lists are prepared.

3 SECTION 13. IC 3-7-28-8 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 8. The circuit
5 court clerk or board of registration shall send a list of voters who are
6 mailed voter list maintenance notices under this article to the following
7 upon request:

8 (1) The county chairmen of the **major standard** political parties
9 of the county.

10 (2) The chairman of the following:

11 (A) A bona fide political party of the county.

12 (B) An independent candidate's committee, if the independent
13 candidate is on the ballot for the next election to be conducted
14 in the county.

15 SECTION 14. IC 3-7-28-10 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 10. The circuit
17 court clerk or board of registration shall furnish copies of the master
18 list, as described in section 9 of this chapter, to the following upon
19 request:

20 (1) The county chairmen of the **major standard** political parties
21 of the county.

22 (2) The chairman of the following:

23 (A) A bona fide political party of the county.

24 (B) An independent candidate's committee if the candidate is
25 on the ballot for the next general election to be conducted in
26 the county.

27 SECTION 15. IC 3-7-28-12, AS AMENDED BY P.L.225-2011,
28 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JANUARY 1, 2021]: Sec. 12. (a) Each county voter registration office
30 shall send a list of the deceased persons whose registrations have been
31 canceled to the following upon request:

32 (1) The county chairman of each **major standard** political party
33 of the county.

34 (2) The chairman of the following:

35 (A) A bona fide political party of the county.

36 (B) An independent candidate's committee, if the candidate is
37 on the ballot for the next election to be conducted in the
38 county.

39 (b) A request filed under this section may state that the list is to
40 include only cancellations made by the county voter registration office
41 within a period specified in the request.

42 SECTION 16. IC 3-7-28-13, AS AMENDED BY P.L.225-2011,



1 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2021]: Sec. 13. (a) Each county voter registration office
3 shall send a list of disfranchised voters whose registrations have been
4 canceled to the following upon request:

5 (1) The county chairmen of the **major standard** political parties
6 of the county.

7 (2) The chairman of the following:

8 (A) A bona fide political party of the county.

9 (B) An independent candidate's committee, if the candidate is
10 on the ballot for the next general election to be conducted in
11 the county.

12 (b) A request filed under this section may state that the list is to
13 include only cancellations made by the county voter registration office
14 within a period specified in the request.

15 SECTION 17. IC 3-7-28-14, AS AMENDED BY P.L.219-2013,
16 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JANUARY 1, 2021]: Sec. 14. (a) Each county voter registration office
18 shall provide a list of the names and addresses of all voters whose
19 registrations have been canceled under this article to the following
20 upon request:

21 (1) The county chairmen of the **major standard** political parties
22 of the county.

23 (2) The chairman of the following:

24 (A) A bona fide political party of the county.

25 (B) An independent candidate's committee participating in a
26 primary, general, or municipal election.

27 Upon request the county voter registration office shall report
28 cancellations daily and within forty-eight (48) hours after the day on
29 which the cancellations were made, until election day.

30 (b) A request filed under this section may state that the list is to
31 include only cancellations made by the county voter registration office
32 within a period specified in the request.

33 SECTION 18. IC 3-8-1-2, AS AMENDED BY P.L.278-2019,
34 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JANUARY 1, 2021]: Sec. 2. (a) This section does not apply to a
36 candidate challenged under IC 3-8-8.

37 (b) The commission, a county election board, or a town election
38 board shall act if a candidate (or a person acting on behalf of a
39 candidate in accordance with state law) has filed any of the following:

40 (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.

41 (2) A request for ballot placement in a presidential primary under
42 IC 3-8-3.



- 1 (3) A petition of nomination or candidate's consent to nomination
 2 under IC 3-8-2.5 or IC 3-8-6.
- 3 (4) A certificate of nomination under IC 3-8-5, IC 3-8-7,
 4 IC 3-10-2-15, or IC 3-10-6-12.
- 5 (5) A certificate of candidate selection under IC 3-13-1 or
 6 IC 3-13-2.
- 7 (6) A declaration of intent to be a write-in candidate under
 8 IC 3-8-2-2.5.
- 9 (7) A contest to the denial of certification under IC 3-8-2.5 or
 10 IC 3-8-6-12.
- 11 (c) The commission has jurisdiction to act under this section with
 12 regard to any filing described in subsection (b) that was made with the
 13 election division. Except for a filing under the jurisdiction of a town
 14 election board, a county election board has jurisdiction to act under this
 15 section with regard to any filing described in subsection (b) that was
 16 made with the county election board, county voter registration office,
 17 or the circuit court clerk. A town election board has jurisdiction to act
 18 under this section with regard to any filing that was made with the
 19 county election board, the county voter registration office, or the circuit
 20 court clerk for nomination or election to a town office.
- 21 (d) Except as provided in subsection (f), before the commission or
 22 election board acts under this section, a registered voter of the election
 23 district that a candidate seeks to represent or a county chairman of a
 24 **major standard** political party of a county in which any part of the
 25 election district is located must file a sworn statement before a person
 26 authorized to administer oaths, with the election division or election
 27 board:
- 28 (1) questioning the eligibility of the candidate to seek the office;
 29 and
- 30 (2) setting forth the facts known to the voter or county chairman
 31 of a **major political party of a county** concerning this question.
- 32 (e) The eligibility of a write-in candidate or a candidate nominated
 33 by a convention, petition, or primary may not be challenged under this
 34 section if the commission or board determines that all of the following
 35 occurred:
- 36 (1) The eligibility of the candidate was challenged under this
 37 section before the candidate was nominated.
- 38 (2) The commission or board conducted a hearing on the affidavit
 39 before the nomination.
- 40 (3) This challenge would be based on substantially the same
 41 grounds as the previous challenge to the candidate.
- 42 (f) Before the commission or election board can consider a contest



1 to the denial of a certification under IC 3-8-2.5 or IC 3-8-6-12, a
 2 candidate (or a person acting on behalf of a candidate in accordance
 3 with state law) must file a sworn statement with the election division
 4 or election board:

- 5 (1) stating specifically the basis for the contest; and
- 6 (2) setting forth the facts known to the candidate supporting the
 7 basis for the contest.

8 (g) Upon the filing of a sworn statement under subsection (d) or (f),
 9 the commission or election board shall determine the validity of the
 10 questioned:

- 11 (1) declaration of candidacy;
- 12 (2) declaration of intent to be a write-in candidate;
- 13 (3) request for ballot placement under IC 3-8-3;
- 14 (4) petition of nomination;
- 15 (5) certificate of nomination;
- 16 (6) certificate of candidate selection issued under IC 3-13-1-15 or
 17 IC 3-13-2-8; or
- 18 (7) denial of a certification under IC 3-8-2.5 or IC 3-8-6-12.

19 (h) The commission or election board shall deny a filing if the
 20 commission or election board determines that the candidate has not
 21 complied with the applicable requirements for the candidate set forth
 22 in the Constitution of the United States, the Constitution of the State of
 23 Indiana, or this title.

24 SECTION 19. IC 3-8-2-4, AS AMENDED BY P.L.219-2013,
 25 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JANUARY 1, 2021]: Sec. 4. (a) A declaration of candidacy for a
 27 primary election must be filed not later than noon eighty-eight (88)
 28 days and not earlier than one hundred eighteen (118) days before the
 29 primary election. The declaration must be subscribed and sworn to
 30 before a person authorized to administer oaths.

31 (b) A declaration of intent to be a write-in candidate must be filed:

- 32 (1) not earlier than the first date specified in IC 3-8-6-10(b) for
 33 the timely filing of a petition of nomination; and
- 34 (2) not later than noon on the date specified by IC 3-13-1-15(c)
 35 for a **major standard** political party to file a certificate of
 36 candidate selection.

37 The declaration must be subscribed and sworn to before a person
 38 authorized to administer oaths.

39 (c) During a year in which a federal decennial census, federal
 40 special census, special tabulation, or corrected population count
 41 becomes effective under IC 1-1-3.5, a declaration of:

- 42 (1) candidacy may be filed for an office that will appear on the



1 primary election ballot; or

2 (2) intent to be a write-in candidate may be filed for an office that
3 will appear on the general, municipal, or school board election
4 ballot;

5 that year as a result of the new tabulation of population or corrected
6 population count.

7 SECTION 20. IC 3-8-4-1 IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JANUARY 1, 2021]: Sec. 1. This chapter applies to each
9 **standard** political party in the state. ~~whose nominee received at least~~
10 ~~two percent (2%) of the total vote cast for secretary of state at the last~~
11 ~~election.~~

12 SECTION 21. IC 3-8-4-10, AS AMENDED BY P.L.278-2019,
13 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2021]: Sec. 10. (a) This section applies to a political
15 party whose nominee received at least ~~two percent (2%)~~ **one-half of**
16 **one percent (0.5%)** but less than ten percent (10%) of the votes cast
17 for secretary of state at the **most recent** election for that office.

18 (b) A political party subject to this section shall also nominate the
19 party's candidates for the following offices at the state convention of
20 the party:

- 21 (1) United States Senator.
- 22 (2) United States Representative.
- 23 (3) Governor.
- 24 (4) Legislative office.
- 25 (5) A local office listed in IC 3-8-2-5.

26 (c) A question concerning the validity of a candidate's nomination
27 under this section for a federal office or a local office listed in
28 IC 3-8-2-5 shall be determined by the commission in accordance with
29 IC 3-13-1-16.5(a).

30 SECTION 22. IC 3-8-6-3 IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JANUARY 1, 2021]: Sec. 3. (a) A petition of nomination
32 must be signed by the number of voters equal to ~~two percent (2%)~~
33 **one-half of one percent (0.5%)** of the total vote cast at the ~~last~~ **most**
34 **recent** election for secretary of state in the election district that the
35 candidate seeks to represent.

36 (b) In determining the number of signatures required under this
37 section, any fraction in excess of a whole number must be disregarded.

38 SECTION 23. IC 3-8-7-6, AS AMENDED BY P.L.64-2014,
39 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JANUARY 1, 2021]: Sec. 6. (a) Not later than noon ten (10) days after
41 the certification of the canvass performed by the election division
42 under IC 3-10-1-34, the secretary of state shall furnish to the state



1 chairman of each **major standard** political party of the state a list,
2 certified under the secretary's hand and seal.

3 (b) The list described in subsection (a) must:

4 (1) contain the names of all candidates shown to be nominated by
5 the canvass of the election division conducted under
6 IC 3-10-1-34; and

7 (2) include the address of each candidate.

8 (c) No other form of certification of nomination for office is
9 necessary for an individual included on the list described by this
10 section.

11 SECTION 24. IC 3-8-7-6.5 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 6.5. (a) Not later
13 than noon ten (10) days after receipt of the delegate lists from each
14 circuit court clerk under section 5 of this chapter, the secretary of state
15 shall furnish to the state chairman of each **major standard** political
16 party of the state a list of individuals elected as delegates to the
17 convention of the chairman's political party.

18 (b) The list described under subsection (a) must:

19 (1) contain the names of all delegates elected, as certified by the
20 circuit court clerks under section 5 of this chapter; and

21 (2) include the address of each delegate.

22 (c) The delegate lists must be certified separately from the candidate
23 lists certified under section 6 of this chapter and may not contain the
24 name of an individual appointed to serve as a state convention delegate.

25 SECTION 25. IC 3-8-7-25, AS AMENDED BY P.L.169-2015,
26 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JANUARY 1, 2021]: Sec. 25. Each county election board shall have
28 printed on the respective general, special, or municipal election ballots
29 the names of the following candidates:

30 (1) Nominees chosen at a primary election under IC 3-10 and
31 certified as required by this chapter.

32 (2) Nominees chosen by a convention of a **standard** political
33 party in the state ~~whose candidate received at least two percent~~
34 ~~(2%) of the total vote cast for secretary of state at the last election~~
35 and certified under section 8 of this chapter.

36 (3) Nominees nominated by petition under IC 3-8-6.

37 (4) Nominees selected to fill a candidate vacancy under IC 3-13-1
38 or IC 3-13-2.

39 SECTION 26. IC 3-10-2-15 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 15. (a) This
41 section applies to a political party whose nominee received at least ~~two~~
42 ~~percent (2%)~~ **one-half of one percent (0.5%)** but less than ten percent



1 (10%) of the votes cast for secretary of state at the **last most recent**
 2 election for that office.

3 (b) This section applies only to a local office that is:

4 (1) not listed in IC 3-8-2-5; and

5 (2) not a municipal office subject to IC 3-8-5-17 or IC 3-10-6-12.

6 (c) A political party subject to this section shall nominate the party's
 7 candidate for a local office at a county convention of the party
 8 conducted not later than noon on the date specified by
 9 IC 3-13-1-7(a)(1) for a **major standard** political party to act to fill a
 10 candidate vacancy.

11 (d) The chairman and secretary of the convention shall execute a
 12 certificate of nomination in writing, setting out the following:

13 (1) The name of each nominee as:

14 (A) the nominee wants the nominee's name to appear on the
 15 ballot; and

16 (B) the nominee's name is permitted to appear on the ballot
 17 under IC 3-5-7.

18 (2) The residence address of each nominee.

19 (3) The office for which each nominee was nominated.

20 (4) That each nominee is legally qualified to hold office.

21 (5) The political party device or emblem by which the ticket will
 22 be designated on the ballot.

23 Both the chairman and secretary shall acknowledge the certificate
 24 before an officer authorized to take acknowledgment of deeds.

25 (e) Each candidate nominated under this section shall execute a
 26 consent to the nomination in the same form as a candidate nominated
 27 by petition under IC 3-8-6.

28 (f) The certificate required by subsection (d) and the consent
 29 required by subsection (e) must be filed with the circuit court clerk of
 30 the county containing the greatest percentage of population of the
 31 election district for which the candidate has been nominated by the
 32 convention not later than noon on the date specified by IC 3-13-1-15(c)
 33 for a **major standard** political party to file a certificate of candidate
 34 selection.

35 (g) A candidate's consent to the nomination must include a
 36 statement that the candidate requests the name on the candidate's voter
 37 registration record be the same as the name the candidate uses on the
 38 consent to the nomination. If there is a difference between the name on
 39 the candidate's consent to the nomination and the name on the
 40 candidate's voter registration record, the officer with whom the consent
 41 to the nomination is filed shall forward the information to the voter
 42 registration officer of the appropriate county. The voter registration



1 officer of the appropriate county shall change the name on the
 2 candidate's voter registration record to be the same as the name on the
 3 candidate's consent to the nomination.

4 (h) A question concerning the validity of a candidate's nomination
 5 under this section shall be determined by a county election board in
 6 accordance with IC 3-13-1-16.5(b) and IC 3-13-1-16.5(c).

7 (i) A nominee who wants to withdraw must file a notice of
 8 withdrawal in accordance with IC 3-8-7-28.

9 SECTION 27. IC 3-10-4-5, AS AMENDED BY P.L.201-2017,
 10 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JANUARY 1, 2021]: Sec. 5. (a) This subsection applies to a **major**
 12 **standard** political party. ~~and to a political party subject to IC 3-8-4-10.~~
 13 The state chairman of each political party shall certify to the election
 14 division the names of the nominees of the party for President and Vice
 15 President of the United States and the state of which each nominee is
 16 a resident.

17 (b) If candidates for presidential electors and alternate presidential
 18 electors are nominated by petitioners instead of by a convention of a
 19 **major standard** political party, ~~or a party subject to IC 3-8-4-10;~~ the
 20 petitioners shall certify with the list of names of the presidential
 21 electors the following:

- 22 (1) The names of their nominees for President and Vice President
 23 of the United States.
- 24 (2) The state of which each nominee is a resident.
- 25 (3) The name of the political party of the nominees, or that the
 26 nominees are an independent ticket.

27 (c) This subsection applies to a political party described in
 28 subsection (a) and to candidates nominated by petitioners under
 29 subsection (b). The names of:

- 30 (1) all candidates for:
 - 31 (A) presidential electors; and
 - 32 (B) alternate presidential electors; and
- 33 (2) all nominees for President and Vice President of the United
 34 States;

35 shall be certified to the election division not later than noon on the
 36 second Tuesday in September before the general election. The election
 37 division shall certify to each county election board not later than noon
 38 on the next following Thursday in September before the general
 39 election the names of the nominees for President and Vice President of
 40 the United States certified to the election division under this
 41 subsection.

42 (d) The names of all candidates for presidential electors and



1 alternate presidential electors for a write-in candidate shall be included
 2 on the declaration for candidacy filed by a write-in candidate for the
 3 office of President or Vice President of the United States filed under
 4 IC 3-8-2.

5 SECTION 28. IC 3-10-6-12 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 12. (a) This
 7 section applies to a political party:

8 (1) not qualified to conduct a primary election under IC 3-10; and

9 (2) not required to nominate candidates by a petition of
 10 nomination under IC 3-8-6.

11 (b) The political party may conduct a convention to nominate
 12 candidates for city or town office not later than noon on the date
 13 specified by IC 3-13-1-7(a)(1) for a **major standard** political party to
 14 act to fill a candidate vacancy.

15 (c) The chairman and secretary of the convention shall execute and
 16 acknowledge a certificate setting forth the nominees of the convention
 17 in accordance with IC 3-8-5-13. The certificate must be filed with the
 18 circuit court clerk of the county containing the greatest percentage of
 19 population of the municipality not later than noon on the date specified
 20 by IC 3-13-1-15(c) for a **major standard** political party to file a
 21 certificate of candidate selection.

22 (d) Each candidate nominated under this section shall execute a
 23 consent to the nomination in the same form as a candidate nominated
 24 by petition under IC 3-8-6. The consent must be filed with the
 25 certificate under subsection (c).

26 (e) A candidate's consent to the nomination must include a
 27 statement that the candidate requests the name on the candidate's voter
 28 registration record be the same as the name the candidate uses on the
 29 consent to the nomination. If there is a difference between the name on
 30 the candidate's consent to the nomination and the name on the
 31 candidate's voter registration record, the officer with whom the consent
 32 to the nomination is filed shall forward the information to the voter
 33 registration officer of the appropriate county as required by
 34 IC 3-5-7-6(e). The voter registration officer of the appropriate county
 35 shall change the name on the candidate's voter registration record to be
 36 the same as the name on the candidate's consent to the nomination.

37 (f) A question concerning the validity of a candidate's nomination
 38 under this section shall be determined by a county election board in
 39 accordance with IC 3-13-1-16.5(b) and IC 3-13-1-16.5(c).

40 (g) A nominee who wants to withdraw must file a notice of
 41 withdrawal in accordance with IC 3-8-7-28.

42 SECTION 29. IC 3-10-6-12.5 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 12.5. (a) This
2 section applies to a candidate:

- 3 (1) of a political party that is not a **major standard** political party;
4 and
5 (2) nominated by a convention under section 12 of this chapter.

6 (b) A county election board may not include the name of a candidate
7 on the municipal election ballot if the person files a notice to withdraw
8 with the board. The notice must:

- 9 (1) be signed and acknowledged before an officer authorized to
10 take acknowledgments of deeds;
11 (2) have the certificate of acknowledgment appended to the
12 notice; and
13 (3) be filed with the board not later than noon three (3) days after
14 the adjournment of the convention.

15 SECTION 30. IC 3-11-2-5, AS AMENDED BY P.L.230-2005,
16 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JANUARY 1, 2021]: Sec. 5. The nominees of a:

- 18 (1) ~~major standard~~ political party; **or**
19 (2) ~~political party described by IC 3-8-4-10~~; **or**
20 (3) (2) group of petitioners under IC 3-8-6 who are identified by
21 the petition as the nominees of a political party;

22 shall be listed on the ballots under the name of the party or petitioners
23 as designated by them in their certificate or petition. If the same device
24 is selected by two (2) parties it shall be given to the party that first filed
25 the device under IC 3-8-7-11.

26 SECTION 31. IC 3-11-2-6 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 6. (a) The device
28 named and list of nominees shall be placed on the ballots as follows:

- 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 in the first column or row on the left
32 side of all ballots.
33 (2) The ~~major~~ political party whose candidate received the second
34 **highest greatest** number of votes in the county for secretary of
35 state at the ~~last most recent~~ election in the second column or row.
36 (3) Any other political party in the same order.

37 (b) If a political party did not have a candidate for secretary of state
38 in the ~~last most recent~~ election or a nominee is an independent
39 candidate (or an independent ticket for President and Vice President of
40 the United States or for governor and lieutenant governor), the party or
41 independent candidate or ticket shall be placed on the ballot after the
42 parties described in subsection (a). If more than one (1) political party



1 or independent candidate or ticket that has qualified to be on the ballot
 2 did not have a candidate for secretary of state in the ~~last~~ **most recent**
 3 election, those parties, candidates, or tickets shall be listed on the ballot
 4 in the order in which the party filed its petition of nomination under
 5 IC 3-8-6-12.

6 (c) Subject to subsection (e), a column or row for write-in voting
 7 shall be placed to the right of all party and independent columns on the
 8 ballot.

9 (d) This subsection applies to a county having a population of more
 10 than four hundred thousand (400,000) but less than seven hundred
 11 thousand (700,000). If there is insufficient room on a row to list each
 12 candidate of a political party, a second or subsequent row may be
 13 utilized. However, a second or subsequent row may not be utilized
 14 unless the first row, and all preceding rows, have been filled.

15 (e) A column or row for write-in voting for an office is not required
 16 if there are no declared write-in candidates for that office. However,
 17 procedures must be implemented to permit write-in voting for
 18 candidates for federal offices.

19 SECTION 32. IC 3-11-13-11, AS AMENDED BY P.L.278-2019,
 20 SECTION 104, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JANUARY 1, 2021]: Sec. 11. (a) The ballot information,
 22 whether placed on the ballot card or on the marking device, must be in
 23 the order of arrangement provided for ballots under this section.

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

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

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

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

41 (e) The offices and public questions on the general election ballot
 42 must be placed on the ballot in the order listed in IC 3-11-2-12,



1 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),
 2 IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c),
 3 IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions
 4 may be listed in a continuous column either vertically or horizontally
 5 and on a number of separate pages.

6 (f) The name of each office must be printed in a uniform size in bold
 7 type. 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:

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

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

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

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

24 (2) The major political party whose candidate received the second
 25 ~~highest~~ **greatest** number of votes in the county for secretary of
 26 state is listed second.

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

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

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

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

42 (7) The name of a write-in candidate may not be listed on the



- 1 ballot.
- 2 (h) The names of the candidates grouped in the order established by
 3 subsection (g) must be printed in type with uniform capital letters and
 4 have a uniform space between each name. The name of the candidate's
 5 political party, or the word "Independent" if the:
- 6 (1) candidate; or
 7 (2) ticket of candidates for:
- 8 (A) President and Vice President of the United States; or
 9 (B) governor and lieutenant governor;
- 10 is independent, must be placed immediately below or beside the name
 11 of the candidate and must be printed in a uniform size and type.
- 12 (i) All the candidates of the same political party for election to
 13 at-large seats on the fiscal or legislative body of a political subdivision
 14 must be grouped together:
- 15 (1) under the name of the office that the candidates are seeking;
 16 (2) in the order established by subsection (g); and
 17 (3) within the political party, in alphabetical order according to
 18 surname.
- 19 A statement reading substantially as follows must be placed
 20 immediately below the name of the office and above the name of the
 21 first candidate: "Vote for not more than (insert the number of
 22 candidates to be elected) candidate(s) of ANY party for this office."
- 23 (j) Candidates for election to at-large seats on the governing body
 24 of a school corporation must be grouped:
- 25 (1) under the name of the office that the candidates are seeking;
 26 and
 27 (2) in alphabetical order according to surname.
- 28 A statement reading substantially as follows must be placed
 29 immediately below the name of the office and above the name of the
 30 first candidate: "Vote for not more than (insert the number of
 31 candidates to be elected) candidate(s) for this office."
- 32 (k) The following information must be placed at the top of the ballot
 33 before the first public question is listed:
- 34 (1) The cautionary statement described in IC 3-11-2-7.
 35 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
 36 and IC 3-11-2-10(e).
- 37 (l) The ballot must include a single connectable arrow, circle, oval,
 38 or square, or a voting position for voting a straight party or an
 39 independent ticket (described in IC 3-11-2-6) by one (1) mark as
 40 required by section 14 of this chapter, and the single connectable
 41 arrow, circle, oval, or square, or the voting position for casting a
 42 straight party or an independent ticket ballot must be identified by:



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

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

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

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

19 (n) The requirements in this section:

20 (1) do not replace; and

21 (2) are in addition to;

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

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

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

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

30 (2) the text of public questions;

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

34 SECTION 33. IC 3-11-13-26.5 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 26.5. (a) Each
36 county election board may make available at convenient places
37 throughout the county ballot card voting systems for the instruction of
38 the voters. The board shall locate the systems at places where people
39 usually assemble, such as shopping centers. The board shall have the
40 systems attended at convenient hours designated by the board by
41 persons able to instruct others in their use. The county chairmen of the
42 **major standard** political parties of the state must approve the persons



1 attending the systems under this section.

2 (b) Each ballot card voting system used for instructional purposes
3 must contain the names of all candidates and a description of all public
4 questions as they will appear on the official sample ballot for the
5 system on election day. However, the system may not be set to record
6 a tally or total.

7 SECTION 34. IC 3-11-13-44 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 44. (a) The county
9 chairman of each **major standard** political party of the county may
10 appoint one (1) person to observe:

11 (1) the ordering and the setting and adjustment of automatic
12 tabulating machines under section 6 of this chapter;

13 (2) the testing of automatic tabulating machines under section 22
14 of this chapter; and

15 (3) the determination of the cause of and correction of errors in
16 the counting of ballot cards under section 25 of this chapter.

17 (b) The county chairman shall file the name of a person appointed
18 under this section with the circuit court clerk.

19 (c) A person appointed under this section serves until:

20 (1) the county chairman notifies the circuit court clerk that the
21 person's appointment has been revoked;

22 (2) the county chairman notifies the clerk that the person has died;
23 or

24 (3) the person files a letter of resignation with the clerk.

25 (d) A person appointed under subsection (a):

26 (1) may attend the ordering and the setting and the adjustment of
27 the automatic tabulating machines only as a witness;

28 (2) shall remain silent and subject to the orders of the board; and

29 (3) may not obstruct or interfere with the ordering and setting and
30 adjustment of the automatic tabulating machines.

31 (e) A person appointed under subsection (a) is not entitled to
32 compensation for services except from the political party of the county
33 chairman making the appointment.

34 SECTION 35. IC 3-11-14-3.5, AS AMENDED BY P.L.21-2016,
35 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JANUARY 1, 2021]: Sec. 3.5. (a) Each county election board shall
37 have the names of all candidates for all elected offices, political party
38 offices, and public questions printed on ballot labels for use in an
39 electronic voting system as provided in this chapter.

40 (b) The county may:

41 (1) print all offices and public questions on a single ballot label;
42 and



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



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



- 1 (1) under the name of the office that the candidates are seeking;
 2 and
 3 (2) in alphabetical order according to surname.
- 4 A statement reading substantially as follows must be placed
 5 immediately below the name of the office and above the name of the
 6 first candidate: "Vote for not more than (insert the number of
 7 candidates to be elected) candidate(s) for this office."
- 8 (k) The cautionary statement described in IC 3-11-2-7 must be
 9 placed at the top or beginning of the ballot label before the first public
 10 question is listed.
- 11 (l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and
 12 IC 3-11-2-10(e) may be:
- 13 (1) placed on the ballot label; or
 14 (2) posted in a location within the voting booth that permits the
 15 voter to easily read the instructions.
- 16 (m) The ballot label must include a touch sensitive point or button
 17 for voting a straight political party or independent ticket (described in
 18 IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button
 19 must be identified by:
- 20 (1) the name of the political party or independent ticket; and
 21 (2) immediately below or beside the political party's or
 22 independent ticket's name, the device of that party or ticket
 23 (described in IC 3-11-2-5).
- 24 The name and device of each party or ticket must be of uniform size
 25 and type, and arranged in the order established by subsection (g) for
 26 listing candidates under each office. The instructions described in
 27 IC 3-11-2-10(c) for voting a straight party ticket and the statement
 28 concerning presidential electors required under IC 3-10-4-3 may be
 29 placed on the ballot label or in a location within the voting booth that
 30 permits the voter to easily read the instructions.
- 31 (n) A public question must be in the form described in
 32 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive
 33 point or button must be used instead of a square. Except as expressly
 34 authorized or required by statute, a county election board may not print
 35 a ballot label that contains language concerning the public question
 36 other than the language authorized by a statute.
- 37 (o) The requirements in this section:
- 38 (1) do not replace; and
 39 (2) are in addition to;
 40 any other requirements in this title that apply to ballots for electronic
 41 voting systems.
- 42 (p) The procedure described in IC 3-11-2-16 must be used when a



1 ballot label does not comply with the requirements imposed by this title
 2 or contains another error or omission that might result in confusion or
 3 mistakes by voters.

4 SECTION 36. IC 3-11-14-8, AS AMENDED BY P.L.194-2013,
 5 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2021]: Sec. 8. (a) Each county election board may make
 7 available at convenient places throughout the county electronic voting
 8 systems for the instruction of the voters. The board shall locate the
 9 systems at places where people usually assemble, such as shopping
 10 centers. The board shall have the systems attended at convenient hours
 11 designated by the board by persons able to instruct others in their use.
 12 The county chairmen of the **major standard** political parties of the
 13 state must approve the persons attending the systems under this section.

14 (b) This subsection applies to a county having a population of more
 15 than four hundred thousand (400,000) but less than seven hundred
 16 thousand (700,000). At least ten (10) days before an election, each
 17 county election board shall duplicate, distribute, and cause to be posted
 18 copies of official sample ballots prepared by the county election board
 19 to schools, fire stations, county courthouses, and other public buildings
 20 in the county.

21 SECTION 37. IC 3-11.5-3-1, AS AMENDED BY P.L.169-2015,
 22 SECTION 135, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JANUARY 1, 2021]: Sec. 1. The following apply for the
 24 purposes of IC 3-6-8, IC 3-6-9, and IC 3-6-10:

25 (1) A central location for counting absentee ballots shall be
 26 treated the same as a precinct poll.

27 (2) An absentee ballot counter shall be treated the same as a
 28 precinct election official.

29 (3) A **major standard** political party of a county is entitled to
 30 appoint the number of watchers equal to the number of teams of
 31 absentee ballot counters.

32 SECTION 38. IC 3-12-4-19, AS AMENDED BY P.L.221-2005,
 33 SECTION 106, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JANUARY 1, 2021]: Sec. 19. To inspect an electronic
 35 voting system under section 18 of this chapter, the county election
 36 board may proceed to any place in the county where the system is
 37 located, kept, or stored. However, the board shall make the inspection
 38 in the presence of an accredited representative of each of the **major**
 39 **standard** political parties of the county.

40 SECTION 39. IC 3-13-1-1, AS AMENDED BY P.L.219-2013,
 41 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JANUARY 1, 2021]: Sec. 1. Except as provided in section 18 or 20 of



1 this chapter or IC 3-10-8-7.5, this chapter applies to the filling of a
 2 candidate vacancy that arises for any reason if the vacancy leaves a
 3 **major standard** political party without a candidate for the office and
 4 occurs before the thirtieth day before a general, special, or municipal
 5 election.

6 SECTION 40. IC 3-13-1-6, AS AMENDED BY P.L.278-2019,
 7 SECTION 152, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JANUARY 1, 2021]: Sec. 6. (a) As used in this section,
 9 "county committee" refers to the precinct committeemen and vice
 10 committeemen of a **major standard** political party representing a
 11 precinct within the county.

12 (b) Except as provided in subsection (c), a candidate vacancy for a
 13 local office shall be filled by either of the following:

14 (1) A caucus comprised of the precinct committeemen who are
 15 eligible to participate under section 10 of this chapter.

16 (2) The county chairman of the political party or a committee
 17 comprised of the chairman, vice chairman, secretary, and
 18 treasurer of the county committee of the party, if all of the
 19 following apply:

20 (A) The county chairman or the committee is authorized to fill
 21 vacancies under this chapter by majority vote of the county
 22 committee.

23 (B) The election district for the local office is entirely within
 24 one (1) county.

25 (C) Documentation of the authority given under clause (A) is
 26 attached to the certification of candidate selection filed under
 27 section 15 of this chapter.

28 (c) A candidate vacancy for the office of circuit court judge or
 29 prosecuting attorney in a circuit having more than one (1) county shall
 30 be filled by a caucus comprised of the precinct committeemen who
 31 constitute the county committees of the political party for all of the
 32 circuit.

33 SECTION 41. IC 3-13-1-20, AS AMENDED BY P.L.230-2005,
 34 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2021]: Sec. 20. (a) This section applies to a political
 36 party subject to IC 3-8-4-10, IC 3-10-2-15, or IC 3-10-6-12.

37 (b) A candidate vacancy that exists following the convention of the
 38 party shall be filled by the state committee of the political party not
 39 later than the date and time specified by section 7(a)(1) of this chapter
 40 for a **major standard** political party to fill a candidate vacancy. The
 41 chairman of the state committee shall file a notice of intent to fill the
 42 candidate vacancy with the official who is required to receive a



1 certificate of candidate selection under section 15 of this chapter. The
 2 notice must be filed not later than ten (10) days before the chairman
 3 fills the candidate vacancy. The chairman of the state committee shall
 4 act in accordance with section 15 of this chapter to certify the candidate
 5 selected to fill the vacancy.

6 (c) This subsection applies to a candidate vacancy resulting from a
 7 vacancy on the general election ballot resulting from the failure of the
 8 convention to nominate a candidate for an office. The certificate
 9 required by subsection (b) shall be filed not later than the date and time
 10 specified by section 15(c) of this chapter for a **major standard** political
 11 party to file a certificate of candidate selection.

12 (d) This subsection applies to all candidate vacancies not described
 13 by subsection (c). If a candidate vacancy occurs as a result of:

- 14 (1) the death of a candidate;
- 15 (2) the withdrawal of a candidate;
- 16 (3) the disqualification of a candidate under IC 3-8-1-5; or
- 17 (4) a court order issued under IC 3-8-7-29(d);

18 the political party may fill the vacancy within the same period of time
 19 that a **major standard** political party is permitted to fill a candidate
 20 vacancy under section 7(b) of this chapter.

21 (e) The certificate required by subsection (b) shall be filed within
 22 the period of time required under section 15(d) of this chapter for a
 23 **major standard** political party to file the certificate after selection of
 24 the candidates.

25 SECTION 42. IC 3-13-5-0.1, AS ADDED BY P.L.164-2006,
 26 SECTION 130, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JANUARY 1, 2021]: Sec. 0.1. (a) This chapter applies
 28 only to a vacancy in a legislative office that was last held by a person
 29 elected or selected as a candidate of a **major standard** political party
 30 of the state.

31 (b) A vacancy in a legislative office that was last held by a person
 32 elected or selected as a candidate of a political party described by
 33 IC 3-8-4-10 shall be filled by the state committee of the political party.
 34 The state chairman of the party shall certify the selection of an
 35 individual to fill the vacancy in the manner prescribed under section 6
 36 of this chapter.

37 (c) A vacancy in a legislative office that was last held by a person
 38 not described in subsection (a) or (b) shall be filled by a special
 39 election held as provided in IC 3-10-8.

40 SECTION 43. IC 3-13-6-2 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 2. (a) A vacancy
 42 that occurs, other than by resignation, in the office of prosecuting



1 attorney shall be certified to the governor by the circuit court clerk of
2 the county in which the prosecuting attorney resided.

3 (b) A vacancy in the office of prosecuting attorney that was last held
4 by a person elected or selected as a candidate of a **major standard**
5 political party of the state shall be filled by a caucus under IC 3-13-11.

6 (c) A vacancy in the office of prosecuting attorney not covered by
7 subsection (b) shall be filled by the governor.

8 (d) The person appointed or selected holds office for the remainder
9 of the unexpired term and until a successor is elected and qualified.

10 (e) If a vacancy in the office of the prosecuting attorney occurs
11 under subsection (b), the chief deputy prosecuting attorney appointed
12 under IC 33-39-6-2 shall be the acting prosecuting attorney until the
13 vacancy is filled by the caucus under IC 3-13-11.

14 SECTION 44. IC 3-13-6-3 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 3. (a) A vacancy
16 in the office of clerk of the circuit court that was last held by a person
17 elected or selected as a candidate of a **major standard** political party
18 of the state shall be filled by a caucus under IC 3-13-11.

19 (b) A vacancy that occurs in the office of clerk of the circuit court:

20 (1) other than by resignation; and

21 (2) that is not covered by subsection (a);

22 shall be certified to the governor by the judge of the circuit court.

23 (c) A vacancy in the office of clerk of the circuit court not covered
24 by subsection (a) shall be filled by the governor. The person who is
25 appointed holds office for the remainder of the unexpired term and
26 until a successor is elected and qualified.

27 SECTION 45. IC 3-13-7-1 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. A vacancy in
29 a county office that was last held by a person elected or selected as a
30 candidate of a **major standard** political party of the state shall be filled
31 by a caucus under IC 3-13-11.

32 SECTION 46. IC 3-13-8-1 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. A vacancy in
34 a city office (other than judge of a city court) that was last held by a
35 person elected or selected as a candidate of a **major standard** political
36 party of the state shall be filled by a caucus under IC 3-13-11.

37 SECTION 47. IC 3-13-9-1 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. A vacancy in
39 a town office that was last held by a person elected or selected as a
40 candidate of a **major standard** political party of the state shall be filled
41 by a caucus under IC 3-13-11.

42 SECTION 48. IC 3-13-9-4.5 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 4.5. (a) This
2 section applies to a vacancy in the town council to be filled under
3 section 4 of this chapter when more than fifty percent (50%) of the
4 seats on the town council are vacant.

5 (b) The remaining member or a majority of the remaining members
6 of the town council shall fill the vacancies under this chapter as the
7 first item of business at a meeting of the town council even though a
8 quorum would not then exist to conduct other town council business.

9 (c) If there are no remaining members of the town council in office
10 or a tie vote occurs among the remaining members under subsection
11 (b), the vacancies shall be filled by the town clerk-treasurer.

12 (d) If there are no remaining members of the town council and no
13 clerk-treasurer in office, the vacancies in the office of clerk-treasurer
14 and town council shall be filled by the county chairman of the **major**
15 **standard** political party of the state whose candidate for secretary of
16 state received the most votes in the **most recent** election for that office
17 in the precincts in which the town is wholly or partially located.

18 SECTION 49. IC 3-13-10-1 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. A vacancy in
20 a township office that was last held by a person elected or selected as
21 a candidate of a **major standard** political party of the state shall be
22 filled by a caucus under IC 3-13-11.

