



February 18, 2020

ENGROSSED

SENATE BILL No. 178

DIGEST OF SB 178 (Updated February 13, 2020 9:59 am - DI 75)

Citations Affected: IC 3-5; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-12; IC 3-14; IC 20-46.

Synopsis: Various election matters. Requires the election division instead of the Indiana election commission to prescribe a uniform generic seal for use on certain ballots when the circuit court clerk is a candidate on the ballot. Requires certification by the county chairman of a candidate in a political party primary or town convention if the candidate cast a nonpartisan ballot at the most recent primary election in which the candidate voted beginning in January, 2021. Updates municipal primary dates. Prohibits the printing of an independent or political party device on a ballot under specified circumstances. Specifies ballot placement of names when there are both at-large and district candidates. Specifies that language in a public question not contain beginning and ending quotation marks. Adds references to the Porter County election board. Adds references to instances in which an absentee ballot may be recast. Adds references to vote centers. Specifies a procedure for folding ballots when voting in front of an absentee voter board. Specifies a comparison of signature upon receipt of an absentee ballot and time frame. Sets forth a procedure if a county election board does not unanimously determine that an absentee ballot
(Continued next page)

Effective: Upon passage; July 1, 2020; January 1, 2021.

Walker, Ford Jon, Crane, Grooms

(HOUSE SPONSORS — WESCO, JUDY)

January 6, 2020, read first time and referred to Committee on Elections.
January 27, 2020, amended, reported favorably — Do Pass.
January 30, 2020, read second time, ordered engrossed. Engrossed.
February 3, 2020, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

February 10, 2020, read first time and referred to Committee on Elections and Apportionment.
February 17, 2020, amended, reported — Do Pass. Referred to Committee on Rules and Legislative Procedures pursuant to Rule 84.

ES 178—LS 6612/DI 104



Digest Continued

signature is genuine. States that the position of an absentee ballot counter or a provisional ballot counter is not a lucrative office for purposes of the state Constitution. Authorizes the secretary of state to establish a pilot program during the May, 2020 primary for testing of a voting system. Requires precinct returns to be sent to the director of the board of elections and registration if the counting location is outside the county. Allows a member of the Indiana election commission to appoint a proxy, and specifies the process and limitations. Adds a Level 6 felony for inducing or procuring another person to vote or refrain from voting for or against a candidate or public question at: (1) a caucus; or (2) the appointment of a candidate by a political party chairman or central committee officer; by giving, offering, or promising a person money or other property. Changes certification of a question on a referendum from 60 days to 74 days. Removes a voter's option to vote for all candidates of a political party or an independent ticket at one time (straight ticket voting) in a general or municipal election, except for candidates for presidential electors. Repeals superseded statutes relating to straight ticket voting. Repeals language concerning absentee ballots (moving some language to central voting statutes) and repeals certain absentee voter boards.

ES 178—LS 6612/DI 104



February 18, 2020

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.

ENGROSSED SENATE BILL No. 178

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 3-5-4-9, AS AMENDED BY P.L.230-2005,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 9. (a) This section applies whenever the
4 individual who holds the office of circuit court clerk is a candidate on
5 the ballot for any office.
6 (b) As used in this section, "ballot" refers to an absentee ballot, a
7 ballot card, or any other form of ballot.
8 (c) Notwithstanding any law requiring the name or signature of the
9 circuit court clerk to appear on a ballot for authentication or any other
10 purpose, the name or signature of the individual who is circuit court
11 clerk may not appear on the ballot except to indicate that the individual
12 is a candidate for an office.
13 (d) The circuit court clerk shall substitute a uniform device or
14 symbol prescribed by the ~~commission~~ **election division** for the circuit
15 court clerk's printed name or signature to authenticate a ballot.
16 (e) **A device or symbol approved by the commission under this**
17 **section before January 1, 2020, is considered to be approved by the**

ES 178—LS 6612/DI 104



1 **election division without any further action by the election division**
 2 **being required.**

3 SECTION 2. IC 3-8-2-7, AS AMENDED BY P.L.74-2017,
 4 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JANUARY 1, 2021]: Sec. 7. (a) The declaration of each candidate
 6 required by this chapter must be signed before a person authorized to
 7 administer oaths and contain the following information:

8 (1) The candidate's name, printed or typewritten as:

9 (A) the candidate wants the candidate's name to appear on the
 10 ballot; and

11 (B) the candidate's name is permitted to appear on the ballot
 12 under IC 3-5-7.

13 (2) A statement that the candidate is a registered voter and the
 14 location of the candidate's precinct and township (or ward, if
 15 applicable, and city or town), county, and state.

16 (3) The candidate's complete residence address, and if the
 17 candidate's mailing address is different from the residence
 18 address, the mailing address.

19 (4) A statement of the candidate's party affiliation. For purposes
 20 of this subdivision, a candidate is considered to be affiliated with
 21 a political party only if any of the following applies:

22 (A) The most recent primary election in Indiana in which the
 23 candidate voted was a primary election held by the party with
 24 which the candidate claims affiliation. **If the candidate cast**
 25 **a nonpartisan ballot at an election held at the most recent**
 26 **primary election in which the candidate voted, a**
 27 **certification by the county chairman under clause (B) is**
 28 **required.**

29 (B) The county chairman of:

30 (i) the political party with which the candidate claims
 31 affiliation; and

32 (ii) the county in which the candidate resides;

33 certifies that the candidate is a member of the political party.

34 The declaration of candidacy must inform candidates how party
 35 affiliation is determined under this subdivision and permit the
 36 candidate to indicate on the declaration of candidacy which of
 37 clauses (A) or (B) applies to the candidate. If a candidate claims
 38 party affiliation under clause (B), the candidate must attach to the
 39 candidate's declaration of candidacy the written certification of
 40 the county chairman required by clause (B).

41 (5) A statement that the candidate complies with all requirements
 42 under the laws of Indiana to be a candidate for the above named



1 office, including any applicable residency requirements, and that
 2 the candidate is not ineligible to be a candidate due to a criminal
 3 conviction that would prohibit the candidate from serving in the
 4 office.
 5 (6) A request that the candidate's name be placed on the official
 6 primary ballot of that party to be voted on, the office for which the
 7 candidate is declaring, and the date of the primary election.
 8 (7) The following statements:
 9 (A) A statement that the candidate has attached either of the
 10 following to the declaration:
 11 (i) A copy of a statement of economic interests, file stamped
 12 by the office required to receive the statement of economic
 13 interests.
 14 (ii) A receipt or photocopy of a receipt showing that a
 15 statement of economic interests has been filed.
 16 This requirement does not apply to a candidate for a federal
 17 office.
 18 (B) A statement that the candidate understands that if the
 19 candidate is elected to the office, the candidate may be
 20 required to obtain and file an individual surety bond before
 21 serving in the office. This requirement does not apply to a
 22 candidate for a federal office or legislative office.
 23 (C) A statement that the candidate understands that if the
 24 candidate is elected to the office, the candidate may be
 25 required to successfully complete training or have attained
 26 certification related to service in an elected office. This
 27 requirement does not apply to a candidate for a federal office,
 28 state office, or legislative office.
 29 (D) A statement that the candidate:
 30 (i) is aware of the provisions of IC 3-9 regarding campaign
 31 finance and the reporting of campaign contributions and
 32 expenditures; and
 33 (ii) agrees to comply with the provisions of IC 3-9.
 34 This requirement does not apply to a candidate for a federal
 35 office.
 36 The candidate must separately initial each of the statements
 37 required by this subdivision.
 38 (8) A statement as to whether the candidate has been a candidate
 39 for state, legislative, or local office in a previous primary,
 40 municipal, special, or general election and whether the candidate
 41 has filed all reports required by IC 3-9-5-10 for all previous
 42 candidacies.



1 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
 2 candidate has filed a campaign finance statement of organization
 3 for the candidate's principal committee or is aware that the
 4 candidate may be required to file a campaign finance statement of
 5 organization not later than noon seven (7) days after the final date
 6 to file the declaration of candidacy under section 4 of this chapter.

7 (10) The candidate's signature.

8 (b) The election division shall provide that the form of a declaration
 9 of candidacy includes the following information:

10 (1) The dates for filing campaign finance reports under IC 3-9.

11 (2) The penalties for late filing of campaign finance reports under
 12 IC 3-9.

13 (c) A declaration of candidacy must include a statement that the
 14 candidate requests the name on the candidate's voter registration record
 15 be the same as the name the candidate uses on the declaration of
 16 candidacy. If there is a difference between the name on the candidate's
 17 declaration of candidacy and the name on the candidate's voter
 18 registration record, the officer with whom the declaration of candidacy
 19 is filed shall forward the information to the voter registration officer of
 20 the appropriate county as required by IC 3-5-7-6(e). The voter
 21 registration officer of the appropriate county shall change the name on
 22 the candidate's voter registration record to be the same as the name on
 23 the candidate's declaration of candidacy.

24 SECTION 3. IC 3-8-5-10.5, AS AMENDED BY P.L.278-2019,
 25 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JANUARY 1, 2021]: Sec. 10.5. (a) A person who desires to be
 27 nominated for a town office by a major political party must file a
 28 declaration of candidacy with the circuit court clerk of the county
 29 containing the greatest percentage of population of the town.

30 (b) A declaration of candidacy must be filed:

31 (1) not earlier than the first date that a declaration of candidacy
 32 for a primary election may be filed under IC 3-8-2-4; and

33 (2) not later than:

34 (A) noon August 1 before a municipal election if the town
 35 nominates its candidates by convention; and

36 (B) the date that a declaration of candidacy must be filed under
 37 IC 3-8-2-4 if the town nominates its candidates by a primary
 38 election.

39 (c) The declaration must be subscribed and sworn to (or affirmed)
 40 before a notary public or other person authorized to administer oaths.

41 (d) The declaration of each candidate required by this section must
 42 certify the following information:



- 1 (1) The candidate's name, printed or typewritten as:
 2 (A) the candidate wants the candidate's name to appear on the
 3 ballot; and
 4 (B) the candidate's name is permitted to appear on the ballot
 5 under IC 3-5-7.
- 6 (2) That the candidate is a registered voter and the location of the
 7 candidate's precinct and township (or the ward, if applicable, and
 8 town), county, and state.
- 9 (3) The candidate's complete residence address and the
 10 candidate's mailing address if the mailing address is different
 11 from the residence address.
- 12 (4) The majority party candidate's party affiliation and the office
 13 to which the candidate seeks nomination, including the district
 14 designation if the candidate is seeking a town legislative body
 15 seat. For purposes of this subdivision, a candidate is considered
 16 to be affiliated with a political party only if one (1) of the
 17 following applies:
 18 (A) The most recent primary election in Indiana in which the
 19 candidate voted was a primary election held by the party with
 20 which the candidate claims affiliation. **If the candidate cast**
 21 **a nonpartisan ballot at an election held at the most recent**
 22 **primary election in which the candidate voted, a**
 23 **certification by the county chairman under clause (B) is**
 24 **required.**
 25 (B) The county chairman of:
 26 (i) the political party with which the candidate claims
 27 affiliation; and
 28 (ii) the county in which the candidate resides;
 29 certifies in writing that the candidate is a member of the
 30 political party.
- 31 The declaration of candidacy must inform a candidate how party
 32 affiliation is determined under this subdivision and permit the
 33 candidate to indicate on the declaration of candidacy whether
 34 clause (A) or (B) applies to the candidate. If a candidate claims
 35 party affiliation under clause (B), the candidate must attach to the
 36 candidate's declaration of candidacy the written certification of
 37 the county chairman required by clause (B).
- 38 (5) That the candidate complies with all requirements under the
 39 laws of Indiana to be a candidate for the above named office,
 40 including any applicable residency requirements, and is not
 41 ineligible to be a candidate due to a criminal conviction that
 42 would prohibit the candidate from serving in the office.



- 1 (6) That the candidate has attached either of the following to the
 2 declaration:
- 3 (A) A copy of a statement of economic interests, file stamped
 4 by the office required to receive the statement of economic
 5 interests.
- 6 (B) A receipt or photocopy of a receipt showing that a
 7 statement of economic interests has been filed.
- 8 (7) That the candidate understands that if the candidate is elected
 9 to the office, the candidate may be required to obtain and file an
 10 individual surety bond before serving in the office.
- 11 (8) That the candidate understands that if the candidate is elected
 12 to the office, the candidate may be required to successfully
 13 complete training or have attained certification related to service
 14 in an elected office.
- 15 (9) That the candidate:
- 16 (A) is aware of the provisions of IC 3-9 regarding campaign
 17 finance and the reporting of campaign contributions and
 18 expenditures; and
- 19 (B) agrees to comply with the provisions of IC 3-9.
- 20 (10) A statement indicating whether or not the candidate:
- 21 (A) has been a candidate for state, legislative, local, or school
 22 board office in a previous primary, municipal, special, or
 23 general election; and
- 24 (B) has filed all reports required by IC 3-9-5-10 for all
 25 previous candidacies.
- 26 (11) The candidate's signature.
- 27 (e) This subsection does not apply to a town whose municipal
 28 election is to be conducted by a county. Immediately after the deadline
 29 for filing, the circuit court clerk shall do all of the following:
- 30 (1) Certify to the town clerk-treasurer and release to the public a
 31 list of the candidates of each political party for each office. The
 32 list shall indicate any candidates of a political party nominated for
 33 an office under this chapter because of the failure of any other
 34 candidates of that political party to file a declaration of candidacy
 35 for that office.
- 36 (2) Post a copy of the list in a prominent place in the circuit court
 37 clerk's office.
- 38 (3) File a copy of each declaration of candidacy with the town
 39 clerk-treasurer.
- 40 (f) A person who files a declaration of candidacy for an elected
 41 office for which a per diem or salary is provided for by law is
 42 disqualified from filing a declaration of candidacy for another office for



1 which a per diem or salary is provided for by law until the original
2 declaration is withdrawn.

3 (g) A person who files a declaration of candidacy for an elected
4 office may not file a declaration of candidacy for that office in the same
5 year as a member of a different political party until the original
6 declaration is withdrawn.

7 (h) A person who files a declaration of candidacy under this section
8 may file a written notice withdrawing the person's declaration of
9 candidacy in the same manner as the original declaration was filed, if
10 the notice of withdrawal is filed not later than:

11 (1) noon August 1 before the municipal election if the town
12 nominates its candidates by convention; and

13 (2) the date that a declaration of candidacy may be withdrawn
14 under IC 3-8-2-20 if the town nominates its candidates in a
15 primary election.

16 (i) A declaration of candidacy must include a statement that the
17 candidate requests the name on the candidate's voter registration record
18 be the same as the name the candidate uses on the declaration of
19 candidacy. If there is a difference between the name on the candidate's
20 declaration of candidacy and the name on the candidate's voter
21 registration record, the officer with whom the declaration of candidacy
22 is filed shall forward the information to the voter registration officer of
23 the appropriate county as required by IC 3-5-7-6(e). The voter
24 registration officer of the appropriate county shall change the name on
25 the candidate's voter registration record to be the same as the name on
26 the candidate's declaration of candidacy.

27 SECTION 4. IC 3-10-6-6, AS AMENDED BY P.L.278-2019,
28 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2020]: Sec. 6. (a) Notwithstanding section 5 of this chapter,
30 a town that adopted an ordinance under IC 18-3-1-16(b) (before its
31 repeal on September 1, 1981), P.L.13-1982, SECTION 3 (before its
32 expiration on January 1, 1988), or section 2.5 of this chapter shall:

33 (1) at the general election in November 2022 and every four (4)
34 years thereafter; and

35 (2) at the municipal election in November ~~2019~~ **2023** and every
36 four (4) years thereafter;

37 elect town council members for terms of four (4) years to those offices
38 whose terms expire at noon January 1 following the election, as
39 provided in IC 36-5-2-3. The election shall be conducted under this
40 chapter.

41 (b) Notwithstanding section 5 of this chapter, a town that adopted
42 an ordinance under section 2.6 of this chapter shall:



- 1 (1) at the general election in November 2020 and every four (4)
 2 years thereafter; and
 3 (2) at the general election in November 2022 and every four (4)
 4 years thereafter;

5 elect town council members for terms of four (4) years to those offices
 6 whose terms expire at noon January 1 of the following year. The
 7 election shall be conducted under this chapter.

8 (c) Notwithstanding section 5 of this chapter, a town that adopted
 9 an ordinance under section 2.6 of this chapter shall, at the general
 10 election in November 2020 and every four (4) years thereafter, elect a
 11 town clerk-treasurer and town court judge (if a town court has been
 12 established under IC 33-35-1-1) to those offices whose terms expire at
 13 noon January 1 of the following year. The election shall be conducted
 14 under this chapter.

15 SECTION 5. IC 3-10-7-32, AS AMENDED BY P.L.190-2011,
 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JANUARY 1, 2021]: Sec. 32. (a) A town election board shall
 18 determine what voting method will be used in a municipal election.

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

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

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

33 SECTION 6. IC 3-11-2-9 IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2020]: Sec. 9. **(a)** The device of each political
 35 party or independent ticket described in section 6 of this chapter shall
 36 be:

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

41 **(b) A device of a political party or independent ticket must not**
 42 **be printed on a ballot if there are no candidates of that political**



1 **party.**

2 SECTION 7. IC 3-11-2-10, AS AMENDED BY P.L.278-2019,
3 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2021]: Sec. 10. (a) Public questions shall be placed on
5 the general election ballot in the following order after the statement
6 described in section 7 of this chapter, and the instructions described in
7 ~~subsections (d) and (e)~~ **subsection (c)** and section 8 of this chapter, if
8 instructions are printed on the ballot:

9 (1) Ratification of a state constitutional amendment.

10 (2) Local public questions.

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

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

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

22 "(1) To vote a straight (insert political party name) ticket for all
23 (insert political party name) candidates on this ballot, except for
24 candidates described in (2) below; make a voting mark on or in
25 this circle and do not make any other marks on this ballot.

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

32 (3) If you wish to vote for a candidate seeking a nonpartisan office
33 or on a public question; you must make another voting mark on
34 the appropriate place on this ballot."

35 (d) Except as permitted under section 8(b) of this chapter, if the
36 ballot contains an independent ticket described in section 6 of this
37 chapter and at least one (1) other independent candidate, the ballot
38 must also contain a statement that reads substantially as follows: "A
39 vote cast for an independent ticket will only be counted for the
40 candidates for President and Vice President or governor and lieutenant
41 governor comprising that independent ticket. This vote will NOT be
42 counted for any OTHER independent candidate appearing on the



- 1 ballot.".
- 2 (e) (c) Except as permitted under section 8(b) of this chapter, the
3 ballot must also contain a statement that reads substantially as follows:
4 "A write-in vote will NOT be counted unless the vote is for a
5 DECLARED write-in candidate. To vote for a write-in candidate, you
6 must make a voting mark on or in the square to the left of the name you
7 have written in or your vote will not be counted."
- 8 (f) (d) Subject to section 10.1 of this chapter, the list of candidates
9 of the political party shall be placed immediately under the instructions
10 for voting. ~~a straight party ticket.~~ The names of the candidates shall be
11 placed three-fourths (3/4) of an inch apart from center to center of the
12 name. The name of each candidate must have, immediately on its left,
13 a square three-eighths (3/8) of an inch on each side.
- 14 (g) (e) The circuit court clerk may authorize the printing of ballots
15 containing a ballot variation code to ensure that the proper version of
16 a ballot is used within a precinct.
- 17 SECTION 8. IC 3-11-2-12.2, AS AMENDED BY P.L.74-2017,
18 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 UPON PASSAGE]: Sec. 12.2. (a) Whenever candidates are to be
20 elected to an office that includes more than one (1) district, the districts
21 shall be placed on the ballot in alphabetical or numerical order,
22 according to the designation given to the district.
- 23 (b) ~~Whenever candidates are to be elected to a school board office
24 that includes both an at-large member and a member representing a
25 district, the candidates seeking election as a member representing a
26 district shall be placed on the ballot before candidates seeking election
27 as an at-large member.~~
- 28 SECTION 9. IC 3-11-2-12.4, AS ADDED BY P.L.21-2016,
29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JANUARY 1, 2021]: Sec. 12.4. (a) This section applies whenever more
31 than one (1) candidate may be elected to an office.
- 32 (b) The office shall be placed on the general election ballot after the
33 offices described in section 12 of this chapter and before the offices
34 described in section 12.9 of this chapter.
- 35 (c) **Whenever candidates are to be elected to a county council,
36 city common council, or town council that includes both an at-large
37 member and a member representing a district, the candidates
38 seeking election as a member representing a district shall be placed
39 on the ballot after candidates seeking election as an at-large
40 member.**
- 41 (e) (d) The ballot shall contain a statement reading substantially as
42 follows above the name of the first candidate: "To vote for any



1 candidate for this office, you must make a voting mark for each
2 candidate you wish to vote for." ~~A straight party vote will not count as~~
3 ~~a vote for any candidate for this office."~~

4 SECTION 10. IC 3-11-2-12.9, AS AMENDED BY P.L.21-2016,
5 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: Sec. 12.9. (a) School board offices to be elected at
7 the general election shall be placed on the general election ballot after
8 the offices described in section 12.4 of this chapter with each candidate
9 for the office designated as "nonpartisan".

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

14 **(c) Whenever candidates are to be elected to a school board**
15 **office that includes both an at-large member and a member**
16 **representing a district, the candidates seeking election as a member**
17 **representing a district shall be placed on the ballot after candidates**
18 **seeking election as an at-large member.**

19 SECTION 11. IC 3-11-2-15 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A public
21 question shall be placed on the general election ballot in the following
22 form:

(The explanatory text for the public question,
if required by law)
"Shall (insert public question)?"

YES

NO

28 (b) In addition to any other explanatory text required by law, the
29 ballot must also contain a statement that reads substantially as follows:
30 "To vote on this public question, make a voting mark on or in the
31 square to the left of the word "YES" or "NO"."

32 (c) Except as expressly authorized or required by statute, the
33 commission, the election division, or a county election board may not
34 authorize the printing or use of ballots that contain language
35 concerning the public question other than the language authorized by
36 a statute.

37 **(d) A public question printed on a ballot shall be set forth**
38 **without any quotation marks preceding or following the text of the**
39 **public question.**

40 SECTION 12. IC 3-11-4-1, AS AMENDED BY P.L.66-2010,
41 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 UPON PASSAGE]: Sec. 1. (a) A voter who is otherwise qualified to



1 vote in person is entitled to vote by absentee ballot. Except as
 2 otherwise provided in this article, a voter voting by absentee ballot
 3 must vote in the office of the circuit court clerk (or board of elections
 4 and registration in a county subject to IC 3-6-5.2 **or IC 3-6-5.6**) or at
 5 a satellite office established under IC 3-11-10-26.3.

6 (b) A county election board, by unanimous vote of its entire
 7 membership, may authorize a person who is otherwise qualified to vote
 8 in person to vote by absentee ballot if the board determines that the
 9 person has been hospitalized or suffered an injury following the final
 10 date and hour for applying for an absentee ballot that would prevent the
 11 person from voting in person at the polls.

12 (c) The commission, by unanimous vote of its entire membership,
 13 may authorize a person who is otherwise qualified to vote in person to
 14 vote by absentee ballot if the commission determines that an
 15 emergency prevents the person from voting in person at a polling place.

16 (d) The absentee ballots used in subsection (b) or (c) must be the
 17 same official absentee ballots as described in section 12.5 of this
 18 chapter. Taking into consideration the amount of time remaining before
 19 the election, the commission shall determine whether the absentee
 20 ballots are transmitted to and from the voter by mail or personally
 21 delivered. An absentee ballot that is personally delivered shall comply
 22 with the requirements in sections 19, 20, and 21 of this chapter.

23 SECTION 13. IC 3-11-4-3, AS AMENDED BY P.L.283-2019,
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (c) and
 26 section 6 of this chapter, an application for an absentee ballot must be
 27 received by the circuit court clerk (or, in a county subject to IC 3-6-5.2
 28 **or IC 3-6-5.6**, the director of the board of elections and registration)
 29 not earlier than the date the registration period resumes under
 30 IC 3-7-13-10 nor later than the following:

- 31 (1) Noon on election day if the voter registers to vote under
 32 IC 3-7-36-14.
 33 (2) Noon on the day before election day if the voter:
 34 (A) completes the application in the office of the circuit court
 35 clerk under IC 3-11-10-26; or
 36 (B) is an absent uniformed services voter or overseas voter
 37 who requests that the ballot be transmitted by electronic mail
 38 or fax under section 6(h) of this chapter.
 39 (3) Noon on the day before election day if:
 40 (A) the application is a mailed, transmitted by electronic mail
 41 or fax, or hand delivered application from a confined voter or
 42 voter caring for a confined person; and



- 1 (B) the applicant requests that the absentee ballots be
 2 delivered to the applicant by an absentee voter board under
 3 IC 3-11-10-25.
- 4 (4) 11:59 p.m. twelve (12) days before election day if the
 5 application is:
- 6 (A) a mailed application;
 7 (B) transmitted by electronic mail;
 8 (C) transmitted by fax; or
 9 (D) hand delivered;
- 10 from other voters who request to vote by mail under
 11 IC 3-11-10-24.
- 12 (b) An application for an absentee ballot received by the election
 13 division by the time and date specified by subsection (a)(2)(B), (a)(3),
 14 or (a)(4) is considered to have been timely received for purposes of
 15 processing by the county. The election division shall immediately
 16 transmit the application to the circuit court clerk, or the director of the
 17 board of elections and registration, of the county where the applicant
 18 resides. The election division is not required to complete or file the
 19 affidavit required under section 2(h) of this chapter whenever the
 20 election division transmits an application under this subsection.
- 21 (c) ~~This subsection applies to every election held after December~~
 22 ~~31, 2019.~~ An application for an absentee ballot for the election may not
 23 be received by the circuit court clerk (or, in a county subject to
 24 IC 3-6-5.2 **or IC 3-6-5.6**, the director of the board of elections and
 25 registration) earlier than December 1 of the year before the election.
- 26 SECTION 14. IC 3-11-4-15, AS AMENDED BY P.L.66-2010,
 27 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 15. The absentee ballots that are prepared and
 29 printed under the direction of a county election board shall be delivered
 30 to the circuit court clerk (or the board acting under IC 3-6-5.2 **or**
 31 **IC 3-6-5.6**) at least fifty (50) days before a general, primary, special,
 32 or municipal election.
- 33 SECTION 15. IC 3-11-7-4, AS AMENDED BY P.L.278-2019,
 34 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2021]: Sec. 4. (a) ~~Except as provided in subsection (b);~~
 36 A ballot card voting system must permit a voter to vote:
- 37 (1) ~~except at a primary election, a straight party ticket for all of~~
 38 ~~the candidates of one (1) political party by a single voting mark~~
 39 ~~on each ballot card;~~
 40 (2) (1) for one (1) or more candidates of each political party or
 41 independent candidates, or for one (1) or more school board
 42 candidates nominated by petition; **or**



- 1 (3) ~~(2)~~ a split ticket for the candidates of different political parties
 2 and for independent candidates. ~~or~~
 3 ~~(4)~~ a straight party ticket and then split that ticket by casting
 4 individual votes for candidates of another political party or
 5 independent candidate.
 6 (b) A ballot card voting system must require that a voter who wishes
 7 to cast a ballot for a candidate for election to an at-large district to
 8 which more than one person may be elected, on a:
 9 (1) county council;
 10 (2) city common council;
 11 (3) town council; or
 12 ~~(4)~~ township board;
 13 make a voting mark for each individual candidate for whom the voter
 14 wishes to cast a vote. The ballot card voting system may not count any
 15 straight party ticket voting mark as a vote for any candidate for an
 16 office described by this subsection.
 17 ~~(c)~~ **(b)** A ballot card voting system must permit a voter to vote:
 18 (1) for all candidates for presidential electors and alternate
 19 presidential electors of a political party or an independent ticket
 20 by making a single voting mark; and
 21 (2) for or against a public question on which the voter may vote.
 22 SECTION 16. IC 3-11-7-6 IS REPEALED [EFFECTIVE
 23 JANUARY 1, 2021]. Sec. 6: A ballot card voting system must count a
 24 ballot in accordance with IC 3-12-1-7 when a voter votes a straight
 25 ticket vote and votes for individual candidates as described by
 26 IC 3-12-1-7.
 27 SECTION 17. IC 3-11-7.5-10, AS AMENDED BY P.L.278-2019,
 28 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JANUARY 1, 2021]: Sec. 10. (a) Except as provided in subsection (b);
 30 An electronic voting system must permit a voter to vote:
 31 ~~(1)~~ except at a primary election, a straight party ticket for all the
 32 candidates of one ~~(1)~~ political party by touching the device of that
 33 party;
 34 ~~(2)~~ **(1)** for one (1) or more candidates of each political party or
 35 independent candidates, or for one (1) or more school board
 36 candidates nominated by petition; ~~or~~
 37 ~~(3)~~ **(2)** a split ticket for the candidates of different political parties
 38 and for independent candidates. ~~or~~
 39 ~~(4)~~ a straight party ticket and then split that ticket by casting
 40 individual votes for candidates of another political party or
 41 independent candidates.
 42 (b) An electronic voting system must require that a voter who



1 wishes to cast a ballot for a candidate for election to an at-large district
2 to which more than one person may be elected; on a:

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

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

11 (e) (b) An electronic voting system must permit a voter to vote:

- 12 (1) for as many candidates for an office as the voter may vote for,
13 but no more;
14 (2) for or against a public question on which the voter may vote,
15 but no other; and
16 (3) for all the candidates for presidential electors and alternate
17 presidential electors of a political party or an independent ticket
18 by making a single voting mark.

19 SECTION 18. IC 3-11-10-4 IS REPEALED [EFFECTIVE UPON
20 PASSAGE]. Sec. 4: (a) Upon receipt of an absentee ballot, a county
21 election board (or the absentee voter board in the office of the circuit
22 court clerk) shall immediately examine the signature of the absentee
23 voter to determine its genuineness:

24 (b) This subsection does not apply to an absentee ballot cast by a
25 voter permitted to transmit the voter's absentee ballots by fax or
26 electronic mail under IC 3-11-4-6. The board shall compare the
27 signature as it appears upon the envelope containing the absentee ballot
28 with the signature of the voter as it appears upon the application for the
29 absentee ballot. The board may also compare the signature on the ballot
30 envelope with any other admittedly genuine signature of the voter:

31 (c) This subsection applies to an absentee ballot cast by a voter
32 permitted to transmit the voter's absentee ballots by fax or electronic
33 mail under IC 3-11-4-6. The board shall compare the signature as it
34 appears on the affidavit transmitted with the voter's absentee ballot to
35 the voter's signature as it appears on the application for the absentee
36 ballot. The board may also compare the signature on the affidavit with
37 any other admittedly genuine signature of the voter:

38 SECTION 19. IC 3-11-10-4.5 IS REPEALED [EFFECTIVE UPON
39 PASSAGE]. Sec. 4.5: (a) Upon receipt of an absentee ballot from a
40 voter required to provide additional information to the county voter
41 registration office under IC 3-7-33-4.5, the county election board shall
42 contact the county voter registration office to determine if the



1 additional information has been filed with the office by the voter:

2 (b) If the voter has filed the information with the county voter
3 registration office; the county election board shall add a notation to the
4 application indicating that the required information has been filed and
5 that the absentee ballot may be counted if the ballot otherwise complies
6 with this article:

7 (c) If the voter has not filed the information with the county voter
8 registration office; the county election board shall add a notation on the
9 application filed by a voter described under subsection (b) and on the
10 envelope provided under this chapter reading substantially as follows:

11 "INSPECTOR: AS OF (insert date absentee ballot application
12 approved) THIS VOTER WAS REQUIRED TO FILE
13 ADDITIONAL DOCUMENTATION WITH THE COUNTY
14 VOTER REGISTRATION OFFICE BEFORE THIS BALLOT
15 MAY BE COUNTED. CHECK THE POLL LIST AND
16 COUNTY ELECTION BOARD CERTIFICATION TO SEE IF
17 THE VOTER HAS FILED THIS INFORMATION. IF NOT,
18 PROCESS AS A PROVISIONAL BALLOT IF THIS BALLOT
19 OTHERWISE COMPLIES WITH INDIANA LAW-".

20 SECTION 20. IC 3-11-10-8.5, AS ADDED BY P.L.169-2015,
21 SECTION 118, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) This section does not
23 apply to an application for an absentee ballot from a voter:

- 24 (1) participating in the address confidentiality program under
25 IC 5-26.5-2; or
26 (2) requesting to cast an absentee ballot in the office of the circuit
27 court clerk, the office of the board of elections and registration, or
28 a satellite office.

29 (b) Before a voter's application for an absentee ballot is attached to
30 the ballot envelope, ~~under section 5; 6; or 8 of this chapter;~~ the
31 application must be scanned or otherwise copied for public inspection.

32 SECTION 21. IC 3-11-10-19 IS REPEALED [EFFECTIVE UPON
33 PASSAGE]. ~~Sec. 19: If a circuit court clerk has signed an absentee~~
34 ~~ballot and the ballot has been initialed as prescribed by IC 3-11-4-19;~~
35 ~~no other initialed is required.~~

36 SECTION 22. IC 3-11-10-24, AS AMENDED BY P.L.278-2019,
37 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 24. (a) Except as provided in subsection (b),
39 a voter who satisfies any of the following is entitled to vote by mail:

- 40 (1) The voter has a specific, reasonable expectation of being
41 absent from the county on election day during the entire twelve
42 (12) hours that the polls are open.



- 1 (2) The voter will be absent from the precinct of the voter's
- 2 residence on election day because of service as:
- 3 (A) a precinct election officer under IC 3-6-6;
- 4 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
- 5 (C) a challenger or pollbook holder under IC 3-6-7; or
- 6 (D) a person employed by an election board to administer the
- 7 election for which the absentee ballot is requested.
- 8 (3) The voter will be confined on election day to the voter's
- 9 residence, to a health care facility, or to a hospital because of an
- 10 illness or injury during the entire twelve (12) hours that the polls
- 11 are open.
- 12 (4) The voter is a voter with disabilities.
- 13 (5) The voter is an elderly voter.
- 14 (6) The voter is prevented from voting due to the voter's care of
- 15 an individual confined to a private residence because of illness or
- 16 injury during the entire twelve (12) hours that the polls are open.
- 17 (7) The voter is scheduled to work at the person's regular place of
- 18 employment during the entire twelve (12) hours that the polls are
- 19 open.
- 20 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- 21 (9) The voter is prevented from voting due to observance of a
- 22 religious discipline or religious holiday during the entire twelve
- 23 (12) hours that the polls are open.
- 24 (10) The voter is an address confidentiality program participant
- 25 (as defined in IC 5-26.5-1-6).
- 26 (11) The voter is a member of the military or public safety officer.
- 27 (12) The voter is a serious sex offender (as defined in
- 28 IC 35-42-4-14(a)).
- 29 (13) The voter is prevented from voting due to the unavailability
- 30 of transportation to the polls.
- 31 (b) A voter with disabilities who:
- 32 (1) is unable to make a voting mark on the ballot or sign the
- 33 absentee ballot secrecy envelope; and
- 34 (2) requests that the absentee ballot be delivered to an address
- 35 within Indiana;
- 36 must vote before an absentee voter board under section 25(b) of this
- 37 chapter.
- 38 (c) If a voter receives an absentee ballot by mail, the voter shall
- 39 personally mark the ballot in secret and seal the marked ballot inside
- 40 the envelope provided by the county election board for that purpose.
- 41 The voter shall:
- 42 (1) deposit the sealed envelope in the United States mail for



1 delivery to the county election board; or
 2 (2) authorize a member of the voter's household or the individual
 3 designated as the voter's attorney in fact to:
 4 (A) deposit the sealed envelope in the United States mail; or
 5 (B) deliver the sealed envelope in person to the county
 6 election board.
 7 (d) If a member of the voter's household or the voter's attorney in
 8 fact delivers the sealed envelope containing a voter's absentee ballot to
 9 the county election board, the individual delivering the ballot shall
 10 complete an affidavit in a form prescribed by the election division. The
 11 affidavit must contain the following information:
 12 (1) The name and residence address of the voter whose absentee
 13 ballot is being delivered.
 14 (2) A statement of the full name, residence and mailing address,
 15 and daytime and evening telephone numbers (if any) of the
 16 individual delivering the absentee ballot.
 17 (3) A statement indicating whether the individual delivering the
 18 absentee ballot is a member of the voter's household or is the
 19 attorney in fact for the voter. If the individual is the attorney in
 20 fact for the voter, the individual must attach a copy of the power
 21 of attorney for the voter, unless a copy of this document has
 22 already been filed with the county election board.
 23 (4) The date and location at which the absentee ballot was
 24 delivered by the voter to the individual delivering the ballot to the
 25 county election board.
 26 (5) A statement that the individual delivering the absentee ballot
 27 has complied with Indiana laws governing absentee ballots.
 28 (6) A statement that the individual delivering the absentee ballot
 29 is executing the affidavit under the penalties of perjury.
 30 (7) A statement setting forth the penalties for perjury.
 31 (e) The county election board shall record the date and time that the
 32 affidavit under subsection (d) was filed with the board.
 33 (f) After a voter has mailed or delivered an absentee ballot to the
 34 office of the circuit court clerk, the voter may not recast a ballot, except
 35 as provided in **IC 3-11-4-17.7**, IC 3-11.5-4-2, and **IC 3-11.5-4-21**.
 36 SECTION 23. IC 3-11-10-25, AS AMENDED BY P.L.169-2015,
 37 SECTION 120, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) A voter who votes by
 39 absentee ballot because of:
 40 (1) illness or injury; or
 41 (2) caring for a confined person at a private residence;
 42 and who is within the county ~~on election day~~ may vote before an



- 1 absentee voter board or by mail.
- 2 (b) If requested by a voter described in subsection (a) or by a voter
3 with disabilities whose precinct is not accessible to voters with
4 disabilities, an absentee voter board shall visit the voter's place of
5 confinement ~~or~~ the residence of the voter with disabilities: ~~or the~~
6 ~~private residence:~~
- 7 (1) during the regular office hours of the circuit court clerk;
 - 8 (2) at a time agreed to by the board and the voter;
 - 9 (3) on any of the nineteen (19) days immediately before election
10 day; and
 - 11 (4) only once before an election, unless:
 - 12 (A) the confined voter is unavailable at the time of the board's
13 first visit due to a medical emergency; or
 - 14 (B) the board, in its discretion, decides to make an additional
15 visit.
- 16 (c) This subsection applies to a voter confined due to illness or
17 injury. An absentee voter board may not be denied access to the voter's
18 place of confinement if the board is present at the place of confinement
19 at a time:
- 20 (1) agreed to by the board and the voter; and
 - 21 (2) during the regular office hours of the circuit court clerk. A
22 person who knowingly violates this subsection commits
23 obstruction or interference with an election officer in the
24 discharge of the officer's duty, a violation of IC 3-14-3-4.
- 25 (d) The county election board, by unanimous vote of the board's
26 entire membership, may authorize an absentee voter board to visit a
27 voter who is confined due to illness or injury and will be outside the
28 county on election day in accordance with the procedures set forth in
29 subsection (b).
- 30 (e) As provided by 52 U.S.C. 21081, a voter casting an absentee
31 ballot under this section must be:
- 32 (1) permitted to verify in a private and independent manner the
33 votes selected by the voter before the ballot is cast and counted;
 - 34 (2) provided with the opportunity to change the ballot or correct
35 any error in a private and independent manner before the ballot is
36 cast and counted, including the opportunity to receive a
37 replacement ballot if the voter is otherwise unable to change or
38 correct the ballot; and
 - 39 (3) notified before the ballot is cast regarding the effect of casting
40 multiple votes for the office and provided an opportunity to
41 correct the ballot before the ballot is cast and counted.
- 42 (f) As provided by 52 U.S.C. 21081, when an absentee ballot is



1 provided under this section, the board must also provide the voter with:

2 (1) information concerning the effect of casting multiple votes for
3 an office; and

4 (2) instructions on how to correct the ballot before the ballot is
5 cast and counted, including the issuance of replacement ballots.

6 (g) This subsection applies to a voter who applies to vote an
7 absentee ballot by mail. The county election board shall include a copy
8 of the Absentee Voter's Bill of Rights with any absentee ballot mailed
9 to the voter.

10 SECTION 24. IC 3-11-10-26, AS AMENDED BY P.L.278-2019,
11 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: Sec. 26. (a) This subsection applies to all counties,
13 except for a county to which IC 3-6-5.2 **or IC 3-6-5.6** applies. As an
14 alternative to voting by mail, a voter is entitled to cast an absentee
15 ballot before an absentee voter board at any of the following:

16 (1) One (1) location of the office of the circuit court clerk
17 designated by the circuit court clerk.

18 (2) A satellite office established under section 26.3 of this
19 chapter.

20 (b) This subsection applies to a county to which IC 3-6-5.2 **or**
21 **IC 3-6-5.6** applies. As an alternative to voting by mail, a voter is
22 entitled to cast an absentee ballot before an absentee voter board at any
23 of the following:

24 (1) The office of the board of elections and registration.

25 (2) A satellite office established under section 26.3 of this
26 chapter.

27 (c) Except for a location designated under subsection (a)(1), a
28 location of the office of the circuit court clerk must be established as
29 a satellite office under section 26.3 of this chapter in order to be used
30 as a location at which a voter is entitled to cast an absentee ballot
31 before an absentee voter board under this section.

32 (d) The voter must do the following before being permitted to vote:

33 (1) This subdivision does not apply to a county that uses
34 electronic poll books for voting under this section. Sign an
35 application on the form prescribed by the election division under
36 IC 3-11-4-5.1. The application must be received by the circuit
37 court clerk not later than the time prescribed by IC 3-11-4-3.

38 (2) This subdivision applies only to a county that uses electronic
39 poll books for voting under this section and in which the ballot is
40 cast on an electronic voting system. The voter must do the
41 following:

42 (A) If the county election board has prescribed an affidavit



- 1 under subsection (e) that includes a unique identifier to
 2 comply with section 26.2(c)(3) of this chapter, make and
 3 subscribe to the affidavit.
 4 (B) Sign the electronic poll book.
 5 (C) Provide proof of identification.
 6 (3) This subdivision applies only to a county that uses electronic
 7 poll books for voting under this section and in which the ballot is
 8 cast on an optical scan voting system. The voter must do the
 9 following:
 10 (A) Sign the electronic poll book.
 11 (B) Provide proof of identification.
 12 (C) Sign the affidavit prescribed by section 29 of this chapter.
 13 (e) The county election board may:
 14 (1) prescribe an affidavit that includes a unique identifier; or
 15 (2) establish a procedure to produce a document, label, or
 16 electronic record that is associated with each voter and includes
 17 a unique identifier;
 18 to comply with section 26.2(c)(3) of this chapter. After the county
 19 election board approves an affidavit or procedure described in this
 20 subsection and before the affidavit or procedure is used in an election,
 21 the county election board shall file a copy of the affidavit or a brief
 22 description of the procedure with the election division to assist the state
 23 recount commission in conducting proceedings under IC 3-12-11.
 24 (f) The voter may vote before the board not more than twenty-eight
 25 (28) days nor later than noon on the day before election day. If the
 26 close of a voter registration period is transferred under IC 3-5-4-1.5
 27 from twenty-nine (29) days to a later date due to the Columbus Day
 28 holiday, the voter may vote before the board on the first day following
 29 the day on which the voter registration period closes.
 30 (g) An absent uniformed services voter who is eligible to vote by
 31 absentee ballot in the circuit court clerk's office under IC 3-7-36-14
 32 may vote before the board not earlier than twenty-eight (28) days
 33 before the election and not later than noon on election day. If the close
 34 of a voter registration period is transferred under IC 3-5-4-1.5 from
 35 twenty-nine (29) days to a later date due to the Columbus Day holiday,
 36 the voter may vote before the board on the first day following the day
 37 on which the voter registration period closes. If a voter described by
 38 this subsection wishes to cast an absentee ballot during the period
 39 beginning at noon on the day before election day and ending at noon on
 40 election day, the county election board or absentee voter board may
 41 receive and process the ballot at a location designated by resolution of
 42 the county election board.



1 (h) The absentee voter board in the office of the circuit court clerk
 2 must permit voters to cast absentee ballots under this section for at
 3 least seven (7) hours on each of the two (2) Saturdays preceding
 4 election day.

5 (i) Notwithstanding subsection (h), in a county with a population of
 6 less than twenty thousand (20,000), the absentee voter board in the
 7 office of the circuit court clerk, with the approval of the county election
 8 board, may reduce the number of hours available to cast absentee
 9 ballots under this section to a minimum of four (4) hours on each of the
 10 two (2) Saturdays preceding election day.

11 (j) As provided by 52 U.S.C. 21081, a voter casting an absentee
 12 ballot under this section must be:

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

15 (2) provided with the opportunity to change the ballot or correct
 16 any error in a private and independent manner before the ballot is
 17 cast and counted, including the opportunity to receive a
 18 replacement ballot if the voter is otherwise unable to change or
 19 correct the ballot; and

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

23 (k) As provided by 52 U.S.C. 21081, when an absentee ballot is
 24 provided under this section, the board must also provide the voter with:

25 (1) information concerning the effect of casting multiple votes for
 26 an office; and

27 (2) instructions on how to correct the ballot before the ballot is
 28 cast and counted, including the issuance of replacement ballots.

29 (l) If:

30 (1) the voter is unable or declines to present the proof of
 31 identification; or

32 (2) a member of the board determines that the proof of
 33 identification provided by the voter does not qualify as proof of
 34 identification under IC 3-5-2-40.5;

35 the voter shall be permitted to cast a provisional ballot.

36 (m) A voter casting an absentee ballot under this section is entitled
 37 to cast the voter's ballot in accordance with IC 3-11-9.

38 (n) In a primary election, a voter casting an absentee ballot under
 39 this chapter may not change the voter's choice of the voter's political
 40 party after the voter has been mailed or otherwise provided with a
 41 primary ballot containing the candidates of that party.

42 SECTION 25. IC 3-11-10-26.5, AS AMENDED BY P.L.278-2019,



1 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2020]: Sec. 26.5. (a) This section applies to:

- 3 (1) a municipal election;
4 (2) a primary conducted in a municipal election year; and
5 (3) a special election conducted under IC 3-10-8 **and that is not**
6 **conducted at the same time as any other election.**

7 (b) Notwithstanding section 26 of this chapter **or IC 3-11-18.1-4 in**
8 **a vote center county**, a county election board (or a town election board
9 acting under IC 3-10-7) may adopt a resolution **or an amendment to**
10 **a county vote center plan** by the unanimous vote of the board's entire
11 membership stating that voters are entitled to vote by absentee ballot
12 before an absentee voter board in the office of the circuit court clerk or
13 town election board during specific days and hours identified in the
14 resolution.

15 (c) If the election board adopts a resolution under subsection (b), the
16 board must include written findings of fact in the resolution stating:

- 17 (1) the number of absentee ballot applications anticipated or
18 previously received for the election;
19 (2) the expense to be incurred by providing absentee ballot voting
20 in the office during the entire period required under section 26 of
21 this chapter; and
22 (3) that voters would experience little or no inconvenience by
23 restricting absentee ballot voting in the office to the days and
24 hours specified in the resolution.

25 SECTION 26. IC 3-11-10-28, AS AMENDED BY P.L.221-2005,
26 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: Sec. 28. (a) A voter voting before an absentee
28 voter board shall mark the voter's ballot in the presence of the board,
29 but not in such a manner that either of the members of the board can
30 see for whom the voter voted, unless the voter requests the help of the
31 board in marking a ballot under IC 3-11-9. **The voter shall fold each**
32 **ballot separately in a manner to conceal the voter's markings.**

33 (b) The voter shall then, in the presence of the board, place the
34 ballot in an envelope furnished by the county election board.

35 (c) The circuit court clerk shall provide, to the extent practicable,
36 the same degree of privacy to absentee voters voting at the office of the
37 circuit court clerk as provided to voters at the polls on election day.

38 (d) This subsection applies to a voter required to present additional
39 information under IC 3-7-33-4.5. If the voter does not present the
40 required additional information before receiving the absentee ballot,
41 the absentee ballot shall be processed in accordance with ~~section 4.5(c)~~
42 ~~of this chapter.~~ **IC 3-11.5-4-3.5.**



1 (e) **This subsection applies to a voter required to present**
 2 **additional information under IC 3-7-33-4.5.** Upon accepting the
 3 completed absentee ballot from the voter, the board shall provide the
 4 voter with a notice:

- 5 (1) listing the documentation the voter may submit to the county
 6 voter registration office to comply with IC 3-7-33-4.5; and
 7 (2) stating the address and hours of the county voter registration
 8 office.

9 SECTION 27. IC 3-11-10-29.5, AS ADDED BY P.L.219-2013,
 10 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 29.5. Each day after absentee voting
 12 concludes in the circuit court clerk's office ~~or~~ a satellite office, ~~or a~~
 13 ~~vote center~~, the county election board shall direct that the vote history
 14 be uploaded from each electronic poll list into the computerized list.

15 SECTION 28. IC 3-11-10-30 IS REPEALED [EFFECTIVE UPON
 16 PASSAGE]. Sec. 30: Even though the voter may have applied for and
 17 received an absentee ballot, a voter who returns to the voter's place of
 18 residence before the close of the polls on election day may vote in
 19 person under the conditions prescribed by section 31 of this chapter.

20 SECTION 29. IC 3-11-10-31 IS REPEALED [EFFECTIVE UPON
 21 PASSAGE]. Sec. 31: (a) If a voter has not returned an absentee ballot,
 22 then the voter may vote in person:

23 (b) However, if the voter has received an absentee ballot, before the
 24 voter may vote, the voter must return the ballot to the inspector. The
 25 absentee ballot shall be marked "cancelled" and preserved with other
 26 defective ballots:

27 (c) If the voter has requested but not received an absentee ballot, the
 28 voter may vote if the voter executes an affidavit affirming that the voter
 29 has not received an absentee ballot.

30 SECTION 30. IC 3-11-10-32 IS REPEALED [EFFECTIVE UPON
 31 PASSAGE]. Sec. 32: If a voter has marked and returned an absentee
 32 ballot, the voter may not vote in person at a precinct:

33 SECTION 31. IC 3-11-10-36 IS REPEALED [EFFECTIVE UPON
 34 PASSAGE]. Sec. 36: (a) Each county election board shall appoint
 35 absentee voter boards:

36 (b) The absentee voter boards must consist of two (2) voters of the
 37 county; one (1) from each of the two (2) political parties that have
 38 appointed members on the county election board. If a special election
 39 is held for a local public question, the county election board may, by
 40 unanimous vote of the entire membership of the board, adopt a
 41 resolution to provide that the party membership requirement does not
 42 apply to absentee voter boards appointed to conduct the special



1 election: A resolution adopted under this subsection may not be
2 repealed and expires the day after the special election.

3 (c) An otherwise qualified person is eligible to serve on an absentee
4 voter board unless the person:

5 (1) is unable to read; write; and speak the English language;

6 (2) has any property bet or wagered on the result of the election;

7 (3) is a candidate to be voted for at the election, except as an
8 unopposed candidate for precinct committeeman or state
9 convention delegate; or

10 (4) is the spouse, parent, father-in-law, mother-in-law, child,
11 son-in-law, daughter-in-law, grandparent, grandchild, brother,
12 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece
13 of a candidate or declared write-in candidate to be voted for at the
14 election, except as an unopposed candidate. This subdivision
15 disqualifies a person whose relationship to the candidate is the
16 result of birth, marriage, or adoption.

17 (d) A person who is a candidate to be voted for at the election or
18 who is related to a candidate in a manner that would result in
19 disqualification under subsection (c) may, notwithstanding subsection
20 (c), serve as a member of an absentee voter board if:

21 (1) the candidate is seeking nomination or election to an office in
22 an election district that does not consist of the entire county; and

23 (2) the county election board restricts the duties of the person as
24 an absentee voter board member to performing functions that
25 could have no influence on the casting or counting of absentee
26 ballots within the election district.

27 SECTION 32. IC 3-11-10-38, AS AMENDED BY P.L.278-2019,
28 SECTION 100, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE UPON PASSAGE]: Sec. 38. The voters appointed to the
30 absentee voter boards under ~~section 36 of this chapter~~ **IC 3-11.5-4-22**
31 shall be compensated in the following manner:

32 (1) The boards that are sent to voters under section 25 of this
33 chapter are entitled to a per diem and a sum for mileage at a rate
34 determined by the county fiscal body.

35 (2) The boards that are assigned to the circuit court clerk's office
36 or a satellite facility under ~~IC 3-11-10-26 or IC 3-11-10-26.3~~
37 **section 26 or 26.3 of this chapter** are entitled to a per diem at a
38 rate set by the county fiscal body.

39 (3) The boards **absentee ballot couriers** that are assigned to
40 **deliver the absentee ballots delivering lists** to the precincts on
41 election day are entitled to a per diem and a sum for mileage at a
42 rate determined by the county fiscal body.



1 SECTION 33. IC 3-11-11-10 IS REPEALED [EFFECTIVE
2 JANUARY 1, 2021]. ~~Sec. 10: If an election is a general or municipal~~
3 ~~election and a voter desires to vote for all the candidates of one (1)~~
4 ~~political party or group of petitioners, the voter may make a voting~~
5 ~~mark on or in a large circle enclosing the device and before the name~~
6 ~~under which the candidates of the party or group of petitioners are~~
7 ~~printed. The voter's vote shall then be counted for all the candidates~~
8 ~~under that party name or for the two (2) candidates comprising an~~
9 ~~independent ticket.~~

10 SECTION 34. IC 3-11-13-11, AS AMENDED BY P.L.278-2019,
11 SECTION 104, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JANUARY 1, 2021]: Sec. 11. (a) The ballot information,
13 whether placed on the ballot card or on the marking device, must be in
14 the order of arrangement provided for ballots under this section.

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

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

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

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

32 (e) The offices and public questions on the general election ballot
33 must be placed on the ballot in the order listed in IC 3-11-2-12,
34 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),
35 IC 3-11-2-12.9(a), **IC 3-11-2-12.9(c)**, IC 3-11-2-13(a) through
36 IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and
37 public questions may be listed in a continuous column **or row** either
38 vertically or horizontally and on a number of separate pages.

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

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- 1 (1) "Vote for one (1) only.", if only one (1) candidate is to be
 2 elected to the office.
- 3 (2) "Vote for not more than (insert the number of candidates to be
 4 elected) candidate(s) for this office. To vote for any candidate for
 5 this office, you must make a voting mark for each candidate you
 6 wish to vote for." ~~A straight party vote will not count as a vote for~~
 7 ~~any candidate for this office.~~; if more than one (1) candidate is to
 8 be elected to the office.
- 9 (g) Below the name of the office and the statement required by
 10 subsection (f), the names of the candidates for each office must be
 11 grouped together in the following order:
- 12 (1) The major political party whose candidate received the ~~highest~~
 13 **greatest** number of votes in the county for secretary of state at the
 14 ~~last most recent~~ **election for secretary of state** is listed first.
- 15 (2) The major political party whose candidate received the second
 16 ~~highest~~ **greatest** number of votes in the county for secretary of
 17 state is listed second.
- 18 (3) All other political parties listed in the order that the parties'
 19 candidates for secretary of state finished in the ~~last most recent~~
 20 **election for secretary of state** are listed after the party listed in
 21 subdivision (2).
- 22 (4) If a political party did not have a candidate for secretary of
 23 state in the ~~last most recent~~ **election for secretary of state** or a
 24 nominee is an independent candidate or independent ticket
 25 (described in IC 3-11-2-6), the party or candidate is listed after
 26 the parties described in subdivisions (1), (2), and (3).
- 27 (5) If more than one (1) political party or independent candidate
 28 or ticket described in subdivision (4) qualifies to be on the ballot,
 29 the parties, candidates, or tickets are listed in the order in which
 30 the party filed its petition of nomination under IC 3-8-6-12.
- 31 (6) A space for write-in voting is placed after the candidates listed
 32 in subdivisions (1) through (5), if required by law.
- 33 (7) The name of a write-in candidate may not be listed on the
 34 ballot.
- 35 (h) The names of the candidates grouped in the order established by
 36 subsection (g) must be printed in type with uniform capital letters and
 37 have a uniform space between each name. The name of the candidate's
 38 political party, or the word "Independent" if the:
- 39 (1) candidate; or
 40 (2) ticket of candidates for:
 41 (A) President and Vice President of the United States; or
 42 (B) governor and lieutenant governor;



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

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

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

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

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

- 16 (1) under the name of the office that the candidates are seeking;
17 and
18 (2) in alphabetical order according to 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) for this office."

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

- 25 (1) The cautionary statement described in IC 3-11-2-7.
26 (2) The instructions described in IC 3-11-2-8 ~~IC 3-11-2-10(d);~~
27 ~~and IC 3-11-2-10(e).~~ **IC 3-11-2-10(c).**

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

- 34 (1) the name of the political party or independent ticket
35 (described in IC 3-11-2-6); and
36 (2) immediately below or beside the political party's or
37 independent ticket's name, the device of that party or ticket
38 (described in IC 3-11-2-5).

39 The name and device of each political party or independent ticket must
40 be of uniform size and type and arranged in the order established by
41 subsection (g) for listing candidates under each office. ~~The instructions~~
42 ~~described in IC 3-11-2-10(c) for voting a straight party ticket and the~~



1 statement concerning presidential electors required under IC 3-10-4-3
 2 may be placed on the ballot label or in a location within the voting
 3 booth in a location that permits the voter to easily read the instructions.

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

10 (n) The requirements in this section:

11 (1) do not replace; and

12 (2) are in addition to;

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

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

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

20 (1) the names of ~~political parties~~ or candidates; or

21 (2) the text of public questions;

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

25 SECTION 35. IC 3-11-13-11.5 IS ADDED TO THE INDIANA
 26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. A public question**
 28 **printed on a ballot shall be set forth without any quotation marks**
 29 **preceding or following the text of the public question.**

30 SECTION 36. IC 3-11-13-14 IS REPEALED [EFFECTIVE
 31 JANUARY 1, 2021]. ~~Sec. 14. (a) In partisan elections, the ballot labels~~
 32 ~~must include a voting square or position where a voter may by one (1)~~
 33 ~~voting mark on each card record a straight party or an independent~~
 34 ~~ticket vote for all the candidates of one (1) political party or the~~
 35 ~~independent ticket, except for offices for which the voter:~~

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

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

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

42 SECTION 37. IC 3-11-13-22, AS AMENDED BY P.L.278-2019,



1 SECTION 106, IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JANUARY 1, 2021]: Sec. 22. (a) This section applies to:

- 3 (1) a ballot card voting system; and
4 (2) a voting system that includes features of a ballot card voting
5 system and a direct record electronic voting system.

6 (b) Not later than seventy-four (74) days before election day, for
7 each county planning to use automatic tabulating machines at the next
8 election, VSTOP shall provide each county election board with two (2)
9 lists of unique identification numbers for the machines to be tested by
10 the county. The number of machines selected in each list must be:

- 11 (1) approved by the division; and
12 (2) not less than five percent (5%) of the machines in the county.

13 (c) The county election board shall test the machines in the first list
14 described in subsection (b) to ascertain that the machines will correctly
15 count the votes cast for ~~straight party tickets~~, for all candidates
16 (including write-in candidates) and on all public questions. If an
17 individual attending the public test requests that additional automatic
18 tabulating machines be tested, then the county election board shall test
19 machines from the second list described in subsection (b).

20 (d) If VSTOP does not provide the lists under subsection (b) not
21 later than sixty (60) days before the election, the county election board
22 shall establish and implement a procedure for random selection of not
23 less than five percent (5%) of the machines in the county. The county
24 election board shall then test the machines selected as described in
25 subsection (c).

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

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

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

- 35 (1) a ballot:
36 (A) must be reprinted or corrected as provided by
37 IC 3-11-2-16 because of the omission of a candidate, political
38 party, or public question from the ballot; or
39 (B) is an absentee ballot that a voter is entitled to recast under
40 IC 3-11.5-4-2 because the absentee ballot includes a candidate
41 for election to office who:

- 42 (i) ceased to be a candidate; and



1 (ii) has been succeeded by a candidate selected under
 2 IC 3-13-1 or IC 3-13-2; and
 3 (2) ballots used in the test conducted under this section were not
 4 reprinted or corrected to remove the omission of a candidate,
 5 political party, or public question, or indicate the name of the
 6 successor candidate;
 7 the county election board shall conduct an additional public test
 8 described in subsection (c) using the reprinted or corrected ballots.
 9 Notice of the time and place of the additional test shall be given in
 10 accordance with IC 5-14-1.5, but publication of the notice in
 11 accordance with IC 5-3-1-4 is not required.

12 SECTION 38. IC 3-11-13-31.7, AS AMENDED BY P.L.21-2016,
 13 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2021]: Sec. 31.7. (a) This section is enacted to comply
 15 with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory
 16 standards to define what constitutes a vote on an optical scan voting
 17 system.

18 (b) After receiving ballot cards, a voter shall, without leaving the
 19 room, go alone into one (1) of the booths or compartments that is
 20 unoccupied and indicate:
 21 (1) the candidates for whom the voter desires to vote by marking
 22 the connectable arrows, circles, ovals, or squares immediately
 23 beside:
 24 (A) the candidates' names; or
 25 (B) the numbers referring to the candidates; and
 26 (2) the voter's preference on each public question by marking the
 27 connectable arrow, oval, or square beside:
 28 (A) the word "yes" or "no" under the question; or
 29 (B) the number referring to the word "yes" or "no" on the
 30 ballot.

31 (c) If an election is a general or municipal election and a voter
 32 desires to vote for all the candidates of one (1) political party or
 33 independent ticket (described in IC 3-11-2-6), the voter may mark:
 34 (1) the circle enclosing the device; or
 35 (2) the connectable arrow, circle, oval, or square described in
 36 section 11 of this chapter;
 37 that designates the candidates of that political party or independent
 38 ticket (described in IC 3-11-2-6). Except as provided by
 39 IC 3-11-7-4(b), the voter's vote shall then be counted for all the
 40 candidates of that political party or included in the independent ticket
 41 (described in IC 3-11-2-6). However, if the voter marks the circle,
 42 arrow, oval, or square of an independent ticket (described in



1 ~~IC 3-11-2-6~~; the vote shall not be counted for any other independent
2 candidate on the ballot.

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

9 (1) inserting a paper ballot or an optical scan ballot into the voting
10 system; or

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

13 ~~(e)~~ (d) A voter using a voting system described in subsection ~~(d)~~ (c)
14 may indicate the voter's selections by:

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

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

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

26 (b) The county may:

27 (1) print all offices and public questions on a single ballot label;
28 and

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

31 (c) Each type of ballot label 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 must be listed on the ballot label with the name and device
36 set forth on the certification or petition. The circle containing the
37 device may be of any size that permits a voter to readily identify the
38 device. IC 3-11-2-5 applies if the certification or petition does not
39 include a name or device, or if the same device is selected by two (2)
40 or more parties or petitioners.

41 (e) The ballot labels must list the offices and public questions on the
42 general election 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). Each office and public question
 4 may have a separate screen, or the offices and public questions may be
 5 listed in a continuous column either vertically or horizontally.

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~~
 14 ~~for this office, you must make a voting mark for each candidate~~
 15 ~~you wish to vote for. A straight party vote will not count as a vote~~
 16 ~~for any candidate for this office.~~", if more than one (1) candidate
 17 is to 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 secretary of state** 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 secretary of state** 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 secretary of state** or a
 33 nominee is an independent candidate or independent ticket
 34 (described in IC 3-11-2-6), the party or candidate is listed after
 35 the parties 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. A space for
 42 write-in voting for an office is not required if there are no



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



- 1 voter to easily read the instructions.
- 2 (m) The ballot label must include: a touch sensitive point or button
3 for voting a straight political party or independent ticket (described in
4 IC 3-11-2-6) by one (1) touch; and the touch sensitive point or button
5 must be identified by:
- 6 (1) the name of the political party or independent ticket; and
 - 7 (2) immediately below or beside the political party's or
8 independent ticket's name, the device of that party or ticket
9 (described in IC 3-11-2-5).
- 10 The name and device of each party or ticket must be of uniform size
11 and type, and arranged in the order established by subsection (g) for
12 listing candidates under each office. The instructions described in
13 IC 3-11-2-10(c) for voting a straight party ticket and the statement
14 concerning presidential electors required under IC 3-10-4-3 may be
15 placed on the ballot label or in a location within the voting booth that
16 permits the voter to easily read the instructions.
- 17 (n) A public question must be in the form described in
18 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive
19 point or button must be used instead of a square. Except as expressly
20 authorized or required by statute, a county election board may not print
21 a ballot label that contains language concerning the public question
22 other than the language authorized by a statute.
- 23 (o) The requirements in this section:
- 24 (1) do not replace; and
 - 25 (2) are in addition to;
- 26 any other requirements in this title that apply to ballots for electronic
27 voting systems.
- 28 (p) The procedure described in IC 3-11-2-16 must be used when a
29 ballot label does not comply with the requirements imposed by this title
30 or contains another error or omission that might result in confusion or
31 mistakes by voters.
- 32 SECTION 40. IC 3-11-14-3.7 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE UPON PASSAGE]: **Sec. 3.7. A public question printed**
35 **on a ballot shall be set forth without any quotation marks**
36 **preceding or following the text of the public question.**
- 37 SECTION 41. IC 3-11-14-23, AS AMENDED BY P.L.21-2016,
38 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JANUARY 1, 2021]: Sec. 23. (a) This section is enacted to comply
40 with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory
41 standards to define what constitutes a vote on an electronic voting
42 system.



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

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

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

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

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

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

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

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

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

34 SECTION 42. IC 3-11-14.5-1, AS AMENDED BY P.L.278-2019,
 35 SECTION 113, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JANUARY 1, 2021]: Sec. 1. (a) Not later than
 37 seventy-four (74) days before election day, for each county planning to
 38 use an electronic voting system at the next election, VSTOP shall
 39 provide each county election board with two (2) lists of unique
 40 identification numbers for the machines to be tested by the county. The
 41 number of machines selected in each list must be:

42 (1) approved by the division; and



- 1 (2) not less than five percent (5%) of the machines in the county.
 2 (b) The county election board shall test the machines in the first list
 3 described in subsection (a) to ascertain that the machines will correctly
 4 count the votes cast for ~~straight party tickets~~, for all candidates
 5 (including write-in candidates) and on all public questions. If an
 6 individual attending the public test requests that additional electronic
 7 voting systems be tested, then the county election board shall test
 8 machines from the second list described in subsection (a).
 9 (c) If VSTOP does not provide the lists under subsection (a) not
 10 later than sixty (60) days before the election, the county election board
 11 shall establish and implement a procedure for random selection of not
 12 less than five percent (5%) of the machines in the county. The county
 13 election board shall then test the machines selected as described in
 14 subsection (b).
 15 (d) The testing under subsection (b) must begin before absentee
 16 voting starts in the office of the circuit court clerk under IC 3-11-10-26.
 17 (e) If a county election board determines that:
 18 (1) a ballot provided by an electronic voting system:
 19 (A) must be corrected as provided by IC 3-11-2-16 because of
 20 the omission of a candidate, political party, or public question
 21 from the ballot; or
 22 (B) is an absentee ballot that a voter is entitled to recast under
 23 IC 3-11.5-4-2 because the absentee ballot includes a candidate
 24 for election to office who:
 25 (i) ceased to be a candidate; and
 26 (ii) has been succeeded by a candidate selected under
 27 IC 3-13-1 or IC 3-13-2; and
 28 (2) machines used in the test conducted under this section did not
 29 contain a ballot that was reprinted or corrected to remove the
 30 omission of a candidate, political party, or public question, or
 31 indicate the name of the successor candidate;
 32 the county election board shall conduct an additional public test
 33 described in subsection (b) using the machines previously tested and
 34 containing the reprinted or corrected ballots.
 35 SECTION 43. IC 3-11.5-4-3.5 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) Upon receipt of an**
 38 **absentee ballot from a voter required to provide additional**
 39 **information to the county voter registration office under**
 40 **IC 3-7-33-4.5, the county election board shall contact the county**
 41 **voter registration office to determine if the additional information**
 42 **has been filed with the office by the voter.**



1 (b) If the voter has filed the information with the county voter
 2 registration office, the county election board shall add a notation
 3 to the application indicating that the required information has
 4 been filed and that the absentee ballot may be counted if the ballot
 5 otherwise complies with this article.

6 (c) If the voter has not filed the information with the county
 7 voter registration office, the county election board shall add a
 8 notation on the application filed by a voter described under
 9 subsection (b) and on the envelope provided under this chapter
 10 reading substantially as follows:

11 "ABSENTEE BALLOT COUNTERS: AS OF (insert date
 12 absentee ballot application approved) THIS VOTER WAS
 13 REQUIRED TO FILE ADDITIONAL DOCUMENTATION
 14 WITH THE COUNTY VOTER REGISTRATION OFFICE
 15 BEFORE THIS BALLOT MAY BE COUNTED. CHECK
 16 THE POLL LIST AND COUNTY ELECTION BOARD
 17 CERTIFICATION TO SEE IF THE VOTER HAS FILED
 18 THIS INFORMATION. IF NOT, PROCESS AS A
 19 PROVISIONAL BALLOT IF THIS BALLOT OTHERWISE
 20 COMPLIES WITH INDIANA LAW."

21 SECTION 44. IC 3-11.5-4-3.7 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE UPON PASSAGE]: Sec. 3.7. (a) This section applies to
 24 an absentee ballot received before election day.

25 (b) The county election board or the absentee ballot members in
 26 the office of the circuit court clerk shall compare the signature of
 27 the voter on the absentee ballot application, or, if there is no
 28 application, with the signature on the electronic poll book, with the
 29 signature on:

- 30 (1) the voter's absentee ballot envelope; or
 31 (2) the computerized list if there is no envelope.

32 The board may also compare the signature on the ballot envelope
 33 with any other admittedly genuine signature of the voter.

34 (c) If the absentee board finds that the signature on an absentee
 35 ballot or transmitted affidavit is not genuine, the board shall write
 36 upon the ballot envelope the words "The absentee board has
 37 determined that the signature of this voter is not genuine and
 38 advises that the county election board reject this ballot under
 39 IC 3-11.5-4-4."

40 SECTION 45. IC 3-11.5-4-5, AS AMENDED BY P.L.157-2019,
 41 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 5. (a) Notwithstanding section 12(a) of this



1 **chapter, if the county election board does not determine under this**
 2 **subsection that the ballot signature is genuine, then the absentee**
 3 **ballot counters shall determine under section 12(b) of this chapter**
 4 **if the signatures correspond.** If a county election board ~~unanimously~~
 5 finds that the signature on a ballot envelope or transmitted affidavit is
 6 genuine, the board shall enclose immediately the accepted and
 7 unopened ballot envelope, together with the voter's application for the
 8 absentee ballot, in a large or carrier envelope. **If the county election**
 9 **board does not unanimously determine that the signature on a**
 10 **ballot envelope is genuine, the board shall also write on the ballot**
 11 **envelope described in subsection (c) or the transmitted affidavit**
 12 **from a voter under IC 3-11-4-6, the words "SIGNATURE**
 13 **DISPUTED".** The board ~~may~~ shall enclose in the same carrier
 14 envelope all absentee ballot envelopes and applications for the same
 15 precinct.

16 (b) The envelope shall be securely sealed and endorsed with the
 17 name and official title of the circuit court clerk and the following
 18 words: "This envelope contains an absentee ballot and must be opened
 19 only on election day under IC 3-11.5."

20 SECTION 46. IC 3-11.5-4-6, AS AMENDED BY P.L.278-2019,
 21 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Each circuit court clerk
 23 shall keep all accepted ballot envelopes securely sealed in the clerk's
 24 office until the ballot envelopes are opened by absentee ballot counters
 25 in accordance with this chapter.

26 (b) **Except as provided in section 6.5 of this chapter,** a county
 27 election board may not scan a voted absentee ballot card using an
 28 optical scan ballot scanner before election day.

29 SECTION 47. IC 3-11.5-4-6.5 IS ADDED TO THE INDIANA
 30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. (a) The secretary of state**
 32 **may establish a pilot program that designates not more than two**
 33 **(2) counties to participate in a pilot program during the May 5,**
 34 **2020, primary election. A county election board of a county that**
 35 **wishes to participate in the pilot program must:**

- 36 (1) **adopt an order by unanimous vote of the entire**
 37 **membership of the county election board to participate in the**
 38 **pilot program in accordance with this section; and**
- 39 (2) **file a copy of the order under subdivision (1) with the**
 40 **secretary of state.**

41 (b) **A pilot program established by the secretary of state under**
 42 **this section must test a voting system that meets the following:**



- 1 (1) Is designed to scan a voted absentee ballot card before
 2 election day.
- 3 (2) Has the capability of electronically retracting a previously
 4 scanned absentee ballot card of a voter who is later found
 5 disqualified or whose ballot may not be counted for any other
 6 reason under this title.
- 7 (3) Complies with the requirements of IC 3-11-15-13.3 and
 8 has been approved for use in Indiana elections by the
 9 commission.
- 10 (4) Has retraction features that have been:
 11 (A) tested under the authority of; and
 12 (B) found to be in compliance with the Voluntary Voting
 13 System Guidelines described in IC 3-11-15-13.3(a)(3), by;
 14 the United States Election Assistance Commission.
- 15 (c) A county participating in a pilot program under this section
 16 may:
 17 (1) scan a voted absentee ballot card using an optical scan
 18 ballot scanner before election day; and
 19 (2) electronically retract a ballot described in subsection
 20 (b)(2) if the county otherwise complies with this title.
- 21 (d) If the secretary of state establishes a pilot program under
 22 this section, before December 1, 2020, each county election board
 23 participating in the pilot program shall file a report with the
 24 secretary of state and the legislative council in an electronic format
 25 under IC 5-14-6. The report must include the following:
 26 (1) Information concerning the implementation of the pilot
 27 program, including information concerning:
 28 (A) the number of ballots retracted;
 29 (B) the security of the ballots; and
 30 (C) the experiences of the county election board in
 31 participating in the pilot program.
- 32 (2) Recommendations concerning whether the voting system
 33 technology used in the pilot program should be permitted in
 34 future elections through the enactment of legislation.
- 35 (e) This section expires December 31, 2020.
- 36 SECTION 48. IC 3-11.5-4-11, AS AMENDED BY P.L.278-2019,
 37 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) This section applies to
 39 an absentee ballot received on election day, but not later than noon
 40 on election day. The absentee ballot counters shall examine the
 41 signature on the absentee ballot and determine if the signature is
 42 genuine under section 5 of this chapter. If the absentee ballot



1 **counters do not agree, the question is referred to the county**
 2 **election board for determination. If the absentee ballot counters**
 3 **agree that the signature is not genuine, the county election board**
 4 **shall reject the ballot under section 4 of this chapter.**

5 ~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~; (c), ~~or~~ (d), **or** (e), at any
 6 time after the couriers return the certificate under section 9 of this
 7 chapter, absentee ballot counters appointed under section 22 of this
 8 chapter, in the presence of the county election board, shall, except for
 9 a ballot rejected under section 13 of this chapter:

10 (1) open the outer or carrier envelope containing an absentee
 11 ballot envelope and application;

12 (2) announce the absentee voter's name; and

13 (3) compare the signature upon the **ballot** application or, **if there**
 14 **is no application, with the signature on the** electronic poll book,
 15 with the signature upon the:

16 **(A) voter's absentee affidavit on the** ballot envelope;
 17 ~~transmitted affidavit under IC 3-11-4-6(h); or voter registration~~
 18 ~~record; or~~

19 **(B) if there is no envelope, with the voter's signature on the**
 20 **computerized list.**

21 **The board may also compare the signature on the ballot envelope**
 22 **with any other admittedly genuine signature of the voter.**

23 ~~(b)~~ **(c)** This subsection applies to a county (other than a county
 24 described in subsection ~~(e)~~ **or** (d) **or** (e)) that:

25 (1) has adopted an order to use an electronic poll book under
 26 IC 3-7-29-6(a)(1); or

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

28 Immediately after the electronic poll books used at each polling place
 29 or vote center have been updated to indicate that the county received,
 30 not later than noon on election day, an absentee ballot from a voter, the
 31 absentee ballot counters shall, in a central counting location designated
 32 by the county election board, count the absentee ballot votes cast for
 33 each candidate for each office and on each public question in the
 34 precinct.

35 ~~(e)~~ **(d)** This subsection applies to a county having a consolidated
 36 city, if the county:

37 (1) has adopted an order to use an electronic poll book under
 38 IC 3-7-29-6(a)(1); or

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

40 After the receipt and processing required under sections 12 and 12.5 of
 41 this chapter to process an absentee ballot from a voter and after
 42 ensuring that the electronic poll books used in each polling place or



1 vote center have been updated to reflect all absentee ballots received
 2 by the county not later than 12:01 a.m. on election day, the absentee
 3 ballot counters shall, at any time after 6:00 a.m. on election day, in a
 4 central counting location designated by the county election board,
 5 count the absentee ballot votes cast for each candidate, for each office,
 6 and on each public question.

7 ~~(d)~~ (e) This subsection applies to a county other than a county
 8 having a consolidated city, if the county election board has adopted a
 9 resolution by the unanimous vote of the entire membership of the board
 10 to use procedures set forth in this subsection, and the county:

11 (1) has adopted an order to use an electronic poll book under
 12 IC 3-7-29-6(a)(1); or

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

14 After the receipt and processing required under section 12 of this
 15 chapter to process an absentee ballot from a voter and after ensuring
 16 that the electronic poll books used in each polling place or vote center
 17 have been updated to reflect all absentee ballots received by the county
 18 not later than 12:01 a.m. on election day, the absentee ballot counters
 19 shall, at any time after 6:00 a.m. on election day, in a central counting
 20 location designated by the county election board, count the absentee
 21 ballot votes cast for each candidate, for each office, and on each public
 22 question.

23 ~~(e)~~ (f) A resolution adopted under subsection ~~(d)~~ (e) may be
 24 repealed or amended only by the unanimous vote of the entire
 25 membership of the county election board.

26 SECTION 49. IC 3-11.5-4-20 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. ~~If the inspector~~
 28 ~~a voter~~ has marked the poll list to indicate that the ~~and returned an~~
 29 absentee ballot, ~~cast by the voter has been received by the county~~
 30 ~~election board~~; the voter may not vote in person except as provided in
 31 section 21 of this chapter.

32 SECTION 50. IC 3-11.5-4-22, AS AMENDED BY P.L.169-2015,
 33 SECTION 142, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Except as provided in
 35 subsection (b), each county election board shall appoint:

36 (1) absentee voter boards;

37 (2) teams of absentee ballot counters; and

38 (3) teams of couriers;

39 consisting of two (2) voters of the county, one (1) from each of the two
 40 (2) political parties that have appointed members on the county
 41 election board. **If a special election is held for a local public**
 42 **question, the county election board may, by unanimous vote of the**



1 **entire membership of the board, adopt a resolution to provide that**
 2 **the party membership does not apply to absentee voter boards**
 3 **appointed to conduct the special election. A resolution adopted**
 4 **under this subsection may not be repealed and expires the day**
 5 **after the special election.**

6 (b) Notwithstanding subsection (a), a county election board:

7 (1) may appoint, by a unanimous vote of the board's members,
 8 only one (1) absentee ballot courier if the person appointed is a
 9 voter of the county; and

10 (2) shall not appoint teams of couriers, if the county:

11 (A) has adopted an order to use an electronic poll book under
 12 IC 3-7-29-6(a)(1); or

13 (B) is a vote center county under IC 3-11-18.1.

14 (c) An otherwise qualified person is eligible to serve on an absentee
 15 voter board or as an absentee ballot counter or a courier unless the
 16 person:

17 (1) is unable to read, write, and speak the English language;

18 (2) has any property bet or wagered on the result of the election;

19 (3) is a candidate to be voted for at the election except as an
 20 unopposed candidate for precinct committeeman or state
 21 convention delegate; or

22 (4) is the spouse, parent, father-in-law, mother-in-law, child,
 23 son-in-law, daughter-in-law, grandparent, grandchild, brother,
 24 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece
 25 of a candidate or declared write-in candidate to be voted for at the
 26 election except as an unopposed candidate. This subdivision
 27 disqualifies a person whose relationship to the candidate is the
 28 result of birth, marriage, or adoption.

29 (d) A person who is a candidate to be voted for at the election or
 30 who is related to a candidate in a manner that would result in
 31 disqualification under subsection (c) may, notwithstanding subsection
 32 (c), serve as a member of an absentee voter board if:

33 (1) the candidate is seeking nomination or election to an office in
 34 an election district that does not consist of the entire county; and

35 (2) the county election board restricts the duties of the person as
 36 an absentee voter board member to performing functions that
 37 could have no influence on the casting or counting of absentee
 38 ballots within the election district.

39 SECTION 51. IC 3-11.5-6-3, AS AMENDED BY P.L.210-2018,
 40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b),
 42 (c), or (d), immediately after:

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- 1 (1) the couriers have returned the certificate from a precinct under
 2 IC 3-11.5-4-9; and
 3 (2) the absentee ballot counters or the county election board has
 4 made the findings required under IC 3-11-10 and IC 3-11.5-4 for
 5 the absentee ballots cast by voters of the precinct and deposited
 6 the accepted absentee ballots in the envelope required under
 7 IC 3-11.5-4-12;
- 8 the absentee ballot counters shall, in a central counting location
 9 designated by the county election board, count the absentee ballot votes
 10 for each candidate for each office and on each public question in the
 11 precinct with the assistance of any persons required for the operation
 12 of the automatic tabulating machine.
- 13 (b) This subsection does not apply to a county having a consolidated
 14 city. This subsection applies to a county that:
- 15 (1) has adopted an order to use an electronic poll book under
 16 IC 3-7-29-6(a)(1); or
 17 (2) is a vote center county under IC 3-11-18.1.
- 18 Immediately after the electronic poll books used at each polling place
 19 or vote center have been updated to indicate that the county received,
 20 not later than noon on election day, an absentee ballot from a voter, the
 21 absentee ballot counters shall, in a central counting location designated
 22 by the county election board, count the absentee ballot votes cast for
 23 each candidate for each office and on each public question in the
 24 precinct.
- 25 (c) This subsection applies to a county having a consolidated city,
 26 if the county:
- 27 (1) has adopted an order to use an electronic poll book under
 28 IC 3-7-29-6(a)(1); or
 29 (2) is a vote center county under IC 3-11-18.1.
- 30 After the receipt and processing required under ~~IC 3-11.5-4-11(c)~~
 31 **IC 3-11.5-4-11(d)** to process an absentee ballot from a voter and after
 32 ensuring that the electronic poll books used in each polling place or
 33 vote center have been updated to reflect all absentee ballots received
 34 by the county not later than 12:01 a.m. on election day, the absentee
 35 ballot counters shall, at any time after 6:00 a.m. on election day, in a
 36 central counting location designated by the county election board,
 37 count the absentee ballot votes cast for each candidate, for each office,
 38 and on each public question.
- 39 (d) This subsection applies to a county other than a county having
 40 a consolidated city, if the county election board has adopted a
 41 resolution by the unanimous vote of the entire membership of the board
 42 to use procedures set forth in this subsection, and the county:



1 (1) has adopted an order to use an electronic poll book under
2 IC 3-7-29-6(a)(1); or

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

4 After the receipt and processing required under ~~IC 3-11.5-4-11(d)~~
5 **IC 3-11.5-4-11(e)** to process an absentee ballot from a voter and after
6 ensuring that the electronic poll books used in each polling place or
7 vote center have been updated to reflect all absentee ballots received
8 by the county not later than 12:01 a.m. on election day, the absentee
9 ballot counters shall, at any time after 6:00 a.m. on election day, in a
10 central counting location designated by the county election board,
11 count the absentee ballot votes cast for each candidate, for each office,
12 and on each public question.

13 (e) A resolution adopted under subsection (d) may be repealed or
14 amended only by the unanimous vote of the entire membership of the
15 county election board.

16 SECTION 52. IC 3-11.7-3-8 IS ADDED TO THE INDIANA CODE
17 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
18 **UPON PASSAGE]: Sec. 8. For purposes of Article 2, Section 9 of**
19 **the Constitution of the State of Indiana, the position of absentee**
20 **ballot counter or provisional ballot counter is not a lucrative office.**

21 SECTION 53. IC 3-12-1-1, AS AMENDED BY P.L.64-2014,
22 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JANUARY 1, 2021]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, 9.5, and
24 13 of this chapter, the primary factor to be considered in determining
25 a voter's choice on a ballot is the intent of the voter. If the voter's intent
26 can be determined on the ballot or on part of the ballot, the vote shall
27 be counted for the affected candidate or candidates or on the public
28 question. However, if it is impossible to determine a voter's choice of
29 candidates on a part of a ballot or vote on a public question, then the
30 voter's vote concerning those candidates or public questions may not
31 be counted.

32 SECTION 54. IC 3-12-1-5, AS AMENDED BY P.L.278-2019,
33 SECTION 137, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JANUARY 1, 2021]: Sec. 5. (a) This subsection does not
35 apply to a ballot card voting system or an electronic voting system.
36 ~~Except as provided in subsection (d);~~ A voting mark made by a voter
37 on or in a voting square at the left of a candidate's name ~~or political~~
38 ~~party's name~~ shall be counted as a vote for the candidate. ~~or candidates~~
39 ~~of the political party.~~

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

42 (1) on or in a circle, oval, or square; or



1 (2) to connect a connectable arrow;
 2 immediately below or beside a candidate's name or political party's
 3 name shall be counted as a vote for the candidate. or candidates of the
 4 political party; except as provided in subsection (d):

5 (c) This subsection applies to a direct record electronic voting
 6 system. A voting mark made by a voter touching a touch sensitive point
 7 or button below or beside a candidate's name or political party's name
 8 shall be counted as a vote for the candidate. or candidates of the
 9 political party; except as provided in subsection (d):

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

- 13 (1) county council;
- 14 (2) city common council;
- 15 (3) town council; or
- 16 (4) township board;

17 must make a voting mark for each individual candidate for whom the
 18 voter wishes to east a vote. A straight ticket voting mark on a paper
 19 ballot, ballot card voting system, or electronic voting system shall not
 20 be counted as a straight party ticket voting mark as a vote for any
 21 candidate for an office described by this subsection:

22 SECTION 55. IC 3-12-1-7, AS AMENDED BY P.L.21-2016,
 23 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JANUARY 1, 2021]: Sec. 7. (a) This subsection applies whenever a
 25 voter:

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

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

31 (b) This subsection applies whenever:

- 32 (1) a voter has voted a straight party ticket for the candidates of
 33 one (1) political party;
- 34 (2) only one (1) person may be elected to an office; and
- 35 (3) the voter has voted for one (1) individual candidate for the
 36 office described in subdivision (2) who is:

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

39 (B) an independent candidate or declared write-in candidate
 40 for the office.

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



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

4 (c) This subsection applies whenever:

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

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

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

13 (d) This subsection applies whenever:

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

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

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

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

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

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

25 The individual votes cast by the voter for the office for the independent
 26 candidates; declared write-in candidates; and the candidates of a
 27 political party other than the political party for which the voter cast a
 28 straight party ticket shall be counted unless the total number of these
 29 individual votes is greater than the number of persons to be elected to
 30 the office. The straight party ticket votes for the office shall not be
 31 counted. The straight party ticket votes for other offices on the voter's
 32 ballot shall be counted.

33 (e) 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) more than one (1) person may be elected to an office; and

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

39 (A) independent candidates; declared write-in candidates; or
 40 candidates of a political party other than the political party for
 41 which the voter cast a straight party ticket under subdivision

42 (1); and



1 (B) candidates of the same political party for which the voter
 2 cast a straight party ticket under subdivision (1):
 3 The individual votes cast by the voter for the office for the independent
 4 candidates; the declared write-in candidates; and the candidates of a
 5 political party other than the political party for which the voter cast a
 6 straight party ticket; and the candidates of the political party for which
 7 the voter cast a straight party ticket shall be counted unless the total
 8 number of these individual votes is greater than the number of persons
 9 to be elected to the office. The straight party ticket votes for the office
 10 shall not be counted. The straight party ticket votes for other offices on
 11 the voter's ballot shall be counted.

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

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

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

26 SECTION 56. IC 3-12-1-7.5, AS AMENDED BY P.L.21-2016,
 27 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JANUARY 1, 2021]: Sec. 7.5. (a) If a voter votes for one (1) individual
 29 candidate for an office for which only one (1) person may be elected
 30 and also writes in the name of another candidate for the same office,
 31 neither vote may be counted.

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

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

42 SECTION 57. IC 3-12-1-8 IS REPEALED [EFFECTIVE



1 JANUARY 1, 2021]. Sec. 8: (a) Except as provided in subsection (b);
 2 a voting mark made by a voter on or in a circle containing a political
 3 party device shall be counted as a vote for each candidate of that
 4 political party on that ballot.

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

- 8 (1) county council;
- 9 (2) city common council;
- 10 (3) town council; or
- 11 (4) township board;

12 must make a voting mark for each individual candidate for whom the
 13 voter wishes to cast a vote. A voting mark on or in a circle containing
 14 a political party device shall not be counted as a straight party ticket
 15 voting mark as a vote for any candidate for an office described by this
 16 subsection.

17 SECTION 58. IC 3-12-1-14 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 14. (a) This
 19 section does not apply to a vote

- 20 (1) cast for President or Vice President of the United States under
 21 IC 3-10-4-6. or
- 22 (2) described by section 15 of this chapter.

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

26 SECTION 59. IC 3-12-1-15 IS REPEALED [EFFECTIVE
 27 JANUARY 1, 2021]. Sec. 15: (a) This section does not apply to a
 28 candidate for an at-large office of a county council; city common
 29 council; town council; or township board; if those offices appear on a
 30 ballot.

31 (b) This section applies to a vote cast for one (1) straight party ticket
 32 that includes a candidate for election to office who:

- 33 (1) ceases to be a candidate; and
- 34 (2) is succeeded by a candidate selected under IC 3-13-1 or
 35 IC 3-13-2.

36 (c) A vote cast in the election for the original nominee is considered
 37 a vote cast for the successor.

38 SECTION 60. IC 3-12-3-2.5 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) Not later
 40 than ten (10) days before any election at which ballot cards will be
 41 tabulated at a central counting location, the county election board shall
 42 designate the counting location to be used for the processing or



1 counting of ballots.

2 (b) This counting location must be located within the county or
3 within an adjoining county in Indiana. If the counting location is within
4 the county, the board shall also determine whether the precinct officials
5 are to make their returns directly to the counting location or to the
6 office of the clerk of the circuit court. If the counting location is outside
7 the county, all precinct returns shall be made directly to:

- 8 (1) the office of the clerk of the circuit court or to the chief deputy
9 of a combined election board established under IC 3-6-5.2; **or**
10 (2) **the director of the board of elections and registration**
11 **under IC 3-6-5.6.**

12 (c) No counting location shall be used by more than one (1) county
13 at an election without the approval of the commission.

14 (d) Whenever the precinct returns are made directly to the office of
15 the clerk of the circuit court and the counting location is not performed
16 in that office, the county election board is responsible for arranging
17 adequate security during the transfer of all ballot cards to the counting
18 location. This security shall include the following:

- 19 (1) All ballot cards must at all times be under the supervision of
20 at least two (2) persons, one (1) from each of two (2) political
21 parties entitled to have a member on the county election board.
22 (2) At least one (1) member of the county sheriff's department
23 shall accompany the ballot cards from the clerk's office to the
24 counting location. This assistance shall be rendered under
25 IC 3-6-5-33.

26 SECTION 61. IC 3-12-11-10 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each
28 petitioner shall furnish a cash deposit for the payment of costs of the
29 recount chargeable to the petitioner. The minimum amount of the cash
30 deposit is one hundred dollars (\$100). The cash deposit shall be
31 deposited in the state recount fund.

32 (b) This subsection applies only to a recount of an election for
33 nomination or election to either of the following:

- 34 (1) A legislative office in which, on the face of the election
35 returns, the difference between the number of votes cast for the
36 candidate nominated or elected and the petitioner is not more than
37 one percent (1%) of the total votes cast for all candidates for the
38 nomination or office.
39 (2) An office other than a legislative office in which, on the face
40 of the election returns, the difference between the number of votes
41 cast for the candidate nominated or elected and the petitioner is
42 not more than one percent (1%) of the total votes cast for all



1 candidates for the nomination or office.
 2 If the number of precincts to be recounted exceeds ten (10), the amount
 3 of the deposit shall be increased by ten dollars (\$10) for each precinct
 4 in excess of ten (10).

5 (c) This subsection applies only to a recount of an election for
 6 nomination or election to either of the following:

7 (1) A legislative office in which, on the face of the election
 8 returns, the difference between the number of votes cast for the
 9 candidate nominated or elected and the petitioner is more than
 10 one percent (1%) of the total votes cast for the nomination or
 11 office.

12 (2) An office other than a legislative office in which, on the face
 13 of the election returns, the difference between the number of votes
 14 cast for the candidate nominated or elected and the petitioner is
 15 more than one percent (1%) of the total votes cast for the
 16 nomination or office.

17 If the number of precincts to be recounted exceeds ten (10), the amount
 18 of the deposit shall be increased by one hundred dollars (\$100) for each
 19 precinct in excess of ten (10).

20 (d) If after a recount, it is determined that a petitioner has been
 21 nominated or elected, the deposit furnished by that petitioner shall be
 22 returned to that petitioner in full.

23 (e) Any unexpended balance remaining in a deposit after payment
 24 of the costs of the recount shall be returned to the depositor in the
 25 following manner:

26 (1) If the recount results in a reduction of at least fifty percent
 27 (50%) but less than one hundred percent (100%) of the margin of
 28 the total certified votes, the petitioner shall receive a refund of
 29 that percentage of the unexpended balance.

30 (2) If after a recount, it is determined that a petitioner has been
 31 nominated or elected, the deposit or the bond furnished by that
 32 petitioner shall be returned to that petitioner in full.

33 (3) Any unexpended balance remaining after the provision of
 34 subdivision (1) has been satisfied shall be deposited in the state
 35 recount fund.

36 **(f) A member of the commission may appoint an individual to**
 37 **serve as a proxy of record in the member's place as a member of**
 38 **the commission by filing with the election division a written**
 39 **instrument appointing the proxy of record. The proxy of record**
 40 **has the same authority to act and vote on all matters as does the**
 41 **member. The member may revoke the authority of the proxy of**
 42 **record at any time. The authority of the proxy of record may either**



1 **be limited or general concerning the duration or subject matter as**
 2 **set forth by the member in the written instrument appointing the**
 3 **proxy.**

4 SECTION 62. IC 3-14-3-19, AS AMENDED BY P.L.158-2013,
 5 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 19. A person who, for the purpose of inducing
 7 or procuring another person to:

- 8 (1) apply for or cast an absentee ballot; or
 9 (2) vote or refrain from voting for or against a candidate or for or
 10 against a public question at:
 11 (A) an election;
 12 (B) a caucus;
 13 (C) an appointment of a candidate by a political party
 14 chairman or central committee officers; or
 15 (D) a political convention;

16 **authorized or required by this title;**

17 gives, offers, or promises to any person any money or other property
 18 commits a Level 6 felony.

19 SECTION 63. IC 20-46-9-14, AS ADDED BY P.L.272-2019,
 20 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2020]: Sec]. 14. (a) The referendum shall be held in the next
 22 primary election, general election, or municipal election in which all
 23 the registered voters who are residents of the school corporation are
 24 entitled to vote after certification of the question under IC 3-10-9-3.
 25 The certification of the question must occur not later than noon:

- 26 (1) ~~sixty (60)~~ **seventy-four (74)** days before a primary election if
 27 the question is to be placed on the primary or municipal primary
 28 election ballot; or
 29 (2) August 1 if the question is to be placed on the general or
 30 municipal election ballot.

31 (b) However, if a primary election, general election, or municipal
 32 election will not be held during the first year in which the public
 33 question is eligible to be placed on the ballot under this chapter and if
 34 the school corporation requests the public question to be placed on the
 35 ballot at a special election, the public question shall be placed on the
 36 ballot at a special election to be held on the first Tuesday after the first
 37 Monday in May or November of the year. The certification must occur
 38 not later than noon:

- 39 (1) sixty (60) days before a special election to be held in May (if
 40 the special election is to be held in May); or
 41 (2) August 1 (if the special election is to be held in November).
 42 (c) If the referendum is not conducted at a primary election, general



1 election, or municipal election, the school corporation in which the
2 referendum is to be held shall pay all the costs of holding the
3 referendum.

4 SECTION 64. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 178, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 26, delete "UPON PASSAGE]" and insert "JANUARY 1, 2021]:".

Page 9, line 27, delete "before" and insert "**after**".

Page 10, line 5, delete "before" and insert "**after**".

Page 31, between lines 13 and 14, begin a new paragraph and insert: "SECTION 37. IC 3-11.5-4-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.7. (a) This section applies to an absentee ballot received before election day.**

(b) The county election board or the absentee ballot members in the office of the circuit court clerk shall compare the signature of the voter on the absentee ballot application, or, if there is no application, with the signature on the electronic poll book, with the signature on:

- (1) the voter's absentee ballot envelope; or**
- (2) the computerized list if there is no envelope.**

The board may also compare the signature on the ballot envelope with any other admittedly genuine signature of the voter.

(c) If the absentee board finds that the signature on an absentee ballot or transmitted affidavit is not genuine, the board shall write upon the ballot envelope the words "The absentee board has determined that the signature of this voter is not genuine and advises that the county election board reject this ballot under IC 3-11.5-4-4.""

Page 31, line 16, delete "(a) Upon receipt of the absentee ballot".

Page 31, delete lines 17 through 23.

Page 31, line 24, reset in roman "(a)".

Page 31, line 24, delete "(b)" and insert "**Notwithstanding section 12(a) of this chapter, if the county election board does not determine under this subsection that the ballot signature is genuine, then the absentee ballot counters shall determine under section 12(b) of this chapter if the signatures correspond.**".

Page 31, line 35, reset in roman "(b)".

Page 31, line 35, delete "(c)".

Page 31, between lines 38 and 39, begin a new paragraph and insert: "SECTION 39. IC 3-11.5-4-6, AS AMENDED BY P.L.278-2019, SECTION 123, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Each circuit court clerk shall keep all accepted ballot envelopes securely sealed in the clerk's office until the ballot envelopes are opened by absentee ballot counters in accordance with this chapter.

(b) **Except as provided in section 6.5 of this chapter**, a county election board may not scan a voted absentee ballot card using an optical scan ballot scanner before election day.

SECTION 40. IC 3-11.5-4-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. (a) The secretary of state may establish a pilot program that designates not more than two (2) counties to participate in a pilot program during the May 5, 2020, primary election. A county election board of a county that wishes to participate in the pilot program must:**

- (1) adopt an order by unanimous vote of the entire membership of the county election board to participate in the pilot program in accordance with this section; and
- (2) file a copy of the order under subdivision (1) with the secretary of state.

(b) A pilot program established by the secretary of state under this section must test a voting system that meets the following:

- (1) Is designed to scan a voted absentee ballot card before election day.
- (2) Has the capability of electronically retracting a previously scanned absentee ballot card of a voter who is later found disqualified or whose ballot may not be counted for any other reason under this title.
- (3) Complies with the requirements of IC 3-11-15-13.3 and has been approved for use in Indiana elections by the commission.
- (4) Has retraction features that have been:
 - (A) tested under the authority of; and
 - (B) found to be in compliance with the Voluntary Voting System Guidelines described in IC 3-11-15-13.3(a)(3), by; the United States Election Assistance Commission.

(c) A county participating in a pilot program under this section may:

- (1) scan a voted absentee ballot card using an optical scan ballot scanner before election day; and
 - (2) electronically retract a ballot described in subsection (b)(2) if the county otherwise complies with this title.
- (d) If the secretary of state establishes a pilot program under



this section, before December 1, 2020, each county election board participating in the pilot program shall file a report with the secretary of state and the legislative council in an electronic format under IC 5-14-6. The report must include the following:

(1) Information concerning the implementation of the pilot program, including information concerning:

(A) the number of ballots retracted;

(B) the security of the ballots; and

(C) the experiences of the county election board in participating in the pilot program.

(2) Recommendations concerning whether the voting system technology used in the pilot program should be permitted in future elections through the enactment of legislation.

(e) **This section expires December 31, 2020."**

Page 31, line 41, delete "Upon receipt of the" and insert **"This section applies to an absentee ballot received on election day, but not later than noon on election day. The absentee ballot counters shall examine the signature on the absentee ballot and determine if the signature is genuine under section 5 of this chapter. If the absentee ballot counters do not agree, the question is referred to the county election board for determination. If the absentee ballot counters agree that the signature is not genuine, the county election board shall reject the ballot under section 4 of this chapter."**

Page 31, delete line 42.

Page 32, delete line 1.

Page 32, between lines 17 and 18, begin a new line blocked left and insert:

"The board may also compare the signature on the ballot envelope with any other admittedly genuine signature of the voter."

Page 33, line 36, after "board." insert **"If a special election is held for a local public question, the county election board may, by unanimous vote of the entire membership of the board, adopt a resolution to provide that the party membership does not apply to absentee voter boards appointed to conduct the special election. A resolution adopted under this subsection may not be repealed and expires the day after the special election."**

Page 34, line 9, delete "a city office, town office, township".

Page 34, line 10, delete "office, school board office, precinct committeeman," and insert "precinct committeeman".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.



(Reference is to SB 178 as introduced.)

WALKER, Chairperson

Committee Vote: Yeas 7, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 178, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, delete lines 27 through 42.

Page 8, delete line 1.

Page 8, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 5. IC 3-10-7-32, AS AMENDED BY P.L.190-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 32. (a) A town election board shall determine what voting method will be used in a municipal election.

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

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

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

Page 8, line 41, delete "if:" and insert "**if there are no candidates of that political party.**".

Page 8, delete line 42.

Page 9, delete lines 1 through 4, begin a new paragraph and insert:

"SECTION 7. IC 3-11-2-10, AS AMENDED BY P.L.278-2019, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 10. (a) Public questions shall be placed on

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the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) **subsection (c)** and section 8 of this chapter, if instructions are printed on the ballot:

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

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

(b) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. The instructions for voting a straight party ticket shall be placed to the right of the device, if instructions are printed on the ballot.

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

- "(1) To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, except for candidates described in (2) below, make a voting mark on or in this circle and do not make any other marks on this ballot.
- (2) To vote for any candidate for an at-large office (insert county council, city common council, town council, or township board if those offices appear on this ballot) to which more than one (1) person may be elected, you must make another voting mark for each candidate you wish to vote for. Your straight party vote will not count as a vote for any candidate for that office.
- (3) If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

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

(e) (c) Except as permitted under section 8(b) of this chapter, the ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a



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

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

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

Page 9, delete lines 16 through 33, begin a new paragraph and insert:

"SECTION 9. IC 3-11-2-12.4, AS ADDED BY P.L.21-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 12.4. (a) This section applies whenever more than one (1) candidate may be elected to an office.

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

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

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

Page 12, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 15. IC 3-11-7-4, AS AMENDED BY P.L.278-2019, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 4. (a) ~~Except as provided in subsection (b);~~ A ballot card voting system must permit a voter to vote:

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

~~(2)~~ **(1)** for one (1) or more candidates of each political party or independent candidates, or for one (1) or more school board



candidates nominated by petition; **or**

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

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

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

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

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

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

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

SECTION 16. IC 3-11-7-6 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 6. A ballot card voting system must count a ballot in accordance with IC 3-12-1-7 when a voter votes a straight ticket vote and votes for individual candidates as described by IC 3-12-1-7.

SECTION 17. IC 3-11-7.5-10, AS AMENDED BY P.L.278-2019, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 10. (a) Except as provided in subsection (b); An electronic voting system must permit a voter to vote:

- (1) except at a primary election; a straight party ticket for all the candidates of one (1) political party by touching the device of that party;
- (2) **(1)** for one (1) or more candidates of each political party or independent candidates, or for one (1) or more school board candidates nominated by petition; **or**
- ~~(3)~~ **(2)** a split ticket for the candidates of different political parties and for independent candidates. **or**
- ~~(4)~~ a straight party ticket and then split that ticket by casting individual votes for candidates of another political party or independent candidates.



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

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

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

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

Page 23, delete lines 3 through 42, begin a new paragraph and insert:

"SECTION 35. IC 3-11-11-10 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 10: If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may make a voting mark on or in a large circle enclosing the device and before the name under which the candidates of the party or group of petitioners are printed. The voter's vote shall then be counted for all the candidates under that party name or for the two (2) candidates comprising an independent ticket.

SECTION 36. IC 3-11-13-11, AS AMENDED BY P.L.278-2019, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

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

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



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

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

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in IC 3-11-2-12, 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), IC 3-11-2-12.9(a), **IC 3-11-2-12.9(c)**, IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column **or row** either vertically or horizontally and on a number of separate pages.

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

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

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

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

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

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

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



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

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

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

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

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

(1) candidate; or

(2) ticket of candidates for:

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

(B) governor and lieutenant governor;

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

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

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

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

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

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

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

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

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of



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

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

- (1) The cautionary statement described in IC 3-11-2-7.
- (2) The instructions described in IC 3-11-2-8 ~~IC 3-11-2-10(d); and IC 3-11-2-10(e)~~; **IC 3-11-2-10(c)**.

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

- (1) the name of the political party or independent ticket (described in IC 3-11-2-6); and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

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

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

(n) The requirements in this section:

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

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

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

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

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



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

Delete pages 24 through 25.

Page 26, delete lines 1 through 16.

Page 26, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 38. IC 3-11-13-14 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. ~~Sec. 14. (a) In partisan elections, the ballot labels must include a voting square or position where a voter may by one (1) voting mark on each card record a straight party or an independent ticket vote for all the candidates of one (1) political party or the independent ticket, except for offices for which the voter:~~

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

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

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

SECTION 39. IC 3-11-13-22, AS AMENDED BY P.L.278-2019, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 22. (a) This section applies to:

(1) a ballot card voting system; and

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

(b) Not later than seventy-four (74) days before election day, for each county planning to use automatic tabulating machines at the next election, VSTOP shall provide each county election board with two (2) lists of unique identification numbers for the machines to be tested by the county. The number of machines selected in each list must be:

(1) approved by the division; and

(2) not less than five percent (5%) of the machines in the county.

(c) The county election board shall test the machines in the first list described in subsection (b) to ascertain that the machines will correctly count the votes cast for ~~straight party tickets~~, for all candidates (including write-in candidates) and on all public questions. If an individual attending the public test requests that additional automatic tabulating machines be tested, then the county election board shall test machines from the second list described in subsection (b).

(d) If VSTOP does not provide the lists under subsection (b) not later than sixty (60) days before the election, the county election board shall establish and implement a procedure for random selection of not



less than five percent (5%) of the machines in the county. The county election board shall then test the machines selected as described in subsection (c).

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

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

(g) If a county election board determines that:

(1) a ballot:

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

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

(i) ceased to be a candidate; and

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

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

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

SECTION 40. IC 3-11-13-31.7, AS AMENDED BY P.L.21-2016, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 31.7. (a) This section is enacted to comply with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an optical scan voting system.

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

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



beside:

- (A) the candidates' names; or
- (B) the numbers referring to the candidates; and
- (2) the voter's preference on each public question by marking the connectable arrow, oval, or square beside:
 - (A) the word "yes" or "no" under the question; or
 - (B) the number referring to the word "yes" or "no" on the ballot.

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

- (1) the circle enclosing the device; or
- (2) the connectable arrow, circle, oval, or square described in section 11 of this chapter;

that designates the candidates of that political party or independent ticket (described in IC 3-11-2-6). Except as provided by IC 3-11-7-4(b), the voter's vote shall then be counted for all the candidates of that political party or included in the independent ticket (described in IC 3-11-2-6). However, if the voter marks the circle, arrow, oval, or square of an independent ticket (described in IC 3-11-2-6), the vote shall not be counted for any other independent candidate on the ballot.

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

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

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

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

Page 27, delete lines 1 through 42, begin a new paragraph and insert:

"SECTION 41. IC 3-11-14-3.5, AS AMENDED BY P.L.21-2016,

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SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) candidate; or

(2) ticket of candidates for:

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

(B) governor and lieutenant governor;

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

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

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

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



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

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

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

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

(2) in alphabetical order according to surname.

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

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

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

(1) placed on the ballot label; or

(2) posted in a location within the voting booth that permits the voter to easily read the instructions.

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

(1) the name of the political party or independent ticket; and

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

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

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



a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

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

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

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

Delete pages 28 through 29.

Page 30, delete lines 1 through 12.

Page 30, delete lines 18 through 27, begin a new paragraph and insert:

"SECTION 43. IC 3-11-14-23, AS AMENDED BY P.L.21-2016, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 23. (a) This section is enacted to comply with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an electronic voting system.

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

- (1) the candidates for whom the voter desires to vote by touching a device on or in the squares immediately above the candidates' names;
- (2) if the voter intends to cast a write-in vote, a write-in vote by touching a device on or in the square immediately below the candidates' names and printing the name of the candidate in the window provided for write-in voting; and
- (3) the voter's preference on each public question by touching a device above the word "yes" or "no" under the question.

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



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

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

SECTION 44. IC 3-11-14.5-1, AS AMENDED BY P.L.278-2019, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. (a) Not later than seventy-four (74) days before election day, for each county planning to use an electronic voting system at the next election, VSTOP shall provide each county election board with two (2) lists of unique identification numbers for the machines to be tested by the county. The number of machines selected in each list must be:

- (1) approved by the division; and
- (2) not less than five percent (5%) of the machines in the county.

(b) The county election board shall test the machines in the first list described in subsection (a) to ascertain that the machines will correctly count the votes cast for ~~straight party tickets~~, for all candidates (including write-in candidates) and on all public questions. If an individual attending the public test requests that additional electronic voting systems be tested, then the county election board shall test machines from the second list described in subsection (a).

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

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

(e) If a county election board determines that:

- (1) a ballot provided by an electronic voting system:
 - (A) must be corrected as provided by IC 3-11-2-16 because of the omission of a candidate, political party, or public question from the ballot; or



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

- (i) ceased to be a candidate; and
- (ii) has been succeeded by a candidate selected under IC 3-13-1 or IC 3-13-2; and

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

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

Page 38, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 55. IC 3-12-1-1, AS AMENDED BY P.L.64-2014, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, 9.5, and 13 of this chapter, the primary factor to be considered in determining a voter's choice on a ballot is the intent of the voter. If the voter's intent can be determined on the ballot or on part of the ballot, the vote shall be counted for the affected candidate or candidates or on the public question. However, if it is impossible to determine a voter's choice of candidates on a part of a ballot or vote on a public question, then the voter's vote concerning those candidates or public questions may not be counted.

SECTION 56. IC 3-12-1-5, AS AMENDED BY P.L.278-2019, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 5. (a) This subsection does not apply to a ballot card voting system or an electronic voting system. ~~Except as provided in subsection (d),~~ A voting mark made by a voter on or in a voting square at the left of a candidate's name ~~or political party's name~~ shall be counted as a vote for the candidate. ~~or candidates of the political party:~~

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

- (1) on or in a circle, oval, or square; or
- (2) to connect a connectable arrow;

immediately below or beside a candidate's name ~~or political party's name~~ shall be counted as a vote for the candidate. ~~or candidates of the political party, except as provided in subsection (d):~~

(c) This subsection applies to a direct record electronic voting system. A voting mark made by a voter touching a touch sensitive point



or button below or beside a candidate's name or political party's name shall be counted as a vote for the candidate. or candidates of the political party, except as provided in subsection (d):

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

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

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

SECTION 57. IC 3-12-1-7, AS AMENDED BY P.L.21-2016, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 7. (a) This subsection applies whenever a voter:

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

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

- (b) This subsection applies whenever:
 - (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
 - (2) only one (1) person may be elected to an office; and
 - (3) the voter has voted for one (1) individual candidate for the office described in subdivision (2) who is:
 - (A) a candidate of a political party other than the party for which the voter voted a straight ticket; or
 - (B) an independent candidate or declared write-in candidate for the office.

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

- (c) This subsection applies whenever:
 - (1) a voter has voted a straight party ticket for the candidates of one (1) political party; and



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

The individual candidate votes for that office may not be counted; the straight party ticket vote for that office may not be counted; and the straight party ticket votes for other offices on the ballot shall be counted:

(d) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) more than one (1) person may be elected to an office; and
- (3) the voter has voted for individual candidates for the office described in subdivision (2) who are:
 - (A) independent candidates or declared write-in candidates;
 - (B) candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); or
 - (C) a combination of candidates described in clauses (A) and (B).

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

(e) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) more than one (1) person may be elected to an office; and
- (3) the voter has voted for individual candidates for the office described in subdivision (2) who are:
 - (A) independent candidates; declared write-in candidates; or candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); and
 - (B) candidates of the same political party for which the voter cast a straight party ticket under subdivision (1).

The individual votes cast by the voter for the office for the independent candidates; the declared write-in candidates; and the candidates of a political party other than the political party for which the voter cast a straight party ticket; and the candidates of the political party for which



the voter cast a straight party ticket shall be counted unless the total number of these individual votes is greater than the number of persons to be elected to the office. The straight party ticket votes for the office shall not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

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

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

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

SECTION 58. IC 3-12-1-7.5, AS AMENDED BY P.L.21-2016, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 7.5. (a) If a voter votes for one (1) individual candidate for an office for which only one (1) person may be elected and also writes in the name of another candidate for the same office, neither vote may be counted.

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

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

SECTION 59. IC 3-12-1-8 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 8. (a) Except as provided in subsection (b); a voting mark made by a voter on or in a circle containing a political party device shall be counted as a vote for each candidate of that political party on that ballot.

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



on a:

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

must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A voting mark on or in a circle containing a political party device shall not be counted as a straight party ticket voting mark as a vote for any candidate for an office described by this subsection:

SECTION 60. IC 3-12-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 14. (a) This section does not apply to a vote

- (1) cast for President or Vice President of the United States under IC 3-10-4-6. or
- (2) described by section 15 of this chapter.

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

SECTION 61. IC 3-12-1-15 IS REPEALED [EFFECTIVE JANUARY 1, 2021]. Sec. 15: (a) This section does not apply to a candidate for an at-large office of a county council, city common council, town council, or township board, if those offices appear on a ballot:

(b) This section applies to a vote cast for one (1) straight party ticket that includes a candidate for election to office who:

- (1) ceases to be a candidate; and
- (2) is succeeded by a candidate selected under IC 3-13-1 or IC 3-13-2.

(c) A vote cast in the election for the original nominee is considered a vote cast for the successor."

Page 40, delete lines 22 through 41.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 178 as printed January 28, 2020.)

WESCO

Committee Vote: yeas 8, nays 2.

ES 178—LS 6612/DI 104

