



Reprinted  
March 3, 2020

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# ENGROSSED

## SENATE BILL No. 178

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DIGEST OF SB 178 (Updated March 2, 2020 3:21 pm - 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 3-13; IC 3-14; IC 4-6; 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. Provides that a candidate for the office of attorney general may not have been disbarred in Indiana or suspended from the practice of law in Indiana for at least 30 days without automatic reinstatement at any time during the period of five years before taking office. Provides that if the individual who holds the office of attorney general is disbarred in Indiana or suspended from the practice of law in Indiana for at least 30 days, the individual forfeits the office and a vacancy in the office exists. Requires certification by the county chairman of a candidate in a political party primary or town  
(Continued next page)

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

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## Walker, Ford Jon, Crane, Grooms

(HOUSE SPONSORS — WESCO, MANNING)

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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.  
February 27, 2020, amended, reported — Do Pass.  
March 2, 2020, read second time, amended, ordered engrossed.

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ES 178—LS 6612/DI 104



## Digest Continued

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 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. Repeals language concerning absentee ballots (moving some language to central voting statutes) and repeals certain absentee voter boards.

**ES 178—LS 6612/DI 104**



Reprinted  
March 3, 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

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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 3-8-1-10 IS AMENDED TO READ AS FOLLOWS  
 4 [EFFECTIVE UPON PASSAGE]: Sec. 10. A candidate for the office  
 5 of attorney general must **satisfy all of the following:**

6 (1) **The candidate must** have resided in Indiana for at least two  
 7 (2) years before the election. ~~and~~

8 (2) **The candidate must** have been admitted to the practice of law  
 9 in Indiana for at least five (5) years upon taking office.

10 (3) **The candidate may not have been:**

11 (A) **disbarred in Indiana; or**

12 (B) **suspended from the practice of law in Indiana for**  
 13 **thirty (30) or more days;**

14 **at any time during the period of five (5) years before taking**  
 15 **office.**

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

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

22 (A) the candidate wants the candidate's name to appear on the  
 23 ballot; and

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

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

29 (3) The candidate's complete residence address, and if the  
 30 candidate's mailing address is different from the residence  
 31 address, the mailing address.

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

35 (A) The most recent primary election in Indiana in which the  
 36 candidate voted was a primary election held by the party with  
 37 which the candidate claims affiliation. **If the candidate cast**  
 38 **a nonpartisan ballot at an election held at the most recent**  
 39 **primary election in which the candidate voted, a**  
 40 **certification by the county chairman under clause (B) is**  
 41 **required.**

42 (B) The county chairman of:



- 1 (i) the political party with which the candidate claims  
 2 affiliation; and  
 3 (ii) the county in which the candidate resides;  
 4 certifies that the candidate is a member of the political party.  
 5 The declaration of candidacy must inform candidates how party  
 6 affiliation is determined under this subdivision and permit the  
 7 candidate to indicate on the declaration of candidacy which of  
 8 clauses (A) or (B) applies to the candidate. If a candidate claims  
 9 party affiliation under clause (B), the candidate must attach to the  
 10 candidate's declaration of candidacy the written certification of  
 11 the county chairman required by clause (B).  
 12 (5) A statement that the candidate complies with all requirements  
 13 under the laws of Indiana to be a candidate for the above named  
 14 office, including any applicable residency requirements, and that  
 15 the candidate is not ineligible to be a candidate due to a criminal  
 16 conviction that would prohibit the candidate from serving in the  
 17 office.  
 18 (6) A request that the candidate's name be placed on the official  
 19 primary ballot of that party to be voted on, the office for which the  
 20 candidate is declaring, and the date of the primary election.  
 21 (7) The following statements:  
 22 (A) A statement that the candidate has attached either of the  
 23 following to the declaration:  
 24 (i) A copy of a statement of economic interests, file stamped  
 25 by the office required to receive the statement of economic  
 26 interests.  
 27 (ii) A receipt or photocopy of a receipt showing that a  
 28 statement of economic interests has been filed.  
 29 This requirement does not apply to a candidate for a federal  
 30 office.  
 31 (B) A statement that the candidate understands that if the  
 32 candidate is elected to the office, the candidate may be  
 33 required to obtain and file an individual surety bond before  
 34 serving in the office. This requirement does not apply to a  
 35 candidate for a federal office or legislative office.  
 36 (C) A statement that the candidate understands that if the  
 37 candidate is elected to the office, the candidate may be  
 38 required to successfully complete training or have attained  
 39 certification related to service in an elected office. This  
 40 requirement does not apply to a candidate for a federal office,  
 41 state office, or legislative office.  
 42 (D) A statement that the candidate:



1 (i) is aware of the provisions of IC 3-9 regarding campaign  
 2 finance and the reporting of campaign contributions and  
 3 expenditures; and

4 (ii) agrees to comply with the provisions of IC 3-9.

5 This requirement does not apply to a candidate for a federal  
 6 office.

7 The candidate must separately initial each of the statements  
 8 required by this subdivision.

9 (8) A statement as to whether the candidate has been a candidate  
 10 for state, legislative, or local office in a previous primary,  
 11 municipal, special, or general election and whether the candidate  
 12 has filed all reports required by IC 3-9-5-10 for all previous  
 13 candidacies.

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

20 (10) The candidate's signature.

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

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

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

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

37 SECTION 4. IC 3-8-5-10.5, AS AMENDED BY P.L.278-2019,  
 38 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JANUARY 1, 2021]: Sec. 10.5. (a) A person who desires to be  
 40 nominated for a town office by a major political party must file a  
 41 declaration of candidacy with the circuit court clerk of the county  
 42 containing the greatest percentage of population of the town.



- 1 (b) A declaration of candidacy must be filed:  
 2 (1) not earlier than the first date that a declaration of candidacy  
 3 for a primary election may be filed under IC 3-8-2-4; and  
 4 (2) not later than:  
 5 (A) noon August 1 before a municipal election if the town  
 6 nominates its candidates by convention; and  
 7 (B) the date that a declaration of candidacy must be filed under  
 8 IC 3-8-2-4 if the town nominates its candidates by a primary  
 9 election.  
 10 (c) The declaration must be subscribed and sworn to (or affirmed)  
 11 before a notary public or other person authorized to administer oaths.  
 12 (d) The declaration of each candidate required by this section must  
 13 certify the following information:  
 14 (1) The candidate's name, printed or typewritten as:  
 15 (A) the candidate wants the candidate's name to appear on the  
 16 ballot; and  
 17 (B) the candidate's name is permitted to appear on the ballot  
 18 under IC 3-5-7.  
 19 (2) That the candidate is a registered voter and the location of the  
 20 candidate's precinct and township (or the ward, if applicable, and  
 21 town), county, and state.  
 22 (3) The candidate's complete residence address and the  
 23 candidate's mailing address if the mailing address is different  
 24 from the residence address.  
 25 (4) The majority party candidate's party affiliation and the office  
 26 to which the candidate seeks nomination, including the district  
 27 designation if the candidate is seeking a town legislative body  
 28 seat. For purposes of this subdivision, a candidate is considered  
 29 to be affiliated with a political party only if one (1) of the  
 30 following applies:  
 31 (A) The most recent primary election in Indiana in which the  
 32 candidate voted was a primary election held by the party with  
 33 which the candidate claims affiliation. **If the candidate cast**  
 34 **a nonpartisan ballot at an election held at the most recent**  
 35 **primary election in which the candidate voted, a**  
 36 **certification by the county chairman under clause (B) is**  
 37 **required.**  
 38 (B) The county chairman of:  
 39 (i) the political party with which the candidate claims  
 40 affiliation; and  
 41 (ii) the county in which the candidate resides;  
 42 certifies in writing that the candidate is a member of the



- 1 political party.  
 2 The declaration of candidacy must inform a candidate how party  
 3 affiliation is determined under this subdivision and permit the  
 4 candidate to indicate on the declaration of candidacy whether  
 5 clause (A) or (B) applies to the candidate. If a candidate claims  
 6 party affiliation under clause (B), the candidate must attach to the  
 7 candidate's declaration of candidacy the written certification of  
 8 the county chairman required by clause (B).  
 9 (5) That the candidate complies with all requirements under the  
 10 laws of Indiana to be a candidate for the above named office,  
 11 including any applicable residency requirements, and is not  
 12 ineligible to be a candidate due to a criminal conviction that  
 13 would prohibit the candidate from serving in the office.  
 14 (6) That the candidate has attached either of the following to the  
 15 declaration:  
 16 (A) A copy of a statement of economic interests, file stamped  
 17 by the office required to receive the statement of economic  
 18 interests.  
 19 (B) A receipt or photocopy of a receipt showing that a  
 20 statement of economic interests has been filed.  
 21 (7) That the candidate understands that if the candidate is elected  
 22 to the office, the candidate may be required to obtain and file an  
 23 individual surety bond before serving in the office.  
 24 (8) That the candidate understands that if the candidate is elected  
 25 to the office, the candidate may be required to successfully  
 26 complete training or have attained certification related to service  
 27 in an elected office.  
 28 (9) That the candidate:  
 29 (A) is aware of the provisions of IC 3-9 regarding campaign  
 30 finance and the reporting of campaign contributions and  
 31 expenditures; and  
 32 (B) agrees to comply with the provisions of IC 3-9.  
 33 (10) A statement indicating whether or not the candidate:  
 34 (A) has been a candidate for state, legislative, local, or school  
 35 board office in a previous primary, municipal, special, or  
 36 general election; and  
 37 (B) has filed all reports required by IC 3-9-5-10 for all  
 38 previous candidacies.  
 39 (11) The candidate's signature.  
 40 (e) This subsection does not apply to a town whose municipal  
 41 election is to be conducted by a county. Immediately after the deadline  
 42 for filing, the circuit court clerk shall do all of the following:





- 1 (1) Certify to the town clerk-treasurer and release to the public a  
 2 list of the candidates of each political party for each office. The  
 3 list shall indicate any candidates of a political party nominated for  
 4 an office under this chapter because of the failure of any other  
 5 candidates of that political party to file a declaration of candidacy  
 6 for that office.
- 7 (2) Post a copy of the list in a prominent place in the circuit court  
 8 clerk's office.
- 9 (3) File a copy of each declaration of candidacy with the town  
 10 clerk-treasurer.
- 11 (f) A person who files a declaration of candidacy for an elected  
 12 office for which a per diem or salary is provided for by law is  
 13 disqualified from filing a declaration of candidacy for another office for  
 14 which a per diem or salary is provided for by law until the original  
 15 declaration is withdrawn.
- 16 (g) A person who files a declaration of candidacy for an elected  
 17 office may not file a declaration of candidacy for that office in the same  
 18 year as a member of a different political party until the original  
 19 declaration is withdrawn.
- 20 (h) A person who files a declaration of candidacy under this section  
 21 may file a written notice withdrawing the person's declaration of  
 22 candidacy in the same manner as the original declaration was filed, if  
 23 the notice of withdrawal is filed not later than:
- 24 (1) noon August 1 before the municipal election if the town  
 25 nominates its candidates by convention; and
- 26 (2) the date that a declaration of candidacy may be withdrawn  
 27 under IC 3-8-2-20 if the town nominates its candidates in a  
 28 primary election.
- 29 (i) A declaration of candidacy must include a statement that the  
 30 candidate requests the name on the candidate's voter registration record  
 31 be the same as the name the candidate uses on the declaration of  
 32 candidacy. If there is a difference between the name on the candidate's  
 33 declaration of candidacy and the name on the candidate's voter  
 34 registration record, the officer with whom the declaration of candidacy  
 35 is filed shall forward the information to the voter registration officer of  
 36 the appropriate county as required by IC 3-5-7-6(e). The voter  
 37 registration officer of the appropriate county shall change the name on  
 38 the candidate's voter registration record to be the same as the name on  
 39 the candidate's declaration of candidacy.
- 40 SECTION 5. IC 3-8-7-8, AS AMENDED BY P.L.278-2019,  
 41 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 UPON PASSAGE]: Sec. 8. (a) This section applies to a state



1 convention conducted by a political party described by IC 3-8-4-1.

2 (b) The state chairman and state secretary of the political party  
3 holding the state convention shall certify each candidate nominated at  
4 the convention to the secretary of state not later than noon July 15  
5 before the general election.

6 (c) The certificate must be in writing and state the following:

7 (1) The name of each candidate nominated as:

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

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

12 (2) Each candidate's residence address.

13 (3) Whether each candidate nominated by the convention has  
14 complied with IC 3-9-1-5 by filing a campaign finance statement  
15 of organization.

16 (4) The following statements:

17 **(A) A statement that the candidate satisfies all the  
18 qualifications for the office the candidate is seeking under  
19 Indiana law.**

20 ~~(A)~~ **(B)** A statement that the candidate has attached either of  
21 the following to the certificate:

22 (i) A copy of a statement of economic interests, file stamped  
23 by the office required to receive the statement of economic  
24 interests.

25 (ii) A receipt, photocopy of a receipt, or electronic mail from  
26 the office of the inspector general or judicial qualifications  
27 commission, showing that a statement of economic interests  
28 has been filed.

29 This requirement does not apply to a candidate for a federal  
30 office.

31 ~~(B)~~ **(C)** A statement that the candidate understands that if the  
32 candidate is elected to the office, the candidate may be  
33 required to obtain and file an individual surety bond before  
34 serving in the office. This requirement does not apply to a  
35 candidate for a federal office or legislative office.

36 ~~(C)~~ **(D)** A statement that the candidate understands that if the  
37 candidate is elected to the office, the candidate may be  
38 required to successfully complete training or have attained  
39 certification related to service in an elected office. This  
40 requirement does not apply to a candidate for a federal office,  
41 state office, or legislative office.

42 ~~(D)~~ **(E)** A statement that the candidate:



1 (i) is aware of the provisions of IC 3-9 regarding campaign  
 2 finance and the reporting of campaign contributions and  
 3 expenditures; and

4 (ii) agrees to comply with the provisions of IC 3-9.

5 This requirement does not apply to a candidate for a federal  
 6 office.

7 The candidate must separately initial each of the statements  
 8 required by this subdivision.

9 (d) The election division shall prescribe the form of the certificate  
 10 of nomination for the offices. The election division shall provide that  
 11 the form of the certificate of nomination include the following  
 12 information:

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

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

16 (e) A certificate of nomination 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 certificate of  
 19 nomination. If there is a difference between the name on the candidate's  
 20 certificate of nomination and the name on the candidate's voter  
 21 registration record, the officer with whom the certificate of nomination  
 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 certificate of nomination.

27 (f) The certificate of nomination must be signed by the state  
 28 chairman and state secretary of the political party holding the  
 29 convention, and set forth the name and residence of the chairman and  
 30 secretary. The chairman and secretary shall acknowledge the certificate  
 31 before an individual authorized to administer oaths under IC 33-42-9.  
 32 The signed acknowledgment must be included in the certificate of  
 33 nomination executed under this section.

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

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

42 (2) at the municipal election in November ~~2019~~ 2023 and every



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

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

8 (1) at the general election in November 2020 and every four (4)  
 9 years thereafter; and

10 (2) at the general election in November 2022 and every four (4)  
 11 years thereafter;

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

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

22 SECTION 7. IC 3-11-2-9 IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) The device of each political  
 24 party or independent ticket described in section 6 of this chapter shall  
 25 be:

26 (1) enclosed in a circle not less than three-fourths (3/4) of an inch  
 27 in diameter; and

28 (2) placed under the name of the party or independent ticket, as  
 29 required by section 10 of this chapter.

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

33 SECTION 8. IC 3-11-2-12.2, AS AMENDED BY P.L.74-2017,  
 34 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 UPON PASSAGE]: Sec. 12.2. (a) Whenever candidates are to be  
 36 elected to an office that includes more than one (1) district, the districts  
 37 shall be placed on the ballot in alphabetical or numerical order,  
 38 according to the designation given to the district.

39 (b) Whenever candidates are to be elected to a school board office  
 40 that includes both an at-large member and a member representing a  
 41 district, the candidates seeking election as a member representing a  
 42 district shall be placed on the ballot before candidates seeking election



1 as an at-large member.  
2 SECTION 9. IC 3-11-2-12.4, AS ADDED BY P.L.21-2016,  
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JANUARY 1, 2021]: Sec. 12.4. (a) This section applies whenever more  
5 than one (1) candidate may be elected to an office.  
6 (b) The office shall be placed on the general election ballot after the  
7 offices described in section 12 of this chapter and before the offices  
8 described in section 12.9 of this chapter.  
9 **(c) Whenever candidates are to be elected to a county council,  
10 city common council, or town council that includes both an at-large  
11 member and a member representing a district, the candidates  
12 seeking election as a member representing a district shall be placed  
13 on the ballot after candidates seeking election as an at-large  
14 member.**  
15 (c) (d) The ballot shall contain a statement reading substantially as  
16 follows above the name of the first candidate: "To vote for any  
17 candidate for this office, you must make a voting mark for each  
18 candidate you wish to vote for. A straight party vote will not count as  
19 a vote for any candidate for this office."  
20 SECTION 10. IC 3-11-2-12.9, AS AMENDED BY P.L.21-2016,  
21 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 UPON PASSAGE]: Sec. 12.9. (a) School board offices to be elected at  
23 the general election shall be placed on the general election ballot after  
24 the offices described in section 12.4 of this chapter with each candidate  
25 for the office designated as "nonpartisan".  
26 (b) If the ballot contains a candidate for a school board office, the  
27 ballot must also contain a statement that reads substantially as follows:  
28 "To vote for a candidate for this office, make a voting mark on or in the  
29 square to the left of the candidate's name."  
30 **(c) Whenever candidates are to be elected to a school board  
31 office that includes both an at-large member and a member  
32 representing a district, the candidates seeking election as a member  
33 representing a district shall be placed on the ballot after candidates  
34 seeking election as an at-large member.**  
35 SECTION 11. IC 3-11-2-15 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A public  
37 question shall be placed on the general election ballot in the following  
38 form:  
39 (The explanatory text for the public question,  
40 if required by law)  
41 "Shall (insert public question)?"  
42  YES



1                   [] NO

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

6                   (c) Except as expressly authorized or required by statute, the  
7 commission, the election division, or a county election board may not  
8 authorize the printing or use of ballots that contain language  
9 concerning the public question other than the language authorized by  
10 a statute.

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

14                   SECTION 12. IC 3-11-4-1, AS AMENDED BY P.L.66-2010,  
15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 UPON PASSAGE]: Sec. 1. (a) A voter who is otherwise qualified to  
17 vote in person is entitled to vote by absentee ballot. Except as  
18 otherwise provided in this article, a voter voting by absentee ballot  
19 must vote in the office of the circuit court clerk (or board of elections  
20 and registration in a county subject to IC 3-6-5.2 or IC 3-6-5.6) or at  
21 a satellite office established under IC 3-11-10-26.3.

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

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

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

39                   SECTION 13. IC 3-11-4-3, AS AMENDED BY P.L.283-2019,  
40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (c) and  
42 section 6 of this chapter, an application for an absentee ballot must be



1 received by the circuit court clerk (or, in a county subject to IC 3-6-5.2  
 2 **or IC 3-6-5.6**, the director of the board of elections and registration)  
 3 not earlier than the date the registration period resumes under  
 4 IC 3-7-13-10 nor later than the following:

5 (1) Noon on election day if the voter registers to vote under  
 6 IC 3-7-36-14.

7 (2) Noon on the day before election day if the voter:

8 (A) completes the application in the office of the circuit court  
 9 clerk under IC 3-11-10-26; or

10 (B) is an absent uniformed services voter or overseas voter  
 11 who requests that the ballot be transmitted by electronic mail  
 12 or fax under section 6(h) of this chapter.

13 (3) Noon on the day before election day if:

14 (A) the application is a mailed, transmitted by electronic mail  
 15 or fax, or hand delivered application from a confined voter or  
 16 voter caring for a confined person; and

17 (B) the applicant requests that the absentee ballots be  
 18 delivered to the applicant by an absentee voter board under  
 19 IC 3-11-10-25.

20 (4) 11:59 p.m. twelve (12) days before election day if the  
 21 application is:

22 (A) a mailed application;

23 (B) transmitted by electronic mail;

24 (C) transmitted by fax; or

25 (D) hand delivered;

26 from other voters who request to vote by mail under  
 27 IC 3-11-10-24.

28 (b) An application for an absentee ballot received by the election  
 29 division by the time and date specified by subsection (a)(2)(B), (a)(3),  
 30 or (a)(4) is considered to have been timely received for purposes of  
 31 processing by the county. The election division shall immediately  
 32 transmit the application to the circuit court clerk, or the director of the  
 33 board of elections and registration, of the county where the applicant  
 34 resides. The election division is not required to complete or file the  
 35 affidavit required under section 2(h) of this chapter whenever the  
 36 election division transmits an application under this subsection.

37 (c) ~~This subsection applies to every election held after December~~  
 38 ~~31, 2019.~~ An application for an absentee ballot for the election may not  
 39 be received by the circuit court clerk (or, in a county subject to  
 40 IC 3-6-5.2 **or IC 3-6-5.6**, the director of the board of elections and  
 41 registration) earlier than December 1 of the year before the election.

42 SECTION 14. IC 3-11-4-15, AS AMENDED BY P.L.66-2010,



1 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: Sec. 15. The absentee ballots that are prepared and  
3 printed under the direction of a county election board shall be delivered  
4 to the circuit court clerk (or the board acting under IC 3-6-5.2 or  
5 **IC 3-6-5.6**) at least fifty (50) days before a general, primary, special,  
6 or municipal election.

7 SECTION 15. IC 3-11-10-4 IS REPEALED [EFFECTIVE UPON  
8 PASSAGE]. Sec. 4. (a) Upon receipt of an absentee ballot, a county  
9 election board (or the absentee voter board in the office of the circuit  
10 court clerk) shall immediately examine the signature of the absentee  
11 voter to determine its genuineness.

12 (b) This subsection does not apply to an absentee ballot cast by a  
13 voter permitted to transmit the voter's absentee ballots by fax or  
14 electronic mail under IC 3-11-4-6. The board shall compare the  
15 signature as it appears upon the envelope containing the absentee ballot  
16 with the signature of the voter as it appears upon the application for the  
17 absentee ballot. The board may also compare the signature on the ballot  
18 envelope with any other admittedly genuine signature of the voter.

19 (c) This subsection applies to an absentee ballot cast by a voter  
20 permitted to transmit the voter's absentee ballots by fax or electronic  
21 mail under IC 3-11-4-6. The board shall compare the signature as it  
22 appears on the affidavit transmitted with the voter's absentee ballot to  
23 the voter's signature as it appears on the application for the absentee  
24 ballot. The board may also compare the signature on the affidavit with  
25 any other admittedly genuine signature of the voter.

26 SECTION 16. IC 3-11-10-4.5 IS REPEALED [EFFECTIVE UPON  
27 PASSAGE]. Sec. 4.5. (a) Upon receipt of an absentee ballot from a  
28 voter required to provide additional information to the county voter  
29 registration office under IC 3-7-33-4.5, the county election board shall  
30 contact the county voter registration office to determine if the  
31 additional information has been filed with the office by the voter.

32 (b) If the voter has filed the information with the county voter  
33 registration office, the county election board shall add a notation to the  
34 application indicating that the required information has been filed and  
35 that the absentee ballot may be counted if the ballot otherwise complies  
36 with this article.

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

41 "INSPECTOR: AS OF (insert date absentee ballot application  
42 approved) THIS VOTER WAS REQUIRED TO FILE





1           ADDITIONAL DOCUMENTATION WITH THE COUNTY  
2           VOTER REGISTRATION OFFICE BEFORE THIS BALLOT  
3           MAY BE COUNTED. CHECK THE POLL LIST AND  
4           COUNTY ELECTION BOARD CERTIFICATION TO SEE IF  
5           THE VOTER HAS FILED THIS INFORMATION. IF NOT,  
6           PROCESS AS A PROVISIONAL BALLOT IF THIS BALLOT  
7           OTHERWISE COMPLIES WITH INDIANA LAW.".

8           SECTION 17. IC 3-11-10-8.5, AS ADDED BY P.L.169-2015,  
9           SECTION 118, IS AMENDED TO READ AS FOLLOWS  
10          [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) This section does not  
11          apply to an application for an absentee ballot from a voter:

- 12           (1) participating in the address confidentiality program under  
13           IC 5-26.5-2; or  
14           (2) requesting to cast an absentee ballot in the office of the circuit  
15           court clerk, the office of the board of elections and registration, or  
16           a satellite office.

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

20          SECTION 18. IC 3-11-10-19 IS REPEALED [EFFECTIVE UPON  
21          PASSAGE]. ~~Sec. 19: If a circuit court clerk has signed an absentee~~  
22          ~~ballot and the ballot has been initialed as prescribed by IC 3-11-4-19;~~  
23          ~~no other initialing is required.~~

24          SECTION 19. IC 3-11-10-24, AS AMENDED BY P.L.278-2019,  
25          SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26          UPON PASSAGE]: Sec. 24. (a) Except as provided in subsection (b),  
27          a voter who satisfies any of the following is entitled to vote by mail:

- 28           (1) The voter has a specific, reasonable expectation of being  
29           absent from the county on election day during the entire twelve  
30           (12) hours that the polls are open.  
31           (2) The voter will be absent from the precinct of the voter's  
32           residence on election day because of service as:  
33           (A) a precinct election officer under IC 3-6-6;  
34           (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;  
35           (C) a challenger or pollbook holder under IC 3-6-7; or  
36           (D) a person employed by an election board to administer the  
37           election for which the absentee ballot is requested.  
38           (3) The voter will be confined on election day to the voter's  
39           residence, to a health care facility, or to a hospital because of an  
40           illness or injury during the entire twelve (12) hours that the polls  
41           are open.  
42           (4) The voter is a voter with disabilities.



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



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



1 first visit due to a medical emergency; or  
2 (B) the board, in its discretion, decides to make an additional  
3 visit.

4 (c) This subsection applies to a voter confined due to illness or  
5 injury. An absentee voter board may not be denied access to the voter's  
6 place of confinement if the board is present at the place of confinement  
7 at a time:

- 8 (1) agreed to by the board and the voter; and
- 9 (2) during the regular office hours of the circuit court clerk. A  
10 person who knowingly violates this subsection commits  
11 obstruction or interference with an election officer in the  
12 discharge of the officer's duty, a violation of IC 3-14-3-4.

13 (d) The county election board, by unanimous vote of the board's  
14 entire membership, may authorize an absentee voter board to visit a  
15 voter who is confined due to illness or injury and will be outside the  
16 county on election day in accordance with the procedures set forth in  
17 subsection (b).

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

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

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

- 32 (1) information concerning the effect of casting multiple votes for  
33 an office; and
- 34 (2) instructions on how to correct the ballot before the ballot is  
35 cast and counted, including the issuance of replacement ballots.

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

40 SECTION 21. IC 3-11-10-26, AS AMENDED BY P.L.278-2019,  
41 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 UPON PASSAGE]: Sec. 26. (a) This subsection applies to all counties,



1 except for a county to which IC 3-6-5.2 **or IC 3-6-5.6** applies. As an  
 2 alternative to voting by mail, a voter is entitled to cast an absentee  
 3 ballot before an absentee voter board at any of the following:

4 (1) One (1) location of the office of the circuit court clerk  
 5 designated by the circuit court clerk.

6 (2) A satellite office established under section 26.3 of this  
 7 chapter.

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

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

13 (2) A satellite office established under section 26.3 of this  
 14 chapter.

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

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

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

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

30 (A) If the county election board has prescribed an affidavit  
 31 under subsection (e) that includes a unique identifier to  
 32 comply with section 26.2(c)(3) of this chapter, make and  
 33 subscribe to the affidavit.

34 (B) Sign the electronic poll book.

35 (C) Provide proof of identification.

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

40 (A) Sign the electronic poll book.

41 (B) Provide proof of identification.

42 (C) Sign the affidavit prescribed by section 29 of this chapter.



1 (e) The county election board may:

- 2 (1) prescribe an affidavit that includes a unique identifier; or  
 3 (2) establish a procedure to produce a document, label, or  
 4 electronic record that is associated with each voter and includes  
 5 a unique identifier;

6 to comply with section 26.2(c)(3) of this chapter. After the county  
 7 election board approves an affidavit or procedure described in this  
 8 subsection and before the affidavit or procedure is used in an election,  
 9 the county election board shall file a copy of the affidavit or a brief  
 10 description of the procedure with the election division to assist the state  
 11 recount commission in conducting proceedings under IC 3-12-11.

12 (f) The voter may vote before the board not more than twenty-eight  
 13 (28) days nor later than noon on the day before election day. If the  
 14 close of a voter registration period is transferred under IC 3-5-4-1.5  
 15 from twenty-nine (29) days to a later date due to the Columbus Day  
 16 holiday, the voter may vote before the board on the first day following  
 17 the day on which the voter registration period closes.

18 (g) An absent uniformed services voter who is eligible to vote by  
 19 absentee ballot in the circuit court clerk's office under IC 3-7-36-14  
 20 may vote before the board not earlier than twenty-eight (28) days  
 21 before the election and not later than noon on election day. If the close  
 22 of a voter registration period is transferred under IC 3-5-4-1.5 from  
 23 twenty-nine (29) days to a later date due to the Columbus Day holiday,  
 24 the voter may vote before the board on the first day following the day  
 25 on which the voter registration period closes. If a voter described by  
 26 this subsection wishes to cast an absentee ballot during the period  
 27 beginning at noon on the day before election day and ending at noon on  
 28 election day, the county election board or absentee voter board may  
 29 receive and process the ballot at a location designated by resolution of  
 30 the county election board.

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

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

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



- 1 (1) permitted to verify in a private and independent manner the
- 2 votes selected by the voter before the ballot is cast and counted;
- 3 (2) provided with the opportunity to change the ballot or correct
- 4 any error in a private and independent manner before the ballot is
- 5 cast and counted, including the opportunity to receive a
- 6 replacement ballot if the voter is otherwise unable to change or
- 7 correct the ballot; and
- 8 (3) notified before the ballot is cast regarding the effect of casting
- 9 multiple votes for the office and provided an opportunity to
- 10 correct the ballot before the ballot is cast and counted.
- 11 (k) As provided by 52 U.S.C. 21081, when an absentee ballot is
- 12 provided under this section, the board must also provide the voter with:
- 13 (1) information concerning the effect of casting multiple votes for
- 14 an office; and
- 15 (2) instructions on how to correct the ballot before the ballot is
- 16 cast and counted, including the issuance of replacement ballots.
- 17 (l) If:
- 18 (1) the voter is unable or declines to present the proof of
- 19 identification; or
- 20 (2) a member of the board determines that the proof of
- 21 identification provided by the voter does not qualify as proof of
- 22 identification under IC 3-5-2-40.5;
- 23 the voter shall be permitted to cast a provisional ballot.
- 24 (m) A voter casting an absentee ballot under this section is entitled
- 25 to cast the voter's ballot in accordance with IC 3-11-9.
- 26 (n) In a primary election, a voter casting an absentee ballot under
- 27 this chapter may not change the voter's choice of the voter's political
- 28 party after the voter has been mailed or otherwise provided with a
- 29 primary ballot containing the candidates of that party.
- 30 SECTION 22. IC 3-11-10-26.5, AS AMENDED BY P.L.278-2019,
- 31 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2020]: Sec. 26.5. (a) This section applies to:
- 33 (1) a municipal election;
- 34 (2) a primary conducted in a municipal election year; and
- 35 (3) a special election conducted under IC 3-10-8 **and that is not**
- 36 **conducted at the same time as any other election.**
- 37 (b) Notwithstanding section 26 of this chapter **or IC 3-11-18.1-4 in**
- 38 **a vote center county**, a county election board (or a town election board
- 39 acting under IC 3-10-7) may adopt a resolution **or an amendment to**
- 40 **a county vote center plan** by the unanimous vote of the board's entire
- 41 membership stating that voters are entitled to vote by absentee ballot
- 42 before an absentee voter board in the office of the circuit court clerk or



1 town election board during specific days and hours identified in the  
2 resolution.

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

5 (1) the number of absentee ballot applications anticipated or  
6 previously received for the election;

7 (2) the expense to be incurred by providing absentee ballot voting  
8 in the office during the entire period required under section 26 of  
9 this chapter; and

10 (3) that voters would experience little or no inconvenience by  
11 restricting absentee ballot voting in the office to the days and  
12 hours specified in the resolution.

13 SECTION 23. IC 3-11-10-28, AS AMENDED BY P.L.221-2005,  
14 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 UPON PASSAGE]: Sec. 28. (a) A voter voting before an absentee  
16 voter board shall mark the voter's ballot in the presence of the board,  
17 but not in such a manner that either of the members of the board can  
18 see for whom the voter voted, unless the voter requests the help of the  
19 board in marking a ballot under IC 3-11-9. **The voter shall fold each  
20 ballot separately in a manner to conceal the voter's markings.**

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

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

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

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

35 (1) listing the documentation the voter may submit to the county  
36 voter registration office to comply with IC 3-7-33-4.5; and

37 (2) stating the address and hours of the county voter registration  
38 office.

39 SECTION 24. IC 3-11-10-29.5, AS ADDED BY P.L.219-2013,  
40 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 UPON PASSAGE]: Sec. 29.5. Each day after absentee voting  
42 concludes in the circuit court clerk's office ~~or~~ a satellite office, ~~or a~~





1 vote center; the county election board shall direct that the vote history  
2 be uploaded from each electronic poll list into the computerized list.

3 SECTION 25. IC 3-11-10-30 IS REPEALED [EFFECTIVE UPON  
4 PASSAGE]. Sec. 30: Even though the voter may have applied for and  
5 received an absentee ballot, a voter who returns to the voter's place of  
6 residence before the close of the polls on election day may vote in  
7 person under the conditions prescribed by section 31 of this chapter.

8 SECTION 26. IC 3-11-10-31 IS REPEALED [EFFECTIVE UPON  
9 PASSAGE]. Sec. 31: (a) If a voter has not returned an absentee ballot,  
10 then the voter may vote in person:

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

15 (c) If the voter has requested but not received an absentee ballot, the  
16 voter may vote if the voter executes an affidavit affirming that the voter  
17 has not received an absentee ballot.

18 SECTION 27. IC 3-11-10-32 IS REPEALED [EFFECTIVE UPON  
19 PASSAGE]. Sec. 32: If a voter has marked and returned an absentee  
20 ballot, the voter may not vote in person at a precinct.

21 SECTION 28. IC 3-11-10-36 IS REPEALED [EFFECTIVE UPON  
22 PASSAGE]. Sec. 36: (a) Each county election board shall appoint  
23 absentee voter boards:

24 (b) The absentee voter boards must consist of two (2) voters of the  
25 county; one (1) from each of the two (2) political parties that have  
26 appointed members on the county election board. If a special election  
27 is held for a local public question, the county election board may, by  
28 unanimous vote of the entire membership of the board, adopt a  
29 resolution to provide that the party membership requirement does not  
30 apply to absentee voter boards appointed to conduct the special  
31 election. A resolution adopted under this subsection may not be  
32 repealed and expires the day after the special election.

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

- 35 (1) is unable to read, write, and speak the English language;
- 36 (2) has any property bet or wagered on the result of the election;
- 37 (3) is a candidate to be voted for at the election, except as an  
38 unopposed candidate for precinct committeeman or state  
39 convention delegate; or
- 40 (4) is the spouse, parent, father-in-law, mother-in-law, child,  
41 son-in-law, daughter-in-law, grandparent, grandchild, brother,  
42 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece



1 of a candidate or declared write-in candidate to be voted for at the  
 2 election, except as an unopposed candidate. This subdivision  
 3 disqualifies a person whose relationship to the candidate is the  
 4 result of birth, marriage, or adoption.

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

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

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

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

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

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

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

31 SECTION 30. IC 3-11-13-11, AS AMENDED BY P.L.278-2019,  
 32 SECTION 104, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JANUARY 1, 2021]: Sec. 11. (a) The ballot information,  
 34 whether placed on the ballot card or on the marking device, must be in  
 35 the order of arrangement provided for ballots under this section.

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

40 (1) print all offices and questions on a single ballot card; and

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



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

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

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

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

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

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

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

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

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

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



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



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

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

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

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

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

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

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

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

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

31 (n) The requirements in this section:

32 (1) do not replace; and

33 (2) are in addition to;

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

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

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

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

42 (2) the text of public questions;

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

4 SECTION 31. IC 3-11-13-11.5 IS ADDED TO THE INDIANA  
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 6 [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. A public question**  
 7 **printed on a ballot shall be set forth without any quotation marks**  
 8 **preceding or following the text of the public question.**

9 SECTION 32. IC 3-11-13-14, AS AMENDED BY P.L.21-2016,  
 10 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2020]: Sec. 14. (a) In partisan elections, the ballot labels must  
 12 include a voting square or position where a voter may by one (1) voting  
 13 mark on each card record a straight party or an independent ticket vote  
 14 for all the candidates of one (1) political party or the independent  
 15 ticket, except for offices for which the voter:

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

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

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

22 **(c) A ballot label must not include a voting square or position to**  
 23 **permit a voter to cast a straight party ticket for a political party or**  
 24 **independent ticket if:**

25 **(1) there are no candidates of that political party; or**

26 **(2) the only candidates of the political party are for election to**  
 27 **offices to which more than one (1) individual is to be elected**  
 28 **and which will not be credited with a vote under IC 3-12-1-7**  
 29 **if a voter casts a straight party ticket.**

30 SECTION 33. IC 3-11-14-3.5, AS AMENDED BY P.L.21-2016,  
 31 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JANUARY 1, 2021]: Sec. 3.5. (a) Each county election board shall  
 33 have the names of all candidates for all elected offices, political party  
 34 offices, and public questions printed on ballot labels for use in an  
 35 electronic voting system as provided in this chapter.

36 (b) The county may:

37 (1) print all offices and public questions on a single ballot label;  
 38 and

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

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



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

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

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

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

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

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

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

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

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

42 (4) If a political party did not have a candidate for secretary of



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





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

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

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

10 (1) placed on the ballot label; or

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

13 (m) **Except as provided in section 14.5 of this chapter**, the ballot  
 14 label must include a touch sensitive point or button for voting a straight  
 15 political party or independent ticket (described in IC 3-11-2-6) by one  
 16 (1) touch, and the touch sensitive point or button must be identified by:

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

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

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

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

34 (o) The requirements in this section:

35 (1) do not replace; and

36 (2) are in addition to;

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

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



1 SECTION 34. IC 3-11-14-3.7 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE UPON PASSAGE]: **Sec. 3.7. A public question printed**  
 4 **on a ballot shall be set forth without any quotation marks**  
 5 **preceding or following the text of the public question.**

6 SECTION 35. IC 3-11-14-14.5 IS ADDED TO THE INDIANA  
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2020]: **Sec. 14.5. A ballot label must not**  
 9 **include a touch sensitive point or button to permit a voter to cast**  
 10 **a straight party ticket for a political party or independent ticket if:**

- 11 (1) there are no candidates of that political party; or  
 12 (2) the only candidates of the political party are for election to  
 13 offices to which more than one (1) individual is to be elected  
 14 and which will not be credited with a vote under IC 3-12-1-7  
 15 if a voter casts a straight party ticket.

16 SECTION 36. IC 3-11.5-4-3.5 IS ADDED TO THE INDIANA  
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 18 [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) Upon receipt of an**  
 19 **absentee ballot from a voter required to provide additional**  
 20 **information to the county voter registration office under**  
 21 **IC 3-7-33-4.5, the county election board shall contact the county**  
 22 **voter registration office to determine if the additional information**  
 23 **has been filed with the office by the voter.**

24 (b) If the voter has filed the information with the county voter  
 25 registration office, the county election board shall add a notation  
 26 to the application indicating that the required information has  
 27 been filed and that the absentee ballot may be counted if the ballot  
 28 otherwise complies with this article.

29 (c) If the voter has not filed the information with the county  
 30 voter registration office, the county election board shall add a  
 31 notation on the application filed by a voter described under  
 32 subsection (b) and on the envelope provided under this chapter  
 33 reading substantially as follows:

34 "ABSENTEE BALLOT COUNTERS: AS OF (insert date  
 35 absentee ballot application approved) THIS VOTER WAS  
 36 REQUIRED TO FILE ADDITIONAL DOCUMENTATION  
 37 WITH THE COUNTY VOTER REGISTRATION OFFICE  
 38 BEFORE THIS BALLOT MAY BE COUNTED. CHECK  
 39 THE POLL LIST AND COUNTY ELECTION BOARD  
 40 CERTIFICATION TO SEE IF THE VOTER HAS FILED  
 41 THIS INFORMATION. IF NOT, PROCESS AS A  
 42 PROVISIONAL BALLOT IF THIS BALLOT OTHERWISE



1           **COMPLIES WITH INDIANA LAW."**

2           SECTION 37. IC 3-11.5-4-3.7 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE UPON PASSAGE]: **Sec. 3.7. (a) This section applies to**  
5 **an absentee ballot received before election day.**

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

11           **(1) the voter's absentee ballot envelope; or**

12           **(2) the computerized list if there is no envelope.**

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

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

21           SECTION 38. IC 3-11.5-4-5, AS AMENDED BY P.L.157-2019,  
22 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 UPON PASSAGE]: **Sec. 5. (a) Notwithstanding section 12(a) of this**  
24 **chapter, if the county election board does not determine under this**  
25 **subsection that the ballot signature is genuine, then the absentee**  
26 **ballot counters shall determine under section 12(b) of this chapter**  
27 **if the signatures correspond.** If a county election board ~~unanimously~~  
28 finds that the signature on a ballot envelope or transmitted affidavit is  
29 genuine, the board shall enclose immediately the accepted and  
30 unopened ballot envelope, together with the voter's application for the  
31 absentee ballot, in a large or carrier envelope. **If the county election**  
32 **board does not unanimously determine that the signature on a**  
33 **ballot envelope is genuine, the board shall also write on the ballot**  
34 **envelope or the transmitted affidavit from a voter under**  
35 **IC 3-11-4-6, the words "SIGNATURE DISPUTED".** The board ~~may~~  
36 **shall** enclose in the same carrier envelope all absentee ballot envelopes  
37 and applications for the same precinct.

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

42           SECTION 39. IC 3-11.5-4-6, AS AMENDED BY P.L.278-2019,



1 SECTION 123, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Each circuit court clerk  
 3 shall keep all accepted ballot envelopes securely sealed in the clerk's  
 4 office until the ballot envelopes are opened by absentee ballot counters  
 5 in accordance with this chapter.

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

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

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

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

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

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

- 39 (1) **scan a voted absentee ballot card using an optical scan**  
 40 **ballot scanner before election day; and**  
 41 (2) **electronically retract a ballot described in subsection**  
 42 **(b)(2) if the county otherwise complies with this title.**



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

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

8 (A) the number of ballots retracted;

9 (B) the security of the ballots; and

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

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

15 (e) This section expires December 31, 2020.

16 SECTION 41. IC 3-11.5-4-11, AS AMENDED BY P.L.278-2019,  
 17 SECTION 124, IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) This section applies to  
 19 an absentee ballot received on election day, but not later than noon  
 20 on election day. The absentee ballot counters shall examine the  
 21 signature on the absentee ballot and determine if the signature is  
 22 genuine under section 5 of this chapter. If the absentee ballot  
 23 counters do not agree, the question is referred to the county  
 24 election board for determination. If the absentee ballot counters  
 25 agree that the signature is not genuine, the county election board  
 26 shall reject the ballot under section 4 of this chapter.

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

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

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

35 (3) compare the signature upon the ballot application or, if there  
 36 is no application, with the signature on the electronic poll book,  
 37 with the signature upon the:

38 (A) voter's absentee affidavit on the ballot envelope;  
 39 transmitted affidavit under IC 3-11-4-6(h); or voter registration  
 40 record; or

41 (B) if there is no envelope, with the voter's signature on the  
 42 computerized list.



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

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

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

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

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

15 ~~(c)~~ **(d)** This subsection applies to a county having a consolidated  
 16 city, if the county:

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

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

20 After the receipt and processing required under sections 12 and 12.5 of  
 21 this chapter to process an absentee ballot from a voter and after  
 22 ensuring that the electronic poll books used in each polling place or  
 23 vote center have been updated to reflect all absentee ballots received  
 24 by the county not later than 12:01 a.m. on election day, the absentee  
 25 ballot counters shall, at any time after 6:00 a.m. on election day, in a  
 26 central counting location designated by the county election board,  
 27 count the absentee ballot votes cast for each candidate, for each office,  
 28 and on each public question.

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

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

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

36 After the receipt and processing required under section 12 of this  
 37 chapter to process an absentee ballot from a voter and after ensuring  
 38 that the electronic poll books used in each polling place or vote center  
 39 have been updated to reflect all absentee ballots received by the county  
 40 not later than 12:01 a.m. on election day, the absentee ballot counters  
 41 shall, at any time after 6:00 a.m. on election day, in a central counting  
 42 location designated by the county election board, count the absentee



1 ballot votes cast for each candidate, for each office, and on each public  
2 question.

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

6 SECTION 42. IC 3-11.5-4-20 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. If ~~the inspector~~  
8 **a voter** has marked the poll list to indicate that ~~the~~ **and returned an**  
9 absentee ballot, ~~cast by the voter has been received by the county~~  
10 ~~election board~~; the voter may not vote in person except as provided in  
11 section 21 of this chapter.

12 SECTION 43. IC 3-11.5-4-22, AS AMENDED BY P.L.169-2015,  
13 SECTION 142, IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Except as provided in  
15 subsection (b), each county election board shall appoint:

- 16 (1) absentee voter boards;
- 17 (2) teams of absentee ballot counters; and
- 18 (3) teams of couriers;

19 consisting of two (2) voters of the county, one (1) from each of the two  
20 (2) political parties that have appointed members on the county  
21 election board. **If a special election is held for a local public**  
22 **question, the county election board may, by unanimous vote of the**  
23 **entire membership of the board, adopt a resolution to provide that**  
24 **the party membership does not apply to absentee voter boards**  
25 **appointed to conduct the special election. A resolution adopted**  
26 **under this subsection may not be repealed and expires the day**  
27 **after the special election.**

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

- 29 (1) may appoint, by a unanimous vote of the board's members,  
30 only one (1) absentee ballot courier if the person appointed is a  
31 voter of the county; and
- 32 (2) shall not appoint teams of couriers, if the county:
  - 33 (A) has adopted an order to use an electronic poll book under  
34 IC 3-7-29-6(a)(1); or
  - 35 (B) is a vote center county under IC 3-11-18.1.

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

- 39 (1) is unable to read, write, and speak the English language;
- 40 (2) has any property bet or wagered on the result of the election;
- 41 (3) is a candidate to be voted for at the election except as an  
42 unopposed candidate for precinct committeeman or state



1 convention delegate; or

2 (4) is the spouse, parent, father-in-law, mother-in-law, child,  
3 son-in-law, daughter-in-law, grandparent, grandchild, brother,  
4 sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece  
5 of a candidate or declared write-in candidate to be voted for at the  
6 election except as an unopposed candidate. This subdivision  
7 disqualifies a person whose relationship to the candidate is the  
8 result of birth, marriage, or adoption.

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

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

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

19 SECTION 44. IC 3-11.5-6-3, AS AMENDED BY P.L.210-2018,  
20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b),  
22 (c), or (d), immediately after:

23 (1) the couriers have returned the certificate from a precinct under  
24 IC 3-11.5-4-9; and

25 (2) the absentee ballot counters or the county election board has  
26 made the findings required under IC 3-11-10 and IC 3-11.5-4 for  
27 the absentee ballots cast by voters of the precinct and deposited  
28 the accepted absentee ballots in the envelope required under  
29 IC 3-11.5-4-12;

30 the absentee ballot counters shall, in a central counting location  
31 designated by the county election board, count the absentee ballot votes  
32 for each candidate for each office and on each public question in the  
33 precinct with the assistance of any persons required for the operation  
34 of the automatic tabulating machine.

35 (b) This subsection does not apply to a county having a consolidated  
36 city. This subsection applies to a county that:

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 Immediately after the electronic poll books used at each polling place  
41 or vote center have been updated to indicate that the county received,  
42 not later than noon on election day, an absentee ballot from a voter, the





1 absentee ballot counters shall, in a central counting location designated  
2 by the county election board, count the absentee ballot votes cast for  
3 each candidate for each office and on each public question in the  
4 precinct.

5 (c) This subsection applies to a county having a consolidated city,  
6 if the county:

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

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

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

19 (d) This subsection applies to a county other than a county having  
20 a consolidated city, if the county election board has adopted a  
21 resolution by the unanimous vote of the entire membership of the board  
22 to use procedures set forth in this subsection, and the county:

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

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

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

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

38 SECTION 45. IC 3-11.7-3-8 IS ADDED TO THE INDIANA CODE  
39 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
40 UPON PASSAGE]: **Sec. 8. For purposes of Article 2, Section 9 of**  
41 **the Constitution of the State of Indiana, the position of absentee**  
42 **ballot counter or provisional ballot counter is not a lucrative office.**



1 SECTION 46. IC 3-12-3-2.5 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) Not later  
 3 than ten (10) days before any election at which ballot cards will be  
 4 tabulated at a central counting location, the county election board shall  
 5 designate the counting location to be used for the processing or  
 6 counting of ballots.

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

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

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

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

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

31 SECTION 47. IC 3-12-11-10 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each  
 33 petitioner shall furnish a cash deposit for the payment of costs of the  
 34 recount chargeable to the petitioner. The minimum amount of the cash  
 35 deposit is one hundred dollars (\$100). The cash deposit shall be  
 36 deposited in the state recount fund.

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

- 39 (1) A legislative office in which, on the face of the election  
 40 returns, the difference between the number of votes cast for the  
 41 candidate nominated or elected and the petitioner is not more than  
 42 one percent (1%) of the total votes cast for all candidates for the



1 nomination or office.  
 2 (2) An office other than a legislative office in which, on the face  
 3 of the election returns, the difference between the number of votes  
 4 cast for the candidate nominated or elected and the petitioner is  
 5 not more than one percent (1%) of the total votes cast for all  
 6 candidates for the nomination or office.

7 If the number of precincts to be recounted exceeds ten (10), the amount  
 8 of the deposit shall be increased by ten dollars (\$10) for each precinct  
 9 in excess of ten (10).

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

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

17 (2) An office other than a legislative office in which, on the face  
 18 of the election returns, the difference between the number of votes  
 19 cast for the candidate nominated or elected and the petitioner is  
 20 more than one percent (1%) of the total votes cast for the  
 21 nomination or office.

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

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

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

31 (1) If the recount results in a reduction of at least fifty percent  
 32 (50%) but less than one hundred percent (100%) of the margin of  
 33 the total certified votes, the petitioner shall receive a refund of  
 34 that percentage of the unexpended balance.

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

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

41 **(f) A member of the commission may appoint an individual to**  
 42 **serve as a proxy of record in the member's place as a member of**



1 the commission by filing with the election division a written  
 2 instrument appointing the proxy of record. The proxy of record  
 3 has the same authority to act and vote on all matters as does the  
 4 member. The member may revoke the authority of the proxy of  
 5 record at any time. The authority of the proxy of record may either  
 6 be limited or general concerning the duration or subject matter as  
 7 set forth by the member in the written instrument appointing the  
 8 proxy.

9 SECTION 48. IC 3-12-11-25, AS AMENDED BY P.L.233-2015,  
 10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 UPON PASSAGE]: Sec. 25. (a) Except as provided in subsection (b),  
 12 whenever the commission makes a final determination under section  
 13 18 of this chapter that the candidate who is subject to a contest  
 14 proceeding is not eligible to serve in the office to which the candidate  
 15 is nominated or elected, the candidate who received the second highest  
 16 number of votes for the office is entitled to a certificate of nomination  
 17 or certificate of election even though a certificate may have been issued  
 18 to another candidate upon the tabulation of the votes.

19 (b) This subsection applies to a contest proceeding for a state office  
 20 other than the offices of governor, lieutenant governor, justice of the  
 21 supreme court, judge of the court of appeals, and judge of the tax court.  
 22 Whenever the commission makes a final determination under section  
 23 18(b) of this chapter that the candidate who is subject to a contest  
 24 proceeding is not eligible to serve in the office to which the candidate  
 25 is elected the following apply:

26 (1) This subdivision does not apply to the filling of a state office  
 27 following a contest proceeding or court action that resulted from  
 28 an election held before January 1, 2011. The office is considered  
 29 vacant, and the governor shall fill the vacancy as provided in  
 30 ~~IC 3-13-4-3(e)~~ IC 3-13-4-3(f) by the appointment of a person of  
 31 the same political party as the candidate who is not eligible to  
 32 serve.

33 (2) The commission's determination that the candidate is not  
 34 eligible to serve in the office does not affect the votes cast for the  
 35 candidate for purposes of determining the number or percentage  
 36 of votes cast for purposes of other statutes, including IC 3-5-2-30,  
 37 IC 3-6-2-1, IC 3-6-4.1-6, IC 3-6-5.2-7, IC 3-6-6-8, IC 3-6-7-1,  
 38 IC 3-6-8-1, IC 3-8-4, IC 3-8-6, IC 3-10-1-2, IC 3-10-2-15,  
 39 IC 3-10-4-2, IC 3-10-6, IC 3-10-7-26, IC 3-11-2-6, IC 3-11-13-11,  
 40 IC 3-11-14-3.5, IC 3-13-9-4.5, IC 6-9-2-3, and IC 36-4-1.5-2.

41 SECTION 49. IC 3-13-4-3, AS AMENDED BY P.L.225-2011,  
 42 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 3. (a) This section applies to a vacancy that  
 2 occurs in a state office other than governor, lieutenant governor, or a  
 3 judicial office.

4 (b) If a state officer wants to resign from office, the state officer  
 5 must resign as provided in IC 5-8-3.5.

6 (c) A vacancy that occurs in a state office because of the death of  
 7 the state officer may be certified to the governor under IC 5-8-6. The  
 8 governor may not fill a vacancy as provided by law until the governor  
 9 receives notice of the death under IC 5-8-6.

10 (d) **Except as provided in subsection (e)**, a vacancy that occurs in  
 11 a state office other than by resignation or death shall be certified to the  
 12 governor by the circuit court clerk of the county in which the officer  
 13 resided.

14 (e) **A vacancy that occurs in the office of the attorney general**  
 15 **under IC 4-6-1-3(b) shall be certified to the governor by the**  
 16 **Indiana supreme court.**

17 (f) The governor shall fill a vacancy in a state office by  
 18 appointment of a person of the same political party as the officer who  
 19 held the vacated office.

20 (g) The person who is appointed by the governor holds office for  
 21 the remainder of the unexpired term and until a successor is elected and  
 22 qualified.

23 SECTION 50. IC 3-14-3-19, AS AMENDED BY P.L.158-2013,  
 24 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 UPON PASSAGE]: Sec. 19. A person who, for the purpose of inducing  
 26 or procuring another person to:

27 (1) apply for or cast an absentee ballot; or

28 (2) vote or refrain from voting for or against a candidate or for or  
 29 against a public question at:

30 (A) an election;

31 (B) a caucus;

32 (C) an appointment of a candidate by a political party  
 33 chairman or central committee officers; or

34 (D) a political convention;

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

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

38 SECTION 51. IC 4-6-1-3, AS AMENDED BY P.L.215-2016,  
 39 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 UPON PASSAGE]: Sec. 3. (a) The attorney general shall be a citizen  
 41 of and duly licensed to practice law in Indiana. Before entering upon  
 42 the discharge of the duties of the attorney general's office, the attorney



1 general shall take and subscribe an oath of office to be administered to  
 2 the attorney general in the usual form by any officer authorized to  
 3 administer oaths; which oath shall be deposited in the office of the  
 4 secretary of state. The attorney general shall also, previous to entering  
 5 upon the duties of the office, properly execute and file with the  
 6 secretary of state the attorney general's bond in the penal sum of fifty  
 7 thousand dollars (\$50,000), payable to the state of Indiana, with surety  
 8 to the approval of the secretary of state, and conditioned for the faithful  
 9 discharge of the attorney general's duties as attorney general; the  
 10 premium on the bond shall be payable from state funds to be  
 11 appropriated.

12 **(b) If the individual who holds the office of attorney general is:**

13 **(1) disbarred in Indiana; or**

14 **(2) suspended from the practice of law in Indiana for thirty**

15 **(30) or more days;**

16 **the individual forfeits the office and a vacancy in the office exists.**

17 SECTION 52. IC 20-46-9-14, AS ADDED BY P.L.272-2019,  
 18 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2020]: Sec]. 14. (a) The referendum shall be held in the next  
 20 primary election, general election, or municipal election in which all  
 21 the registered voters who are residents of the school corporation are  
 22 entitled to vote after certification of the question under IC 3-10-9-3.  
 23 The certification of the question must occur not later than noon:

24 (1) ~~sixty (60)~~ **seventy-four (74)** days before a primary election if  
 25 the question is to be placed on the primary or municipal primary  
 26 election ballot; or

27 (2) August 1 if the question is to be placed on the general or  
 28 municipal election ballot.

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

37 (1) sixty (60) days before a special election to be held in May (if  
 38 the special election is to be held in May); or

39 (2) August 1 (if the special election is to be held in November).

40 (c) If the referendum is not conducted at a primary election, general  
 41 election, or municipal election, the school corporation in which the  
 42 referendum is to be held shall pay all the costs of holding the



1 referendum.  
2 SECTION 53. **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.

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#### 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(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 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.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, 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 8, delete lines 15 through 32.

Page 9, delete lines 2 through 42.

Page 10, delete lines 1 through 16.

Page 11, line 2, delete "'".

Page 11, line 2, reset in roman "A straight party vote will not count as".

Page 11, reset in roman line 3.

Page 13, delete lines 33 through 42.

Delete page 14.

Page 15, delete lines 1 through 18.

Page 26, delete lines 1 through 9.

Page 28, line 26, after "IC 3-11-2-8" insert ",".

Page 28, line 26, reset in roman "IC 3-11-2-10(d)".

Page 28, line 27, reset in roman "IC 3-11-2-10(e)".

Page 28, line 27, delete "IC 3-11-2-10(c)".

Page 28, line 28, delete ":".

Page 28, line 28, reset in roman "a single connectable arrow, circle, oval".

Page 28, reset in roman lines 29 through 33.

Page 28, line 41, reset in roman "instructions".

Page 28, reset in roman line 42.

Page 29, delete lines 30 through 41, begin a new paragraph and insert:

"SECTION 31. IC 3-11-13-14, AS AMENDED BY P.L.21-2016, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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.





**(c) A ballot label must not include a voting square or position to permit a voter to cast a straight party ticket for a political party or independent ticket if:**

- (1) there are no candidates of that political party; or**
- (2) the only candidates of the political party are for election to offices to which more than one (1) individual is to be elected and which will not be credited with a vote under IC 3-12-1-7 if a voter casts a straight party ticket."**

Page 29, delete line 42.

Delete pages 30 through 31.

Page 32, delete lines 1 through 19.

Page 33, line 2, after "IC 3-11-2-12.9(a)," insert "**IC 3-11-2-12.9(c)**,".

Page 33, line 13, delete """,".

Page 33, line 13, reset in roman "To vote for any candidate".

Page 33, reset in roman lines 14 through 15.

Page 33, line 16, reset in roman "for any candidate for this office.",".

Page 34, line 39, after "IC 3-11-2-8" insert ",".

Page 34, line 39, reset in roman "IC 3-11-2-10(d)",".

Page 34, line 40, reset in roman "IC 3-11-2-10(e)".

Page 34, line 40, delete "IC 3-11-2-10(c)".

Page 35, line 2, after "(m)" insert "**Except as provided in section 14.5 of this chapter,**".

Page 35, line 2, delete "The" and insert "the".

Page 35, line 2, delete ":".

Page 35, line 2, reset in roman "a touch sensitive point or button".

Page 35, reset in roman lines 3 through 5.

Page 35, line 12, reset in roman "instructions described in".

Page 35, line 13, reset in roman "IC 3-11-2-10(c) for voting a straight party ticket and the".

Page 35, delete lines 37 through 42, begin a new paragraph and insert:

"SECTION 34. IC 3-11-14-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 14.5. A ballot label must not include a touch sensitive point or button to permit a voter to cast a straight party ticket for a political party or independent ticket if:**

- (1) there are no candidates of that political party; or**
- (2) the only candidates of the political party are for election to offices to which more than one (1) individual is to be elected and which will not be credited with a vote under IC 3-12-1-7 if a voter casts a straight party ticket."**



Delete page 36.  
 Page 37, delete lines 1 through 34.  
 Page 39, line 11, delete "described in subsection (c)".  
 Page 39, line 33, delete "in a pilot program".  
 Page 45, delete lines 21 through 42.  
 Delete pages 46 through 48.  
 Page 49, delete lines 1 through 37.  
 Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to ESB 178 as printed February 18, 2020.)

LEONARD

Committee Vote: yeas 7, nays 3.

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#### HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 178 be amended to read as follows:

Page 2, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 2. IC 3-8-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. A candidate for the office of attorney general must **satisfy all of the following**:

- (1) **The candidate must** have resided in Indiana for at least two (2) years before the election. ~~and~~
- (2) **The candidate must** have been admitted to the practice of law in Indiana for at least five (5) years upon taking office.
- (3) **The candidate may not have been:**
  - (A) **disbarred in Indiana; or**
  - (B) **suspended from the practice of law in Indiana for thirty (30) or more days;****at any time during the period of five (5) years before taking office."**

Page 7, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 5. IC 3-8-7-8, AS AMENDED BY P.L.278-2019, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies to a state convention conducted by a political party described by IC 3-8-4-1.

(b) The state chairman and state secretary of the political party holding the state convention shall certify each candidate nominated at

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the convention to the secretary of state not later than noon July 15 before the general election.

(c) The certificate must be in writing and state the following:

(1) The name of each candidate nominated as:

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

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

(2) Each candidate's residence address.

(3) Whether each candidate nominated by the convention has complied with IC 3-9-1-5 by filing a campaign finance statement of organization.

(4) The following statements:

**(A) A statement that the candidate satisfies all the qualifications for the office the candidate is seeking under INDIANA law.**

~~(A)~~ **(B)** A statement that the candidate has attached either of the following to the certificate:

(i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.

(ii) A receipt, photocopy of a receipt, or electronic mail from the office of the inspector general or judicial qualifications commission, showing that a statement of economic interests has been filed.

This requirement does not apply to a candidate for a federal office.

~~(B)~~ **(C)** A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to obtain and file an individual surety bond before serving in the office. This requirement does not apply to a candidate for a federal office or legislative office.

~~(C)~~ **(D)** A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

~~(D)~~ **(E)** A statement that the candidate:

(i) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and



(ii) agrees to comply with the provisions of IC 3-9.

This requirement does not apply to a candidate for a federal office.

The candidate must separately initial each of the statements required by this subdivision.

(d) The election division shall prescribe the form of the certificate of nomination for the offices. The election division shall provide that the form of the certificate of nomination include the following information:

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

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

(f) The certificate of nomination must be signed by the state chairman and state secretary of the political party holding the convention, and set forth the name and residence of the chairman and secretary. The chairman and secretary shall acknowledge the certificate before an individual authorized to administer oaths under IC 33-42-9. The signed acknowledgment must be included in the certificate of nomination executed under this section."

Page 40, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 48. IC 3-12-11-25, AS AMENDED BY P.L.233-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) Except as provided in subsection (b), whenever the commission makes a final determination under section 18 of this chapter that the candidate who is subject to a contest proceeding is not eligible to serve in the office to which the candidate is nominated or elected, the candidate who received the second highest number of votes for the office is entitled to a certificate of nomination or certificate of election even though a certificate may have been issued to another candidate upon the tabulation of the votes.

(b) This subsection applies to a contest proceeding for a state office



other than the offices of governor, lieutenant governor, justice of the supreme court, judge of the court of appeals, and judge of the tax court. Whenever the commission makes a final determination under section 18(b) of this chapter that the candidate who is subject to a contest proceeding is not eligible to serve in the office to which the candidate is elected the following apply:

(1) This subdivision does not apply to the filling of a state office following a contest proceeding or court action that resulted from an election held before January 1, 2011. The office is considered vacant, and the governor shall fill the vacancy as provided in ~~IC 3-13-4-3(e)~~ **IC 3-13-4-3(f)** by the appointment of a person of the same political party as the candidate who is not eligible to serve.

(2) The commission's determination that the candidate is not eligible to serve in the office does not affect the votes cast for the candidate for purposes of determining the number or percentage of votes cast for purposes of other statutes, including IC 3-5-2-30, IC 3-6-2-1, IC 3-6-4.1-6, IC 3-6-5.2-7, IC 3-6-6-8, IC 3-6-7-1, IC 3-6-8-1, IC 3-8-4, IC 3-8-6, IC 3-10-1-2, IC 3-10-2-15, IC 3-10-4-2, IC 3-10-6, IC 3-10-7-26, IC 3-11-2-6, IC 3-11-13-11, IC 3-11-14-3.5, IC 3-13-9-4.5, IC 6-9-2-3, and IC 36-4-1.5-2.

SECTION 49. IC 3-13-4-3, AS AMENDED BY P.L.225-2011, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section applies to a vacancy that occurs in a state office other than governor, lieutenant governor, or a judicial office.

(b) If a state officer wants to resign from office, the state officer must resign as provided in IC 5-8-3.5.

(c) A vacancy that occurs in a state office because of the death of the state officer may be certified to the governor under IC 5-8-6. The governor may not fill a vacancy as provided by law until the governor receives notice of the death under IC 5-8-6.

(d) **Except as provided in subsection (e)**, a vacancy that occurs in a state office other than by resignation or death shall be certified to the governor by the circuit court clerk of the county in which the officer resided.

**(e) A vacancy that occurs in the office of the attorney general under IC 4-6-1-3(b) shall be certified to the governor by the Indiana supreme court.**

~~(e)~~ **(f)** The governor shall fill a vacancy in a state office by appointment of a person of the same political party as the officer who held the vacated office.



(g) The person who is appointed by the governor holds office for the remainder of the unexpired term and until a successor is elected and qualified."

Page 40, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 51. IC 4-6-1-3, AS AMENDED BY P.L.215-2016, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The attorney general shall be a citizen of and duly licensed to practice law in Indiana. Before entering upon the discharge of the duties of the attorney general's office, the attorney general shall take and subscribe an oath of office to be administered to the attorney general in the usual form by any officer authorized to administer oaths; which oath shall be deposited in the office of the secretary of state. The attorney general shall also, previous to entering upon the duties of the office, properly execute and file with the secretary of state the attorney general's bond in the penal sum of fifty thousand dollars (\$50,000), payable to the state of Indiana, with surety to the approval of the secretary of state, and conditioned for the faithful discharge of the attorney general's duties as attorney general; the premium on the bond shall be payable from state funds to be appropriated.

**(b) If the individual who holds the office of attorney general is:**

**(1) disbarred in Indiana; or**

**(2) suspended from the practice of law in Indiana for thirty**

**(30) or more days;**

**the individual forfeits the office and a vacancy in the office exists."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 178 as printed February 28, 2020.)

WESCO

