

SENATE BILL No. 306

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2; IC 3-10; IC 3-11; IC 3-12; IC 3-14-4-10.

Synopsis: Ranked choice voting. Permits a municipality to implement ranked choice voting for all of the municipality's elected offices. Permits a county to implement ranked choice voting for all offices elected in the county. Establishes the procedure for a voter to rank the candidates according to the voter's choice when there are three or more candidates for election to an office. Establishes the procedures to count the voter's choices as votes at various stages of tabulating ballots. Makes conforming amendments.

Effective: January 1, 2020.

Stoops

January 7, 2019, read first time and referred to Committee on Elections.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 306

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

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

1 SECTION 1. IC 3-5-2-41.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2020]: **Sec. 41.2. "Rank" has the meaning set forth in**
4 **IC 3-12-0.5-5.**

5 SECTION 2. IC 3-5-2-41.3 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
7 JANUARY 1, 2020]: **Sec. 41.3. "Ranked choice voting" refers to the**
8 **system of voting described in IC 3-12-0.5, whereby a voter may**
9 **give a rank to all the candidates for the same office.**

10 SECTION 3. IC 3-5-2-48.3 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
12 JANUARY 1, 2020]: **Sec. 48.3. "Tabulate" refers to the following:**

13 **(1) With respect to a public question, the determination of the**
14 **total vote for and against the public question.**

15 **(2) With respect to a local office for which ranked choice**
16 **voting has not been adopted under IC 3-12-0.5, the**
17 **determination of the total vote for each candidate for that**



1 office.

2 **(3) With respect to an election to an office, for which ranked**
 3 **choice voting has been adopted under IC 3-12-0.5, the**
 4 **determination of the total of each ranking given to each**
 5 **candidate for that office. The term includes the determination**
 6 **of the total vote for each candidate for that office as provided**
 7 **in IC 3-12-0.5 by the entity authorized to determine those**
 8 **totals under IC 3-12-0.1.**

9 SECTION 4. IC 3-10-1-14.1, AS AMENDED BY P.L.76-2014,
 10 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JANUARY 1, 2020]: Sec. 14.1. (a) All the candidates for each office
 12 who have qualified in the manner prescribed by IC 3-8 for placement
 13 on the primary election ballot shall be grouped together under the name
 14 of the office and printed in type with uniform capital letters, with
 15 uniform space between each name.

16 **(b) Except as provided in section 14.3 of this chapter,** at the head
 17 of each group, a statement reading substantially as follows must be
 18 placed immediately below the name of the office and above the name
 19 of the first candidate: "Vote for not more than (insert the number of
 20 candidates to be nominated) candidates for this office."

21 ~~(b)~~ **(c)** In addition to the candidate's given name and surname, the
 22 candidate may use:

23 (1) initials; or

24 (2) a nickname by which the candidate is commonly known;

25 if the candidate's choice of initials or nickname does not exceed twenty
 26 (20) characters. Any nickname used must appear in parentheses
 27 between the candidate's given name and the candidate's surname.

28 ~~(c)~~ **(d)** A candidate may not use a designation such as a title or
 29 degree or a nickname that implies a title or degree.

30 ~~(d)~~ **(e)** A candidate's name must be printed on the ballot exactly as
 31 the name appears on the candidate's certificate of nomination, petition
 32 of nomination, or declaration of candidacy.

33 SECTION 5. IC 3-10-1-14.3 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2020]: **Sec. 14.3. (a) This section applies to a ballot for**
 36 **candidates whose nomination or election will be determined by**
 37 **ranked choice voting under IC 3-12-0.5.**

38 **(b) Instead of the statement required by section 14.1(b) of this**
 39 **chapter, at the head of each group, a statement reading**
 40 **substantially as follows must be placed immediately below the**
 41 **name of the office and above the name of the first candidate:**

42 **"You may rank each candidate below as your #1 choice, your**



1 **#2 choice, your #3 choice, and so on. You may, but are not**
 2 **required to, rank all the candidates that appear below.**
 3 **However, you may not give any candidate more than one (1)**
 4 **ranking."**

5 SECTION 6. IC 3-10-1-19, AS AMENDED BY P.L.21-2016,
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2020]: Sec. 19. (a) The ballot for a primary election shall
 8 be printed in substantially the form described in this section for all the
 9 offices for which candidates have qualified under IC 3-8.

10 (b) The following shall be printed as the heading for the ballot for
 11 a political party:

12 "OFFICIAL PRIMARY BALLOT

13 _____ Party (insert the name of the political party)".
 14 (c) The following shall be printed immediately below the heading
 15 required by subsection (b) or be posted in each voting booth as
 16 provided in IC 3-11-2-8(b):

17 (1) For paper ballots; print: To vote for a person; make a voting
 18 mark (X or ✓) on or in the box before the person's name in the
 19 proper column:

20 (2) For optical scan ballots; print: To vote for a person; darken or
 21 shade in the circle; oval; or square (or draw a line to connect the
 22 arrow) that precedes the person's name in the proper column:

23 (3) For optical scan ballots that do not contain a candidate's name;
 24 print: To vote for a person; darken or shade in the oval that
 25 precedes the number assigned to the person's name in the proper
 26 column:

27 (4) For electronic voting systems; print: To vote for a person;
 28 touch the screen (or press the button) in the location indicated:

29 (d) (c) Local public questions shall be placed on the primary
 30 election ballot after the heading and the voting instructions described
 31 in subsection (c) (if the instructions are printed on the ballot) and
 32 before the offices described in subsection (g).

33 (e) (d) The local public questions described in subsection (d) (c)
 34 shall be placed as follows:

35 (1) In a separate column on the ballot if voting is by paper ballot.

36 (2) After the heading and the voting instructions described in
 37 subsection (c) (if the instructions are printed on the ballot) and
 38 before the offices described in subsection (g), in the form
 39 specified in IC 3-11-13-11 if voting is by ballot card.

40 (3) As provided by either of the following if voting is by an
 41 electronic voting system:

42 (A) On a separate screen for a public question.



1 (B) After the heading and the voting instructions described in
 2 subsection (e) (if the instructions are printed on the ballot) and
 3 before the offices described in subsection (g), in the form
 4 specified in IC 3-11-14-3.5.

5 (f) (e) A public question shall be placed on the primary election
 6 ballot in the following form:

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

10 YES

11 NO

12 (f) The following shall be printed immediately before the offices
 13 described in subsection (g) or be posted in each voting booth as
 14 provided in IC 3-11-2-8(b):

15 (1) For paper ballots, print: To vote for a candidate, make a
 16 voting mark (X or ✓) on or in the box before the candidate's
 17 name in the proper column.

18 (2) For optical scan ballots, print: To vote for a candidate,
 19 darken or shade in the circle, oval, or square (or draw a line
 20 to connect the arrow) that precedes the candidate's name in
 21 the proper column.

22 (3) For optical scan ballots that do not contain a candidate's
 23 name, print: To vote for a candidate, darken or shade in the
 24 oval that precedes the number assigned to the candidate's
 25 name in the proper column.

26 (4) For electronic voting systems, print: To vote for a
 27 candidate, touch the screen (or press the button) in the
 28 location indicated.

29 (g) The offices with candidates for nomination shall be placed on
 30 the primary election ballot in the following order:

- 31 (1) Federal and state offices:
 32 (A) President of the United States.
 33 (B) United States Senator.
 34 (C) Governor.
 35 (D) United States Representative.
 36 (2) Legislative offices:
 37 (A) State senator.
 38 (B) State representative.

39 (h) Subject to subsection (i), the offices with candidates for
 40 nomination shall be placed on the primary election ballot in the
 41 following order, after the offices described in subsection (g):

42 (i) (1) Circuit offices and county judicial offices:



- 1 (A) Judge of the circuit court, and unless otherwise specified
 2 under IC 33, with each division separate if there is more than
 3 one (1) judge of the circuit court.
 4 (B) Judge of the superior court, and unless otherwise specified
 5 under IC 33, with each division separate if there is more than
 6 one (1) judge of the superior court.
 7 (C) Judge of the probate court.
 8 (D) Prosecuting attorney.
 9 (E) Circuit court clerk.
- 10 ~~(4)~~ **(2)** County offices:
 11 (A) County auditor.
 12 (B) County recorder.
 13 (C) County treasurer.
 14 (D) County sheriff.
 15 (E) County coroner.
 16 (F) County surveyor.
 17 (G) County assessor.
 18 (H) County commissioner. This clause applies only to a county
 19 that is not subject to IC 36-2-2.5.
 20 (I) Single county executive. This clause applies only to a
 21 county that is subject to IC 36-2-2.5.
 22 (J) County council member.
- 23 ~~(5)~~ **(3)** Township offices:
 24 (A) Township assessor (only in a township referred to in
 25 IC 36-6-5-1(d)).
 26 (B) Township trustee.
 27 (C) Township board member.
 28 (D) Judge of the small claims court.
 29 (E) Constable of the small claims court.
- 30 ~~(6)~~ **(4)** City offices:
 31 (A) Mayor.
 32 (B) Clerk or clerk-treasurer.
 33 (C) Judge of the city court.
 34 (D) City-county council member or common council member.
- 35 ~~(7)~~ **(5)** Town offices:
 36 (A) Clerk-treasurer.
 37 (B) Judge of the town court.
 38 (C) Town council member.
- 39 **(i) This subsection applies only if there is at least one (1) group**
 40 **of offices whose candidates for nomination or election are to be**
 41 **determined by ranked choice voting. The following instructions**
 42 **shall be printed immediately before the first group of offices whose**



1 candidates for nomination or election are determined by ranked
2 choice voting:

3 (1) For paper ballots, print:

4 "To rank a candidate as your #1 choice, make a voting mark
5 (X or ✓) on or in the #1 box before the candidate's name in
6 the proper column. Giving a candidate a #1 ranking is an
7 automatic vote for that candidate."

8 "To rank a candidate as your #2 choice, make a voting mark
9 (X or ✓) on or in the #2 box before the candidate's name in
10 the proper column."

11 "To rank a candidate as your #3 choice, make a voting mark
12 (X or ✓) on or in the #3 box before the candidate's name in
13 the proper column."

14 "To rank a candidate as a choice lower than your #3 choice,
15 make a voting mark (X or ✓) on or in the box with the
16 number that corresponds to the rank you want to give that
17 candidate before the candidate's name in the proper
18 column."

19 (2) For optical scan ballots, print:

20 "To rank a candidate as your #1 choice, darken or shade in
21 the #1 (circle, oval, or square, or draw a line to connect the #1
22 arrow, inserting the appropriate figure that is used on the
23 ballot) that precedes the candidate's name in the proper
24 column. Giving a candidate a #1 ranking is an automatic vote
25 for that candidate."

26 "To rank a candidate as your #2 choice, darken or shade in
27 the #2 (circle, oval, or square, or draw a line to connect the #2
28 arrow, inserting the appropriate figure that is used on the
29 ballot) that precedes the candidate's name in the proper
30 column."

31 "To rank a candidate as your #3 choice, darken or shade in
32 the #3 (circle, oval, or square, or draw a line to connect the #3
33 arrow, inserting the appropriate figure that is used on the
34 ballot) that precedes the candidate's name in the proper
35 column."

36 "To rank a candidate as a choice lower than your #3 choice,
37 darken or shade in the numbered (circle, oval, or square, or
38 draw a line to connect the numbered arrow, inserting the
39 appropriate figure that is used on the ballot) that corresponds
40 to the rank you want to give the candidate that precedes the
41 candidate's name in the proper column."

42 (3) For optical scan ballots that do not contain a candidate's



- 1 name, print:
 2 "To rank a candidate as your #1 choice, darken or shade in
 3 the #1 oval that precedes the number assigned to the
 4 candidate's name in the proper column. Giving a candidate a
 5 #1 ranking is an automatic vote for that candidate."
 6 "To rank a candidate as your #2 choice, darken or shade in
 7 the #2 oval that precedes the number assigned to the
 8 candidate's name in the proper column."
 9 "To rank a candidate as your #3 choice, darken or shade in
 10 the #3 oval that precedes the number assigned to the
 11 candidate's name in the proper column."
 12 "To rank a candidate as a choice lower than your #3 choice,
 13 darken or shade in the numbered oval that corresponds to the
 14 rank you want to give the candidate that precedes the
 15 candidate's name in the proper column."
 16 (4) For electronic voting systems, print:
 17 "To rank a candidate as your #1 choice, touch the screen (or
 18 press the button) in the #1 location indicated. Giving a
 19 candidate a #1 ranking is an automatic vote for that
 20 candidate."
 21 "To rank a candidate as your #2 choice, touch the screen (or
 22 press the button) in the #2 location indicated."
 23 "To rank a candidate as your #3 choice, touch the screen (or
 24 press the button) in the #3 location indicated."
 25 "To rank a candidate as a choice lower than your #3 choice,
 26 touch the screen (or press the button) at the location with the
 27 number that corresponds to the rank you want to give the
 28 candidate."
 29 **To avoid voter confusion, the county election board may, by a**
 30 **unanimous vote of the entire membership of the board, alter the**
 31 **instructions required by this subsection to account for variations**
 32 **of the number of candidates (including any write-in candidates)**
 33 **that appear on the ballot for different offices.**
 34 ~~(h)~~ (j) The political party offices with candidates for election shall
 35 be placed on the primary election ballot in the following order after the
 36 offices described in subsection ~~(g)~~: (h):
 37 (1) Precinct committeeman.
 38 (2) State convention delegate.
 39 ~~(i)~~ (k) The local offices to be elected at the primary election shall be
 40 placed on the primary election ballot after the offices described in
 41 subsection ~~(h)~~: (j). **If the candidates for any of those offices are to be**
 42 **elected by ranked choice voting, the instructions required by**



1 **subsection (i) must be placed before the first such group of offices.**

2 ~~(j)~~ **(l)** The offices described in subsection ~~(i)~~ **(k)** shall be placed as
3 follows:

4 (1) In a separate column on the ballot if voting is by paper ballot;

5 (2) After the offices described in subsection ~~(h)~~ **(j)** in the form
6 specified in IC 3-11-13-11 if voting is by ballot card.

7 (3) Either:

8 (A) on a separate screen for each office or public question; or

9 (B) after the offices described in subsection ~~(h)~~ **(j)** in the form
10 specified in IC 3-11-14-3.5;

11 if voting is by an electronic voting system.

12 SECTION 7. IC 3-10-1-19.5, AS AMENDED BY P.L.21-2016,
13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2020]: Sec. 19.5. Notwithstanding section 19 of this
15 chapter, the county election board may alter the prescribed ballot order
16 to place the names of the candidates for the following offices before the
17 names of the candidates for county judicial offices:

18 (1) Prosecuting attorney.

19 (2) Clerk of the circuit court.

20 (3) The county offices listed in section ~~19(g)(4)~~ **19(h)(2)** of this
21 chapter.

22 SECTION 8. IC 3-10-1-29 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 29. **(a)** The
24 canvass of votes cast in a primary election shall, as far as applicable,
25 be made in the same manner and by the same officers as the canvass at
26 a general election.

27 **(b)** The tally sheet upon which the count has been entered shall be
28 included in the returns of the election.

29 **(c)** Each precinct election board shall, on blanks provided for that
30 purpose, make full and accurate returns of the:

31 **(1) votes cast for each candidate, if ranked choice voting does**
32 **not apply to the nomination or election of candidates to the**
33 **office;**

34 **(2) total of each ranking given to each candidate, if ranked**
35 **choice voting does apply to the nomination or election to the**
36 **office; and**

37 **(3) total vote** on each public question;

38 unless votes were cast on a ballot card voting system that is not
39 designed to allow the counting and tabulation of votes by the precinct
40 election board.

41 **(d)** The board shall set forth in the return **the following**
42 **information:**



- 1 (1) Opposite the name of each candidate: ~~and~~
 2 (A) the total of each vote recorded under subsection (c)(1);
 3 or
 4 (B) the total of each ranking recorded under subsection
 5 (c)(2).

6 (2) Opposite each public question, the number of votes cast for
 7 the candidate and for or against each the public question.

8 (e) The tabular statement must contain the following information,
 9 with the names of candidates and public questions arranged in the
 10 order in which they appear upon the official ballot:

- 11 (1) The name of the precinct.
 12 (2) The name of the township (or ward).
 13 (3) The name of the county.
 14 (4) The name of the party of the candidates. ~~for Representative in~~
 15 ~~Congress.~~

16 SECTION 9. IC 3-10-1-32, AS AMENDED BY P.L.179-2011,
 17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JANUARY 1, 2020]: Sec. 32. (a) Primary election returns must contain
 19 the whole number of votes, **subject to IC 3-12-0.1 and as determined**
 20 **under IC 3-12-0.5, if applicable**, cast for each of the following:

- 21 (1) Each candidate of each political party.
 22 (2) Each public question voted on at the primary election.
 23 (3) Each candidate for election to a political party office.

24 (b) **If the nomination or election of candidates for an office is**
 25 **subject to ranked choice voting, the primary election returns must**
 26 **also contain the total of each ranking given to each candidate of**
 27 **each political party.**

28 SECTION 10. IC 3-10-1-33, AS AMENDED BY P.L.164-2006,
 29 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 2020]: Sec. 33. (a) The county election board shall also
 31 make an additional duplicate showing the votes cast **and rankings**
 32 **given (if applicable)** for each candidate required to file a declaration
 33 of candidacy with the ~~election division~~ **secretary of state** under
 34 ~~IC 3-8-2.~~ **IC 3-8-2-5.**

35 (b) The circuit court clerk shall, not later than noon on the second
 36 Monday following the primary election, send to the election division by
 37 certified mail or hand deliver to the election division one (1) complete
 38 copy of all returns for these candidates.

39 (c) The circuit court clerk may send the document described in
 40 subsection (b) using the computerized list established under
 41 IC 3-7-26.3. A document sent under this subsection complies with any
 42 requirement for the document to be certified or sealed.



1 SECTION 11. IC 3-10-7-32, AS AMENDED BY P.L.190-2011,
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2020]: Sec. 32. (a) A town election board shall
 4 determine what voting method will be used in a municipal election.

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

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

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

19 SECTION 12. IC 3-11-2-10, AS AMENDED BY P.L.245-2017,
 20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JANUARY 1, 2020]: Sec. 10. (a) Public questions shall be placed on
 22 the general election ballot in the following order after the statement
 23 described in section 7 of this chapter, and the instructions described in
 24 subsections (d), ~~and (e)~~, **and (f)** and section 8 of this chapter, if
 25 instructions are printed on the ballot:

26 (1) Ratification of a state constitutional amendment.

27 (2) Local public questions.

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

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

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

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



1 (2) To vote for any candidate for an at-large office (insert county
 2 council, city common council, town council, or township board if
 3 those offices appear on this ballot), you must make another voting
 4 mark for each candidate you wish to vote for. Your straight party
 5 vote will not count as a vote for any candidate for that office.
 6 **(3) The following language must be included next, but only if**
 7 **ranked choice voting applies to the election of candidates:**
 8 **"If you vote a straight (insert political party name) ticket,**
 9 **each candidate of that party will be given a #1 ranking, except**
 10 **the candidates of the party who are running for an office to**
 11 **which more than one (1) candidate can be elected. After you**
 12 **vote a straight ticket, you may rank those candidates and**
 13 **candidates of other political parties. If you give a candidate of**
 14 **another political party a #1 ranking, the candidate of the**
 15 **political party for which you voted a straight ticket will be**
 16 **given a #2 ranking, and the ranking you give to each other**
 17 **candidate will be increased by one (1) rank.**
 18 **(3) (4) If you wish to vote for a candidate seeking a nonpartisan**
 19 **office or on a public question, you must make another voting**
 20 **mark on the appropriate place on this ballot."**
 21 (d) Except as permitted under section 8(b) of this chapter, if the
 22 ballot contains an independent ticket described in section 6 of this
 23 chapter and at least one (1) other independent candidate, the ballot
 24 must also contain a statement that reads substantially as follows: "A
 25 vote cast for an independent ticket will ~~only~~ be counted **only** for the
 26 candidates for President and Vice President or governor and lieutenant
 27 governor comprising that independent ticket. This vote will NOT be
 28 counted for any OTHER independent candidate appearing on the
 29 ballot."
 30 (e) Except as permitted under section 8(b) of this chapter, the ballot
 31 must also contain a statement that reads substantially as follows:
 32 **(1) If ranked choice voting does not apply to the election of**
 33 **candidates to the office, the following:**
 34 "A write-in vote will NOT be counted unless the vote is for a
 35 DECLARED write-in candidate. To vote for a write-in candidate,
 36 you must make a voting mark on or in the square to the left of the
 37 name you have written in or your vote will not be counted."
 38 **(2) If ranked choice voting applies to the election of**
 39 **candidates to the office, the following:**
 40 "A write-in ranking will NOT be counted unless the ranking
 41 is for a DECLARED write-in candidate. To rank a write-in
 42 candidate, you must make a voting mark on or in the square



1 that corresponds to the ranking you want to give that
2 candidate to the left of the name you have written in or your
3 ranking will not be counted. Giving a DECLARED write-in
4 candidate a #1 ranking is an automatic vote for that
5 candidate."

6 (f) After the instructions described in subsection (e), the ballot
7 must contain substantially the statement described in
8 IC 3-10-1-19(f)(1).

9 ~~(f)~~ (g) This subsection applies if ranked choice voting does not
10 apply to the election of candidates to the office. Subject to section
11 10.1 of this chapter, the list of candidates of the political party shall be
12 placed immediately under the instructions for voting a straight party
13 ticket. The names of the candidates shall be placed three-fourths (3/4)
14 of an inch apart from center to center of the name. The name of each
15 candidate must have, immediately on its left, a square three-eighths
16 (3/8) of an inch on each side.

17 (h) This subsection applies if ranked choice voting applies to the
18 election of candidates for the office. The list of candidates of the
19 political party shall be placed immediately under the instructions
20 for voting a straight party ticket. The names of the candidates shall
21 be placed three-fourths (3/4) of an inch apart from center to center
22 of the name. The name of each candidate must have, immediately
23 on its left, squares:

- 24 (1) equal in number to the number of candidates on the ballot
25 for each office (including write-in candidates); and
26 (2) with each square being three-eighths (3/8) of an inch on
27 each side.

28 The squares may be arranged either vertically or horizontally in
29 front of the names of the nominees. The top square or square
30 farthest to the left shall be labeled "#1", the next square vertically
31 or horizontally shall be labeled "#2", with this arrangement
32 continuing until the bottom square or square farthest to the right,
33 which shall be labeled with the number of candidates (including
34 write-in candidates).

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

38 SECTION 13. IC 3-11-2-12.4, AS ADDED BY P.L.21-2016,
39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JANUARY 1, 2020]: Sec. 12.4. (a) This section applies whenever more
41 than one (1) candidate may be elected to an office.

42 (b) The office shall be placed on the general election ballot after the



1 offices described in section 12 of this chapter and before the offices
2 described in section 12.9 of this chapter.

3 (c) The ballot shall contain a statement reading substantially as
4 follows above the name of the first candidate:

5 **(1) If ranked choice voting does not apply to the election to the**
6 **office, the following:**

7 "To vote for any candidate for this office, you must make a voting
8 mark for each candidate you wish to vote for. A straight party vote
9 will not count as a vote for any candidate for this office."

10 **(2) If ranked choice voting applies to the election to the office,**
11 **the following:**

12 **"If you vote a straight (insert political party name) ticket,**
13 **none of the candidates for this office will be given a ranking.**
14 **To rank the candidates for this office, you must make a voting**
15 **mark for each candidate you want to rank, indicating the**
16 **rank you wish to give to each candidate. You may not give any**
17 **candidate more than one (1) ranking. Giving a candidate a #1**
18 **ranking is an automatic vote for that candidate."**

19 SECTION 14. IC 3-11-2-12.9, AS AMENDED BY P.L.21-2016,
20 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JANUARY 1, 2020]: Sec. 12.9. (a) School board offices to be elected
22 at the general election shall be placed on the general election ballot
23 after the offices described in section 12.4 of this chapter with each
24 candidate for the office designated as "nonpartisan".

25 (b) If the ballot contains a candidate for a school board office, the
26 ballot must also contain a statement that reads substantially as follows:
27 ~~"To vote for a candidate for this office, make a voting mark on or in the~~
28 ~~square to the left of the candidate's name."~~ **described in**
29 **IC 3-10-1-19(f)(1).**

30 SECTION 15. IC 3-11-2-14, AS AMENDED BY P.L.190-2011,
31 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JANUARY 1, 2020]: Sec. 14. (a) The following offices shall be placed
33 on the general election ballot in the following order after the offices
34 described in section 13 of this chapter:

35 (1) Retention of a local judge.

36 (2) Local nonpartisan judicial offices.

37 (b) These offices shall be placed in a separate column on the ballot.

38 (c) If the ballot contains a candidate for a local nonpartisan judicial
39 office, the ballot must also contain a statement that reads substantially
40 as follows: ~~"To vote for a candidate for this office, make a voting mark~~
41 ~~on or in the square to the left of the candidate's name."~~ **described in**
42 **IC 3-10-1-19(f)(1).**



1 (d) If more than one (1) question concerning the retention of a local
 2 judge is to be placed on a ballot, the questions shall be placed on the
 3 ballot:

- 4 (1) in alphabetical order according to the surname of the local
- 5 judge; and
- 6 (2) identifying the court (including division or room) in which the
- 7 judge serves.

8 SECTION 16. IC 3-11-2-14.5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 14.5. (a) This
 10 section applies to candidates for election to at-large seats on the
 11 governing body of a school corporation.

12 (b) Candidates shall be listed in alphabetical order according to
 13 surname.

14 (c) The ballot shall contain a statement reading substantially as
 15 follows above the name of the first candidate:

16 **(1) If ranked choice voting does not apply to the election, the**
 17 **following:**

18 "Vote for ~~no~~ **not** more than (insert number of candidates to be
 19 elected) candidates for this office."

20 **(2) If ranked choice voting applies to the election, the**
 21 **following:**

22 "You may rank one (1) candidate as your #1 choice, one (1)
 23 candidate as your #2 choice, and one (1) candidate as your #3
 24 choice, and so on. You may, but are not required to, rank all
 25 the candidates that appear. However, you may not give any
 26 candidate more than one (1) ranking. Giving a candidate a #1
 27 ranking is an automatic vote for that candidate."

28 **(3) If ranked choice voting applies to the election, and more**
 29 **than one (1) candidate will be elected, the following:**

30 "To rank the candidates for this office, you must make a
 31 voting mark for each candidate you want to rank, indicating
 32 the rank you wish to give to each candidate. You may not give
 33 any candidate more than one (1) ranking. Giving a candidate
 34 a #1 ranking is an automatic vote for that candidate."

35 SECTION 17. IC 3-11-7-4, AS AMENDED BY P.L.201-2017,
 36 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JANUARY 1, 2020]: Sec. 4. (a) Except as provided in subsection (b),
 38 a ballot card voting system must permit a voter to ~~vote:~~ **do the**
 39 **following:**

- 40 (1) Except at a primary election, **vote** a straight party ticket for all
- 41 of the candidates of one (1) political party by a single voting mark
- 42 on each ballot card. **If the voter makes no other voting marks**



1 for candidates on the ballot, the ballot shall be counted as
2 follows:

3 (A) For candidates not subject to ranked choice voting, the
4 straight ticket vote shall be counted as a vote for each
5 candidate of the political party indicated by the straight
6 ticket voting mark.

7 (B) For candidates subject to ranked choice voting, the
8 straight ticket vote shall be considered a #1 ranking for
9 each candidate of the political party indicated by the
10 straight ticket voting mark.

11 (2) For candidates whose election is:

12 (A) not subject to ranked choice voting, vote for one (1) or
13 more candidates of each political party or independent
14 candidates, or for one (1) or more school board candidates
15 nominated by petition; and

16 (B) subject to ranked choice voting, rank each of the
17 candidates.

18 (3) For candidates whose election is:

19 (A) not subject to ranked choice voting, vote a split ticket
20 for the candidates of different political parties and for
21 independent candidates; or and

22 (B) subject to ranked choice voting, rank each of the
23 candidates.

24 (4) Vote a straight party ticket and then split that ticket by casting
25 doing the following:

26 (A) For candidates whose election is not subject to ranked
27 choice voting, vote for individual votes for candidates of
28 another political party or an independent candidate.

29 (B) For candidates whose election is subject to ranked
30 choice voting, rank:

31 (i) the candidates of the party of the straight ticket vote;

32 (ii) candidates of other political parties; and

33 (iii) independent candidates.

34 If the voter gives an independent candidate or the
35 candidate of another political party a #1 ranking, the
36 candidate of the political party for which the voter voted
37 a straight ticket shall be given a #2 ranking, and the
38 ranking the voter gives to each other candidate shall be
39 increased by one (1) rank.

40 (b) A ballot card voting system must require that a voter who wishes
41 to cast a ballot for **This subsection applies to** a candidate for election
42 to an at-large district on a (+) county council, (-) city common council,



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- (3) town council, or (4) township board as follows:
 - (1) **If the election of candidates to an at-large district is not subject to ranked choice voting, the voting system must require a voter to** 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.
 - (2) **If the election of candidates to an at-large district is subject to ranked choice voting, the voting system must permit, but not require, a voter to rank candidates by making voting marks for each individual candidate whom the voter wishes to rank. If the voter votes a straight party ticket, the following apply:**
 - (A) **If the voter does not rank any of the candidates, subsection (a)(1)(B) applies.**
 - (B) **If the voter ranks any of the candidates, the straight party ticket vote for that office shall be disregarded and the voter's rankings shall be tabulated as otherwise provided in this title. The ballot card voting system may not count any straight party ticket voting mark as a ranking for any candidate for an office described by this subsection.**
 - (c) 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 18. IC 3-11-7-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2020]: **Sec. 5.5. A ballot card voting system must be able to tabulate candidate rankings in accordance with IC 3-12-0.5.**
- SECTION 19. IC 3-11-7.5-10, AS AMENDED BY P.L.201-2017, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 10. (a) Except as provided in subsection (b), an electronic voting system must permit a voter to ~~vote~~: **do the following:**
- (1) Except at a primary election, **vote** a straight party ticket for all the candidates of one (1) political party by touching the device of that party. **If the voter makes no other voting marks for candidates on the ballot, the ballot shall be counted as follows:**
 - (A) **For candidates not subject to ranked choice voting, the**



- 1 **straight ticket vote shall be counted as a vote for each**
 2 **candidate of the political party indicated by the straight**
 3 **ticket voting mark.**
 4 **(B) For candidates subject to ranked choice voting, the**
 5 **straight ticket vote shall be considered a #1 ranking for**
 6 **each candidate of the political party indicated by the**
 7 **straight ticket voting mark.**
 8 **(2) For candidates whose election is:**
 9 **(A) not subject to ranked choice voting, vote for one (1) or**
 10 **more candidates of each political party or independent**
 11 **candidates, or for one (1) or more school board candidates**
 12 **nominated by petition; and**
 13 **(B) subject to ranked choice voting, rank each of the**
 14 **candidates.**
 15 **(3) For candidates whose election is:**
 16 **(A) not subject to ranked choice voting, vote a split ticket**
 17 **for the candidates of different political parties and for**
 18 **independent candidates; or and**
 19 **(B) subject to ranked choice voting, rank each of the**
 20 **candidates.**
 21 **(4) Vote a straight party ticket and then split that ticket by ~~casting~~**
 22 **doing the following:**
 23 **(A) For candidates whose election is not subject to ranked**
 24 **choice voting, vote for individual votes for candidates of**
 25 **another political party or independent candidates.**
 26 **(B) For candidates whose election is subject to ranked**
 27 **choice voting, rank:**
 28 **(i) the candidates of the party of the straight ticket vote;**
 29 **(ii) candidates of other political parties; and**
 30 **(iii) independent candidates.**
 31 **If the voter gives an independent candidate or the**
 32 **candidate of another political party a #1 ranking, the**
 33 **candidate of the political party for which the voter voted**
 34 **a straight ticket shall be given a #2 ranking, and the**
 35 **ranking the voter gives to each other candidate shall be**
 36 **increased by one (1) rank.**
 37 **(b) An electronic voting system must require that a voter who**
 38 **wishes to cast a ballot for This subsection applies to a candidate for**
 39 **election to an at-large district on a (†) county council, (‡) city common**
 40 **council, (⊕) town council, or (⊖) township board as follows:**
 41 **(1) If the election of candidates to an at-large district is not**
 42 **subject to ranked choice voting, the voting system must**



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

6 **(2) If the election of candidates to an at-large district is**
 7 **subject to ranked choice voting, the voting system must**
 8 **permit, but not require, a voter to rank candidates by making**
 9 **voting marks for each individual candidate whom the voter**
 10 **wishes to rank. If the voter votes a straight party ticket the**
 11 **following apply:**

12 **(A) If the voter does not rank any of the candidates,**
 13 **subsection (a)(1)(B) applies.**

14 **(B) If the voter ranks any of the candidates, the straight**
 15 **party ticket vote for that office shall be disregarded and**
 16 **the voter's rankings shall be tabulated as otherwise**
 17 **provided in this title. The voting system may not count any**
 18 **straight party ticket voting mark as a ranking for any**
 19 **candidate for an office described by this subsection.**

20 (c) An electronic voting system must permit a voter to vote:

21 (1) for as many candidates for an office as the voter may vote for,
 22 but no more;

23 (2) for or against a public question on which the voter may vote,
 24 but no other; and

25 (3) for all the candidates for presidential electors and alternate
 26 presidential electors of a political party or an independent ticket
 27 by making a single voting mark.

28 SECTION 20. IC 3-11-7.5-13 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 13. An electronic
 30 voting system must correctly register and accurately ~~count~~ **tabulate:**

31 **(1) all votes cast for each candidate whose election is not subject**
 32 **to ranked choice voting;**

33 **(2) all candidate rankings for each candidate whose election**
 34 **is subject to ranked choice voting, in accordance with**
 35 **IC 3-12-0.5; and**

36 **(3) all votes** for or against each public question.

37 SECTION 21. IC 3-11-7.5-16 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 16. An electronic
 39 voting system must have a counting device that records:

40 **(1) the number of votes cast for each candidate whose election is**
 41 **not subject to ranked choice voting;**

42 **(2) the rankings of each candidate whose election is subject to**



1 **ranked choice voting;** and

2 **(3) the votes** for or against each public question on the ballot;
 3 that cannot be tampered with or altered at any time while votes are
 4 being cast on the system. When the computer memory pack that
 5 permits votes **or rankings** to be recorded on the counting device is
 6 removed, the system must be designed so that it can no longer be
 7 placed into operation.

8 SECTION 22. IC 3-11-11-7, AS AMENDED BY P.L.128-2015,
 9 SECTION 186, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JANUARY 1, 2020]: Sec. 7. (a) This section is enacted
 11 to comply with 52 U.S.C. 21081 by establishing uniform and
 12 nondiscriminatory standards to define what constitutes a vote on a
 13 paper ballot.

14 (b) After receiving ballots under section 6 of this chapter, a voter
 15 shall, without leaving the room, go alone into one (1) of the booths or
 16 compartments that is unoccupied and ~~indicate~~: **do the following:**

17 **(1) For candidates whose election is not subject to ranked**
 18 **choice voting, vote for** the candidates for whom the voter desires
 19 to vote by making a voting mark on or in the **appropriate** squares
 20 immediately before the candidates' names. ~~and~~

21 **(2) For candidates whose election is subject to ranked choice**
 22 **voting, rank the candidates as the voter desires by making a**
 23 **voting mark on or in the appropriate squares immediately**
 24 **before the candidates' names.**

25 ~~(2) (3) Indicate~~ the voter's preference on each public question by
 26 making a voting mark in front of the word "yes" or "no" under the
 27 question.

28 (c) Write-in votes shall be cast by **doing both of the following:**

29 **(1) For candidates whose election is:**

30 **(A) not subject to ranked choice voting,** making a voting
 31 mark on or in the square immediately before the space
 32 provided for write-in voting; and

33 **(B) subject to ranked choice voting, making a voting mark**
 34 **on or in the square indicating the rank the voter wants to**
 35 **give the write-in candidate.**

36 **(2) Printing the name of the candidate in the space provided for**
 37 **write-in voting.**

38 SECTION 23. IC 3-11-13-11, AS AMENDED BY P.L.21-2016,
 39 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JANUARY 1, 2020]: Sec. 11. (a) The ballot information, whether
 41 placed on the ballot card or on the marking device, must be in the order
 42 of arrangement provided for ballots under this section.



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

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

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

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

18 (e) The offices and public questions on the general election ballot
 19 must be placed on the ballot in the order listed in ~~IC 3-11-2-12;~~
 20 ~~IC 3-11-2-12.2; IC 3-11-2-12.4; IC 3-11-2-12.5; IC 3-11-2-12.7(b);~~
 21 ~~IC 3-11-2-12.9(a); IC 3-11-2-13(a) through IC 3-11-2-13(c);~~
 22 ~~IC 3-11-2-14(a); and IC 3-11-2-14(d).~~ **required by IC 3-11-2.** The
 23 offices and public questions may be listed in a continuous column
 24 either vertically or horizontally and on a number of separate pages.

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

- 29 (1) ~~"Vote for one (1) only."~~ If only one (1) candidate is to be
 30 elected to the office, **the following:**

31 **(A) For candidates whose election is not subject to ranked**
 32 **choice voting, "Vote for one (1) only."**

33 **(B) For candidates whose election is subject to ranked**
 34 **choice voting, the following:**

35 **"You may rank one (1) candidate as your #1 choice, one (1)**
 36 **candidate as your #2 choice, and one (1) candidate as your**
 37 **#3 choice, and so on. You may, but are not required to,**
 38 **rank all the candidates that appear. However, you may not**
 39 **give any candidate more than one (1) ranking. Giving a**
 40 **candidate a #1 ranking is an automatic vote for that**
 41 **candidate."**

- 42 (2) **If more than one (1) candidate is to be elected to the office,**



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



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



1 straight party or an independent ticket ballot must be identified by:

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

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

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

21 (n) The requirements in this section:

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

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

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

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

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

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

36 SECTION 24. IC 3-11-13-12 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 12. If ballot labels
 38 consist of a number of separate pages, the office title with a statement
 39 of the number of candidates to be voted for **or ranked** may be printed
 40 above or at the side of the name of each candidate for that office.
 41 Except in a primary election, the political party designation or
 42 independent status of each candidate, which may be abbreviated, shall



1 be printed following the candidate's name.

2 SECTION 25. IC 3-11-13-13 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 13. If there are
4 more candidates for an office than can be printed on one (1) ballot
5 page, the ballot label shall be clearly marked that the list of candidates
6 is continued on the following page. Arrows and numbers may be used
7 to indicate the place to vote for **or rank** each candidate and **vote** on
8 each public question.

9 SECTION 26. IC 3-11-13-14, AS AMENDED BY P.L.21-2016,
10 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JANUARY 1, 2020]: Sec. 14. (a) In partisan elections, the ballot labels
12 must include a voting square or position where a voter may by one (1)
13 voting mark on each card record a straight party or an independent
14 ticket vote for all the candidates of one (1) political party or the
15 independent ticket, except for offices for which the voter:

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

18 (2) has voted individually for **or given a #1 ranking to a**
19 candidate for any other office.

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

23 SECTION 27. IC 3-11-13-18, AS AMENDED BY P.L.128-2015,
24 SECTION 189, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JANUARY 1, 2020]: Sec. 18. (a) Except as provided in
26 subsection (d), the county election board in a county using a ballot card
27 voting system shall provide ballot cards to the precinct election board
28 that permit voters to cast **votes or rank** write-in **votes candidates** for
29 each officer to be voted for at that election.

30 (b) The ballot cards provided under subsection (a) must be:

31 (1) designed to be folded; or

32 (2) accompanied by a secrecy envelope;

33 to ensure the secrecy of each of the votes cast **or rankings given** by a
34 voter.

35 (c) This subsection is enacted to comply with 52 U.S.C. 21081 by
36 establishing uniform and nondiscriminatory standards to define what
37 constitutes a vote on an optical scan voting system. Except as provided
38 in subsection (d), a write-in vote **shall be cast or a ranking may be**
39 **given to a candidate** by printing the name of the candidate and the title
40 of the office in the space provided for write-in votes **or rankings** on a
41 ballot card or secrecy envelope.

42 (d) Space for write-in voting **or ranking** for an office is not required



1 if:

- 2 (1) there are no declared write-in candidates for that office; or
 3 (2) the marking device allows for entry of a write-in candidate
 4 that can be read by a tabulator.

5 However, procedures must be implemented to permit write-in voting
 6 for candidates for federal offices.

7 SECTION 28. IC 3-11-13-22, AS AMENDED BY P.L.100-2018,
 8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JANUARY 1, 2020]: Sec. 22. (a) This section applies to:

- 10 (1) a ballot card voting system; and
 11 (2) a voting system that includes features of a ballot card voting
 12 system and a direct record electronic voting system.

13 (b) The county election board of each county planning to use
 14 automatic tabulating machines at the next election shall randomly
 15 select at least ten percent (10%) of the automatic tabulating machines
 16 for testing to ascertain that the machines will correctly ~~count~~ **tabulate**
 17 the votes cast **and rankings given** for straight party tickets, for all
 18 candidates (including write-in candidates), and **the votes** on all public
 19 questions. If an individual attending the public test requests that
 20 additional automatic tabulating machines be tested, then the county
 21 election board shall randomly select and test additional machines up to
 22 a maximum of fifteen percent (15%) of the machines that will be used
 23 at the next election. Not later than seven (7) days after conducting the
 24 test under this subsection, the county election board shall certify to the
 25 election division that the test has been conducted in conformity with
 26 this subsection. The testing under this subsection must begin before
 27 absentee voting begins in the office of the circuit court clerk under
 28 IC 3-11-10-26.

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

32 (d) If a county election board determines that:

- 33 (1) a ballot:
 34 (A) must be reprinted or corrected as provided by
 35 IC 3-11-2-16 because of the omission of a candidate, political
 36 party, or public question from the ballot; or
 37 (B) is an absentee ballot that a voter is entitled to recast under
 38 IC 3-11-10-1.5 because the absentee ballot includes a
 39 candidate for election to office who:
 40 (i) ceased to be a candidate; and
 41 (ii) has been succeeded by a candidate selected under
 42 IC 3-13-1 or IC 3-13-2; and



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

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

10 SECTION 29. IC 3-11-13-24, AS AMENDED BY P.L.169-2015,
 11 SECTION 128, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JANUARY 1, 2020]: Sec. 24. (a) This subsection applies
 13 to a ballot card voting system. The test required by section 22 of this
 14 chapter must:

15 (1) be conducted by processing a preaudited group of ballot cards
 16 marked so as to record a predetermined number of valid votes
 17 **and rankings** for each candidate and **for votes** on each public
 18 question; and

19 (2) include for each office one (1) or more ballot cards that have
 20 votes in excess of the number allowed by law **and rankings not**
 21 **permitted under this title** in order to test the ability of the
 22 automatic tabulating machines to reject the votes **and rankings**.

23 (b) This subsection applies to a voting system that includes features
 24 of a ballot card voting system and a direct record electronic voting
 25 system. The test required by section 22 of this chapter must:

26 (1) be conducted by the entry of:
 27 (A) a preaudited group of ballots; and
 28 (B) at least ten (10) ballots cast by using the headphone or a
 29 sip/puff device;

30 so as to record a predetermined number of valid votes **and**
 31 **rankings** for each candidate and **votes** on each public question;
 32 and

33 (2) include at least one (1) ballot for each office and public
 34 question that has votes in excess of the number allowed by law
 35 **and rankings not permitted under this title** in order to test the
 36 ability of the voting system to reject the overvotes.

37 SECTION 30. IC 3-11-13-28.7, AS AMENDED BY P.L.128-2015,
 38 SECTION 191, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JANUARY 1, 2020]: Sec. 28.7. (a) The two (2) poll
 40 clerks of each precinct shall place their initials in ink on the secrecy
 41 envelope of a ballot card (or on the fold-over part of a ballot card
 42 described in section 18(b)(1) of this chapter) at the time the card is



1 issued to a voter. The initials must be in the poll clerk's ordinary
2 handwriting or printing and without a distinguishing mark of any kind.

3 (b) This subsection is enacted to comply with 52 U.S.C. 21081 by
4 establishing uniform and nondiscriminatory standards to define what
5 constitutes a vote on an optical scan voting system. A write-in vote cast
6 **or ranking given** on a secrecy envelope or fold-over envelope:

7 (1) is not valid unless:

8 (A) the secrecy envelope is initialed by both poll clerks; and

9 (B) the vote **or ranking** includes both the name of the write-in
10 candidate and the office for which the write-in vote **or**
11 **ranking** is cast **or given**; and

12 (2) makes the secrecy envelope or fold-over envelope a ballot for
13 purposes of this title.

14 SECTION 31. IC 3-11-13-31.7, AS AMENDED BY P.L.21-2016,
15 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JANUARY 1, 2020]: Sec. 31.7. (a) This section is enacted to comply
17 with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory
18 standards to define what constitutes a vote on an optical scan voting
19 system.

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

23 (1) the candidates for whom the voter desires to vote **or rank** by
24 marking the connectable arrows, circles, ovals, or squares
25 immediately beside:

26 (A) the candidates' names; or

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

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

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

31 (B) the number referring to the word "yes" or "no" on the
32 ballot.

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

36 (1) the circle enclosing the device; or

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

39 that designates the candidates of that political party or independent
40 ticket (described in IC 3-11-2-6). Except as provided by
41 IC 3-11-7-4(b), the voter's vote shall then be counted for all the
42 candidates of that political party or included in the independent ticket



1 (described in IC 3-11-2-6). However, if the voter marks the circle,
 2 arrow, oval, or square of an independent ticket (described in
 3 IC 3-11-2-6), the vote shall not be counted for any other independent
 4 candidate on the ballot.

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

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

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

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

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

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

22 SECTION 32. IC 3-11-13-32.8 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 32.8. If a voter
 24 shows the voter's ballot card or a part of the card to another person after
 25 the card has been marked so as to disclose any of the candidates voted
 26 for **or ranked** or how the voter voted on a public question, the ballot
 27 card may not be deposited in a ballot box. A record of the occurrence
 28 shall be made on the poll list, and the voter may not vote again at the
 29 election.

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, 2020]: 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 3-11-2-13(a) through IC 3-11-2-13(c),~~
 13 ~~IC 3-11-2-14(a), and IC 3-11-2-14(d).~~ **required by IC 3-11-2.** Each
 14 office and public question may have a separate screen, or the offices
 15 and public questions may be listed in a continuous column either
 16 vertically or 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, **the following:**

23 **(A) For candidates whose election is not subject to ranked**
 24 **choice voting, "Vote for one (1) only."**

25 **(B) For candidates whose election is subject to ranked**
 26 **choice voting, the following:**

27 **"You may rank one (1) candidate as your #1 choice, one (1)**
 28 **candidate as your #2 choice, and one (1) candidate as your**
 29 **#3 choice, and so on. You may, but are not required to,**
 30 **rank all the candidates that appear. However, you may not**
 31 **give any candidate more than one (1) ranking. Giving a**
 32 **candidate a #1 ranking is an automatic vote for that**
 33 **candidate."**

34 (2) **If more than one (1) candidate is to be elected to the office,**
 35 **the following:**

36 **(A) For candidates whose election is not subject to ranked**
 37 **choice voting, the following:**

38 **"Vote for not more than (insert the number of candidates to be**
 39 **elected) candidate(s) for this office. To vote for any candidate**
 40 **for this office, you must make a voting mark for each**
 41 **candidate you wish to vote for. A straight party vote will not**
 42 **count as a vote for any candidate for this office." if more than**



1 one (1) candidate is to be elected to the office:

2 **(B) For candidates whose election is subject to ranked**
3 **choice voting, the following:**

4 **"You may rank one (1) candidate as your #1 choice, one (1)**
5 **candidate as your #2 choice, and one (1) candidate as your**
6 **#3 choice, and so on. You may, but are not required to,**
7 **rank all the candidates that appear. However, you may not**
8 **give any candidate more than one (1) ranking. Giving a**
9 **candidate a #1 ranking is an automatic vote for that**
10 **candidate."**

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

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

17 (2) The major political party whose candidate received the second
18 ~~highest greatest~~ number of votes in the county for secretary of
19 state **at the most recent election for secretary of state** is listed
20 second.

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

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

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

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

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

42 (h) The names of the candidates grouped in the order established by



1 subsection (g) must be printed in type with uniform capital letters and
 2 have a uniform space between each name. The name of the candidate's
 3 political party, or the word "Independent", if the:

4 (1) candidate; or

5 (2) ticket of candidates for:

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

7 (B) governor and lieutenant governor;

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

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

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

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

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

17 A statement reading substantially as follows **provided in subsection**
 18 **(f)(2)** must be placed immediately below the name of the office and
 19 above the name of the first candidate. "~~Vote for not more than (insert~~
 20 ~~the number of candidates to be elected) candidate(s) of ANY party for~~
 21 ~~this office.~~".

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

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

26 (2) in alphabetical order according to surname.

27 A statement reading substantially as follows **provided in subsection**
 28 **(f)(2)** must be placed immediately below the name of the office and
 29 above the name of the first candidate. "~~Vote for not more than (insert~~
 30 ~~the number of candidates to be elected) candidate(s) for this office.~~".

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

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

36 (1) placed on the ballot label; or

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

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



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

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

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

18 (o) The requirements in this section:

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

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

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

27 SECTION 34. IC 3-11-14-23, AS AMENDED BY P.L.21-2016,
 28 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JANUARY 1, 2020]: Sec. 23. (a) This section is enacted to comply
 30 with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory
 31 standards to define what constitutes a vote on an electronic voting
 32 system.

33 (b) If a voter is not challenged by a member of the precinct election
 34 board, the voter may pass the railing to the side where an electronic
 35 voting system is and into the voting booth. There the voter shall
 36 ~~register indicate~~ the voter's ~~vote choices~~ in secret by ~~indicating~~ **doing**
 37 **the following:**

38 (1) **If the election of candidates is not subject to ranked choice**
 39 **voting, do the following:**

40 (A) **Indicate** the candidates for whom the voter desires to vote
 41 by touching a device on or in the squares immediately above
 42 the candidates' names.



- 1 (2) **(B)** If the voter intends to cast a write-in vote, **indicate** a
 2 write-in vote by touching a device on or in the square
 3 immediately below the candidates' names and printing the
 4 name of the candidate in the window provided for write-in
 5 voting, **and**
 6 **(2) If the election of candidates is subject to ranked choice**
 7 **voting, do the following:**
 8 **(A) Indicate the rankings of the candidates by touching the**
 9 **device to indicate the voter's rank of each candidate.**
 10 **(B) If the voter intends to rank a write-in candidate,**
 11 **indicate the ranking of the candidate by touching the**
 12 **device to indicate the rank of the write-in candidate and**
 13 **printing the name of the candidate in the window provided**
 14 **for write-in voting.**
 15 (3) **Indicate** the voter's preference on each public question by
 16 touching a device above the word "yes" or "no" under the
 17 question.
 18 (c) If an election is a general or municipal election and a voter
 19 desires to vote for all the candidates of one (1) political party or group
 20 of petitioners, the voter may cast a straight party ticket by touching that
 21 party's device. Except as provided in IC 3-11-7.5-10(b), the voter's vote
 22 shall then be counted for all the candidates under that name. However,
 23 if the voter casts a vote by touching the circle of an independent ticket
 24 comprised of two (2) candidates, the vote shall not be counted for any
 25 other independent candidate on the ballot.
 26 (d) As provided by 52 U.S.C. 21081, a voter casting a ballot on an
 27 electronic voting system must be:
 28 (1) permitted to verify in a private and independent manner the
 29 votes selected by the voter before the ballot is cast and counted;
 30 (2) provided the opportunity to change the ballot or correct any
 31 error in a private and independent manner before the ballot is cast
 32 and counted, including the opportunity to receive a replacement
 33 ballot if the voter is otherwise unable to change or correct the
 34 ballot; and
 35 (3) notified before the ballot is cast regarding the effect of casting
 36 multiple votes for the office and provided an opportunity to
 37 correct the ballot before the ballot is cast and counted.
 38 SECTION 35. IC 3-11-14-29 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 29. If a voter
 40 shows or discloses to another person the candidates voted for **or**
 41 **ranked** or how the voter voted on a public question before the vote **or**
 42 **ranking** is registered, the vote **or ranking** may not be registered on the



1 electronic voting system. A record of the occurrence shall be made on
2 the poll list, and the voter may not vote again at the election.

3 SECTION 36. IC 3-11-14-30 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 30. Subject to
5 IC 3-12-2-5, as soon as the polls are closed, the inspector, in the
6 presence of the judges and poll clerks, immediately shall secure each
7 electronic voting system against voting **and rankings** and obtain at least
8 one (1) paper printout of the total votes cast **and rankings given** for
9 each candidate and **the votes cast** on each public question in that
10 precinct.

11 SECTION 37. IC 3-11-14-31 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 31. As soon as the
13 paper printouts of the ~~vote count~~ **counts** are obtained **under section 30**
14 **of this chapter**, the inspector shall close the system and remove the
15 computer memory pack from the system. The inspector and the judge
16 of the opposite political party shall then transport the computer memory
17 packs and each electronic voting system to the county election board.

18 SECTION 38. IC 3-11-14-32 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 32. The
20 certificates of the **total** number of votes cast **and rankings given** for
21 each ~~person~~ **candidate** shall be made and signed as required by
22 IC 3-12, and the precinct election officers shall make and sign all
23 statements of the number of votes **and rankings** required by law in
24 duplicate, triplicate, or otherwise. The certificates and other papers
25 shall be returned to the circuit court clerk in the same manner and with
26 the same penalties that are prescribed in IC 3-12 for election returns
27 from precincts in which electronic voting systems are not used.

28 SECTION 39. IC 3-11-14.5-1, AS AMENDED BY P.L.100-2018,
29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JANUARY 1, 2020]: Sec. 1. (a) The county election board of each
31 county planning to use an electronic voting system at the next election
32 shall randomly select at least three (3) precincts within the county and
33 test the voting system units to be used at those precincts on election
34 day. Each voting system shall be tested to ascertain that the system will
35 correctly count the votes cast **and rankings given** for straight party
36 tickets, for all candidates (including write-in candidates), and **votes**
37 **cast** on all public questions in that precinct.

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

40 (c) If a county election board determines that:

41 (1) a ballot provided by an electronic voting system:

42 (A) must be corrected as provided by IC 3-11-2-16 because of



1 the omission of a candidate, political party, or public question
 2 from the ballot; or
 3 (B) is an absentee ballot that a voter is entitled to recast under
 4 IC 3-11-10-1.5 because the absentee ballot includes a
 5 candidate for election to office who:
 6 (i) ceased to be a candidate; and
 7 (ii) has been succeeded by a candidate selected under
 8 IC 3-13-1 or IC 3-13-2; and
 9 (2) voting system units used in the test conducted under this
 10 section did not contain a ballot that was reprinted or corrected to
 11 remove the omission of a candidate, political party, or public
 12 question, or indicate the name of the successor candidate;
 13 the county election board shall conduct an additional public test
 14 described in subsection (a) using the voting system units previously
 15 tested and containing the reprinted or corrected ballots.

16 SECTION 40. IC 3-11-14.5-5, AS ADDED BY P.L.221-2005,
 17 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JANUARY 1, 2020]: Sec. 5. The test required by this chapter must
 19 include the following:

- 20 (1) The visual inspection of the voting system and ballot labels.
 21 (2) The manual entry of a preaudited group of ballots marked so
 22 as to record a predetermined number of valid votes **and rankings**
 23 for each candidate and **votes** on each public question.
 24 (3) At least one (1) ballot for each office that has votes **and**
 25 **rankings** in excess of the number allowed by law in order to test
 26 the ability of the electronic voting system to reject the overvotes.

27 SECTION 41. IC 3-11-14.5-8, AS ADDED BY P.L.221-2005,
 28 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JANUARY 1, 2020]: Sec. 8. Immediately following the completion of
 30 the voting system test under section 5 of this chapter, the county
 31 election board shall enter the ~~vote~~ totals from the voting systems tested
 32 under this chapter into the component of the voting system used by the
 33 county election board to tabulate election results under IC 3-12-3.5.
 34 The board shall determine whether this component of the voting system
 35 properly tabulates the votes cast **and rankings given** in each of the
 36 precincts tested under this chapter.

37 SECTION 42. IC 3-11-15-13.7 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 13.7. (a) If a
 39 voting system has any of the following functions, the functions must be
 40 operable in the voting system's equipment actually in use in a precinct:

- 41 (1) The voting system can demonstrate to the voter that the voter
 42 has:



- 1 (A) cast votes for too many candidates for an office; **or**
 2 **(B) given rankings not permitted by this title.**
 3 (2) The voting system can demonstrate to the voter that the voter
 4 has cast votes both in favor of and in opposition to a public
 5 question.
 6 (b) Except as provided in subsection (c), a voting system described
 7 in subsection (a) must be able to inform the voter how the voter may
 8 correct errors on the voter's ballot.
 9 (c) A voting system is not required to provide the information
 10 required by subsection (b) if the information is provided in writing
 11 conspicuously on or near the components of the voting system where
 12 the voter casts the voter's votes.
 13 SECTION 43. IC 3-11-15-20, AS AMENDED BY P.L.100-2018,
 14 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JANUARY 1, 2020]: Sec. 20. (a) A voting system must be able to
 16 record accurately each vote **cast and candidate ranking given** and be
 17 able to produce an accurate report of all votes cast **and rankings given.**
 18 (b) As used in this subsection, "error rate" refers to the error rate of
 19 the voting system in counting ballots (determined by taking into
 20 account only those errors that are attributable to the voting system and
 21 not attributable to an act of the voter). As required by 52 U.S.C. 21081,
 22 a voting system must comply with the error rate standards established
 23 under section 4.1.1 of the Voluntary Voting System Guidelines adopted
 24 by the United States Election Assistance Commission, as amended on
 25 March 31, 2015.
 26 (c) The inclusion of control logic and data processing methods
 27 incorporating parity and check-sums (or equivalent error detection and
 28 correction methods) must demonstrate that the system has been
 29 designed for accuracy.
 30 SECTION 44. IC 3-11-18.1-14, AS AMENDED BY P.L.169-2015,
 31 SECTION 134, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JANUARY 1, 2020]: Sec. 14. (a) The precinct election
 33 board administering an election at a vote center shall keep the ballots
 34 cast in each precinct separate from the ballots cast in any other precinct
 35 whose election is administered at the vote center, so that the votes cast
 36 **and rankings given** for each candidate and **the votes** on each public
 37 question in each of the precincts administered by the board may be
 38 determined and included on the statement required by IC 3-12-4-9.
 39 (b) This subsection applies to a county described under section 12
 40 of this chapter on and after the date absentee ballots are first
 41 transmitted to voters. A person that receives a certification for an
 42 electronic poll book shall file not later than forty-eight (48) hours after



1 the discovery of an anomaly or problem with the poll book a written
2 report describing the anomaly or problem with the secretary of state.

3 SECTION 45. IC 3-12-0.1 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2020]:

6 **Chapter 0.1. Authority to Determine Vote Totals for Candidates**

7 **Sec. 1. (a) This chapter designates the entity for determining the**
8 **vote totals for each candidate at an election, notwithstanding any**
9 **other provision of this title.**

10 **(b) Vote totals for a public question shall be determined as**
11 **otherwise provided in this title.**

12 **Sec. 2. The total vote for each candidate at an election shall be**
13 **determined by the following:**

14 **(1) The county election board for candidates for a local or a**
15 **school board office.**

16 **(2) The election division for candidates for federal, state, and**
17 **legislative offices.**

18 **Sec. 3. (a) This section applies only to an election for a local**
19 **office or a school board office.**

20 **(b) A precinct election board shall determine and report to its**
21 **county election board the following:**

22 **(1) The total vote for each candidate whose election is not**
23 **subject to ranked choice voting.**

24 **(2) Only the total of each ranking for each candidate whose**
25 **election is subject to ranked choice voting at the election.**

26 **(c) Except as provided in subsection (d), the county election**
27 **board shall determine the vote totals for each candidate for a local**
28 **office or a school board office as provided in IC 3-12-0.5.**

29 **(d) If the election district for a local office or a school board**
30 **office is located in more than one (1) county, the vote totals for**
31 **candidates for nomination or election to that office shall be**
32 **determined as provided in IC 3-12-5-2.**

33 SECTION 46. IC 3-12-0.5 IS ADDED TO THE INDIANA CODE
34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
35 JANUARY 1, 2020]:

36 **Chapter 0.5. Ranked Choice Voting**

37 **Sec. 1. The rules for counting ballots set forth in this article also**
38 **apply to counting ballots under this chapter.**

39 **Sec. 2. (a) This chapter applies to the following:**

40 **(1) The election of candidates to all local offices elected in the**
41 **county only if the county legislative body adopts an ordinance**
42 **making this chapter applicable to elections held in the county.**



1 (2) The election of candidates to all local offices elected in a
 2 municipality, only if the municipal legislative body adopts an
 3 ordinance making this chapter applicable to elections to
 4 municipal offices of the municipality.

5 (b) This subsection applies if both of the following apply:

6 (1) A county adopts ranked choice voting for all local offices
 7 elected in the county.

8 (2) A municipality located in a county described in subdivision

9 (1) also has territory located in a county that has not adopted
 10 ranked choice voting for all local offices elected in the county.

11 An election for a municipal office of a municipality described in
 12 subdivision (2) shall be conducted according to ranked choice
 13 voting in the part of the municipality located in the county that has
 14 adopted ranked choice voting and as otherwise provided in this
 15 title in that part of the municipality located in a county that has not
 16 adopted ranked choice voting.

17 Sec. 3. As used in this chapter, "exhausted ballot" means a
 18 ballot on which all available rankings have been used as provided
 19 in this chapter.

20 Sec. 4. (a) As used in this chapter, "last place candidate" means
 21 a candidate who has received the fewest votes among the
 22 candidates who remain at any stage.

23 (b) Two (2) or more candidates both become "last place
 24 candidates" if the sum of the number of each of their votes is less
 25 than the number of votes for the candidate who has the next
 26 greatest number of votes.

27 Sec. 5. (a) As used in this chapter, "rank" or "ranking" refers
 28 to the order of preference a voter gives to a candidate for a
 29 particular office.

30 (b) A voter's choices are referred to as the following rankings:

31 (1) A voter's first choice is referred to as the voter's "#1
 32 ranking".

33 (2) A voter's second choice is referred to as the voter's "#2
 34 ranking".

35 (3) A voter's third choice is referred to as the voter's "#3
 36 ranking".

37 (4) A voter's choice lower than the voter's third choice may be
 38 referred to as the voter's "#n ranking," with "n" being the
 39 number of the ranking the voter has given to a candidate.

40 Sec. 6. As used in this chapter, "remaining candidate" refers to
 41 a candidate who has not been eliminated.

42 Sec. 7. As used in this chapter, "stage" means a step in



1 determining and counting votes for a particular office during
 2 which votes for all remaining candidates are counted to determine
 3 whether a candidate has achieved a majority of the votes, and if
 4 not, which candidates are eliminated.

5 Sec. 8. (a) As used in this chapter, "vote" means a ballot ranking
 6 that is counted toward nomination or election of a candidate. All
 7 #1 rankings are votes. Lower rankings are potential votes that, as
 8 provided in this chapter, may be credited to a candidate as a vote
 9 for that candidate at a subsequent stage.

10 (b) For purposes of this title, the term "vote", when used with
 11 respect to a candidate to which this chapter applies, is the same as
 12 a #1 ranking for that candidate. Depending on context, the term
 13 "vote" may refer to a #1 ranking only or may refer generally to all
 14 possible rankings a voter may give to candidates.

15 Sec. 9. (a) Ranked choice voting applies to voting in a primary,
 16 general, or special election for an office for which candidates are
 17 seeking the nomination or election to that office.

18 (b) In an election for an office with fewer than three (3)
 19 candidates (including write-in candidates), the candidate who
 20 receives the most #1 rankings at the first stage is elected.

21 (c) Ranked choice voting does not apply to the following unless
 22 the rules of the convention or caucus require ranked choice voting:

- 23 (1) Nomination of candidates by a convention.
- 24 (2) Selection of an individual to fill a candidate vacancy.
- 25 (3) Selection of an individual to fill a vacancy in an office.

26 Sec. 10. (a) The following generally apply to counting ballots
 27 under this chapter:

- 28 (1) All votes (#1 rankings) must be counted, subject to the
 29 other provisions of this title.
- 30 (2) A candidate who receives a majority of the votes as
 31 determined in this chapter is nominated or elected.
- 32 (3) If a candidate does not receive a majority of the votes at
 33 any stage, the candidate having the fewest votes as determined
 34 at that stage is eliminated from subsequent stages.
- 35 (4) The next rankings on ballots for an eliminated candidate
 36 become votes for the candidates as indicated on those ballots.
- 37 (5) This process continues until the earlier of the following:
 38 (A) All ballots have been exhausted.
- 39 (B) All but the number of candidates to be nominated or
 40 elected are eliminated.

41 (b) Counting ballots in an election using ranked choice voting
 42 shall be done in the following manner:



1 (1) All #1 rankings are counted first. If a candidate has a
 2 majority of the #1 rankings, that candidate is nominated or
 3 elected and the counting ends.

4 (2) If a candidate does not have a majority of the votes under
 5 subdivision (1) (first stage), second stage counting begins by
 6 eliminating the last place candidate from among the
 7 remaining candidates. The following then apply:

8 (A) The #2 rankings made on ballots of the eliminated
 9 candidate become #1 rankings for the #2 choice candidate
 10 indicated on the eliminated candidate's ballots.

11 (B) The #3 rankings made on ballots of the eliminated
 12 candidate become #2 rankings for the #3 choice candidate
 13 indicated on the eliminated candidate's ballots.

14 (C) The #n rankings made on ballots of the eliminated
 15 candidate become the #(n-1) rankings for the #n choice
 16 candidate indicated on the eliminated candidate's ballot.

17 After clauses (A) through (C) are applied, if any candidate
 18 then has a majority of the votes, that candidate is nominated
 19 or elected and the counting ends.

20 (3) If a candidate does not receive a majority of the votes
 21 under subdivision (2) (second stage), the third stage counting
 22 begins by eliminating the last place candidate from among the
 23 remaining candidates. The third stage counting proceeds as
 24 described in subdivision (2).

25 The counting continues through each stage as described in this
 26 subsection until a candidate receives a majority of the votes. That
 27 candidate is nominated or elected and the counting ends.

28 (c) If at any stage in the counting there are two (2) or more last
 29 place candidates, those candidates are eliminated simultaneously,
 30 and the next rankings made on ballots that had rankings for one (1)
 31 or more eliminated candidates become rankings for the indicated
 32 candidates who remain.

33 Sec. 11. Once a ballot is exhausted, it must be disregarded and
 34 no longer counted. A ballot assigning the same ranking to more
 35 than one (1) candidate for an office is exhausted for that office
 36 when the duplicate ranking is reached, in which case a vote may
 37 not be recorded for any of the candidates who have the same
 38 ranking.

39 Sec. 12. If a ballot skips a ranking, the next ranking below the
 40 skipped ranking is moved up and counted as though it were the
 41 rank of the skipped ranking.

42 Sec. 13. (a) This section applies only to a candidate who is a



1 declared write-in candidate.

2 (b) A voter may rank a write-in candidate for an office and
3 assign a ranking to that candidate and to the candidates whose
4 names already appear on the ballot.

5 Sec. 14. If ballots do not contain sufficient effective choices for
6 a particular office, so that at the end of the counting a candidate
7 has not received a majority of the votes, the candidate who receives
8 the most votes is nominated or elected.

9 Sec. 15. Votes for an eliminated candidate may not be counted,
10 regardless of how many lower rankings might otherwise have
11 become votes for the candidate at a later stage.

12 SECTION 47. IC 3-12-1-1, AS AMENDED BY P.L.64-2014,
13 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2020]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, 9.5, and
15 13 of this chapter, the primary factor to be considered in determining
16 a voter's choice on a ballot is the intent of the voter. If the voter's intent
17 can be determined on the ballot or on part of the ballot, the vote **or**
18 **ranking** shall be counted for the affected candidate or candidates or on
19 the public question. However, if it is impossible to determine a voter's
20 choice **vote or ranking** of candidates on a part of a ballot or vote on a
21 public question, then the voter's vote **or ranking** concerning those
22 candidates or public questions may not be counted.

23 SECTION 48. IC 3-12-1-1.7 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1.7. (a) The
25 following provisions govern the counting of **votes or rankings for**
26 **write-in ~~votes:~~ candidates:**

27 (1) Except as provided in subsection (b), only votes cast **or**
28 **rankings given** for declared write-in candidates shall be counted
29 and certified.

30 (2) The name of a candidate, written on the space reserved for
31 write-in voting, is not considered a distinguishing mark that
32 would invalidate a ballot under section 3 of this chapter.
33 However, the name or office of a candidate written in a place on
34 the ballot other than the place reserved for write-in voting may
35 not be counted for that office.

36 (3) A **vote or ranking for a** write-in ~~vote~~ **candidate** for an office
37 is void if the voter attempts to ~~cast~~ **indicate** the vote **or ranking**
38 by a means other than printing the name of the candidate in ink or
39 lead pencil. The use of stickers, labels, rubber stamps, or other
40 similar device is not permitted.

41 (4) An abbreviation, a misspelling, or other minor variation in the
42 form of the name of a candidate or an office shall be disregarded



- 1 in determining the validity of the ballot if the intention of the
 2 voter can be ascertained.
- 3 (5) ~~Write-in~~ **Votes or rankings** for each write-in candidate shall
 4 be counted separately using the tally sheets provided by the
 5 county election board.
- 6 (b) This subsection does not apply to an office for which more than
 7 one (1) individual may be nominated or elected within the same
 8 election district. A **vote cast or a ranking given as a** write-in ~~vote cast~~
 9 for an individual whose name appears on the ballot as a candidate for
 10 that office shall be counted as a **vote cast or ranking given** for the
 11 candidate.
- 12 SECTION 49. IC 3-12-1-5, AS AMENDED BY P.L.21-2016,
 13 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2020]: Sec. 5. (a) This subsection does not apply to a
 15 ballot card voting system or an electronic voting system. Except as
 16 provided in subsection (d), a voting mark made by a voter on or in a
 17 ~~voting~~ square at the left of a candidate's name or political party's name
 18 shall be counted as a **vote or ranking** for the candidate or **votes for**
 19 **each of the** candidates of the political party.
- 20 (b) This subsection applies to a ballot card voting system. A voting
 21 mark made by a voter:
- 22 (1) on or in a circle, oval, or square; or
 23 (2) to connect a connectable arrow;
 24 immediately below or beside a candidate's name or political party's
 25 name shall be counted as a **vote or ranking** for the candidate or **votes**
 26 **for each of the** candidates of the political party, except as provided in
 27 subsection (d).
- 28 (c) This subsection applies to a direct record electronic voting
 29 system. A voting mark made by a voter touching a touch sensitive point
 30 or button below or beside a candidate's name or political party's name
 31 shall be counted as a **vote or ranking** for the candidate or **votes for**
 32 **each of the** candidates of the political party, except as provided in
 33 subsection (d).
- 34 (d) A voter who wishes to ~~cast a ballot vote~~ for **or rank** a candidate
 35 for election to an at-large district on a:
- 36 (1) county council;
 37 (2) city common council;
 38 (3) town council; or
 39 (4) township board;
 40 must make a voting mark for **or rank** each individual candidate for
 41 whom the voter wishes to ~~cast a vote~~ **or rank**. A straight ticket voting
 42 mark on a paper ballot, ballot card voting system, or electronic voting



1 system shall not be counted as a straight party ticket voting mark as a
2 vote for any candidate for an office described by this subsection.

3 SECTION 50. IC 3-12-1-7.5, AS AMENDED BY P.L.21-2016,
4 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2020]: Sec. 7.5. (a) If a voter votes for one (1) individual
6 candidate for an office for which only one (1) person may be elected
7 and also writes in the name of another candidate **and votes for or gives**
8 **that candidate a #1 ranking** for the same office, **neither a vote or**
9 **ranking may not** be counted.

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

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

21 SECTION 51. IC 3-12-1-16, AS AMENDED BY P.L.219-2013,
22 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JANUARY 1, 2020]: Sec. 16. (a) This section applies when:

- 24 (1) a ballot is reprinted under IC 3-11-3-29.5(d) to omit the name
25 of an individual who is no longer a candidate; and
26 (2) the candidate vacancy is filled following the reprinting of the
27 ballots.

28 (b) A vote cast **or ranking given** on the ballot where the statement
29 "NO CANDIDATE" or "CANDIDATE DECEASED" appears is
30 considered a vote cast **or the same ranking given** for the successor
31 candidate.

32 SECTION 52. IC 3-12-1-18, AS ADDED BY P.L.66-2010,
33 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JANUARY 1, 2020]: Sec. 18. (a) This section applies to a federal
35 write-in absentee ballot cast in a primary election as provided in
36 IC 3-11-4-12.5(b)(1) by an absent uniformed services voter or overseas
37 voter.

38 (b) If a voter does any of the following, the voter's vote **is or**
39 **rankings for candidates for that office are** void:

- 40 (1) The voter votes for **or gives** more than one (1) candidate a **#1**
41 **ranking**, and the candidates are not on the official primary ballot
42 of the same political party.



1 (2) The voter votes for **or gives a #1 ranking to** a candidate who
 2 is not on the official primary ballot of any political party.

3 (3) The voter votes for **or gives a #1 ranking to** a candidate who
 4 is on the official primary ballot of a political party, but the voter
 5 does not indicate the office for which the candidate seeks to be
 6 nominated.

7 (c) If the voter votes for a political party, but the voter does not vote
 8 for any individual candidates who are on that political party's official
 9 primary ballot, the voter's vote is void.

10 SECTION 53. IC 3-12-2-1, AS AMENDED BY P.L.128-2015,
 11 SECTION 208, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JANUARY 1, 2020]: Sec. 1. (a) This chapter:

13 (1) is enacted to comply with 52 U.S.C. 21081 by establishing
 14 uniform and nondiscriminatory standards to define what will be
 15 counted **as a vote** on a paper ballot; and

16 (2) applies to each precinct where voting is by paper ballot.

17 (b) After the polls have closed, each precinct election board shall
 18 ~~count~~ **tabulate** the paper ballot votes **and rankings** for each candidate
 19 for each office and **the votes** on each public question. The ballots shall
 20 be counted by laying each ballot upon a table in the order in which it
 21 is taken from the ballot box.

22 (c) Notwithstanding subsection (b), the precinct election board may
 23 ~~count~~ **tabulate** absentee ballots before the polls have closed. If the
 24 precinct election board ~~counts~~ **tabulates** absentee ballots under this
 25 subsection, a member of the precinct election board may not, before the
 26 polls have closed, provide any person other than a member of the
 27 precinct election board with information concerning the: ~~number of~~
 28 ~~votes:~~

29 (1) **number of votes or rankings** a candidate received for an
 30 office; or

31 (2) **number of votes** cast to approve or reject a public question;
 32 on absentee ballots ~~counted~~ **tabulated** under this subsection.

33 (d) If a precinct election board administers more than one (1)
 34 precinct, the board shall keep the ballots cast in each precinct separate
 35 from ballots cast in any other precinct, so that the votes cast **and**
 36 **rankings given** for each candidate and **the votes** on each public
 37 question in each of the precincts administered by the board may be
 38 determined.

39 SECTION 54. IC 3-12-2-2 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. During the
 41 ~~counting tabulation~~ of the ~~votes, ballots~~, the inspector and the judge
 42 of the opposite political party from the inspector shall view the ballots



1 as the names of the candidates ~~voted for~~ **and their respective votes or**
 2 **rankings** are read from the ballots.

3 SECTION 55. IC 3-12-2-3 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. During the
 5 **counting tabulation** of the ~~votes; ballots~~, any member of the precinct
 6 election board may protest the ~~counting~~ **tabulation** of any ballot or any
 7 part of a ballot.

8 SECTION 56. IC 3-12-2-5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 5. Except as
 10 provided in section 1(c) of this chapter, if the polls for more than one
 11 (1) precinct are located in the same room, the inspector of a precinct
 12 using the room may not begin the ~~vote count~~ **ballot tabulation**
 13 procedure until all the polls in the room are officially closed and no
 14 more persons are waiting in line to vote.

15 SECTION 57. IC 3-12-2-6, AS AMENDED BY P.L.221-2005,
 16 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JANUARY 1, 2020]: Sec. 6. (a) When all ~~votes~~ **ballots**
 18 have been ~~counted; tabulated~~, the precinct election board shall prepare
 19 a certificate stating the **following**:

20 (1) **The total** number of votes **(if ranked choice voting does not**
 21 **apply to the election for office) or each ranking (if ranked**
 22 **choice voting applies to the election for office)** that each
 23 candidate received for each office. ~~and~~

24 (2) **The total** number of votes cast on each public question.

25 The number of **votes or each ranking that each candidate received**
 26 **and the** votes that each ~~candidate and~~ public question received shall be
 27 written in words and numbers.

28 (b) **This subsection applies only if ranked choice voting applies**
 29 **to the election for an office.** The board shall also prepare a
 30 memorandum of the total vote cast for each candidate and ensure that
 31 each member of the board receives a copy of the memorandum.

32 SECTION 58. IC 3-12-2-7.5, AS AMENDED BY P.L.201-2017,
 33 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JANUARY 1, 2020]: Sec. 7.5. (a) This section applies to the counting
 35 of federal write-in absentee ballots described in IC 3-11-4-12.5.

36 (b) If a voter writes an abbreviation, misspelling, or other minor
 37 variation instead of the correct name of a candidate or political party,
 38 that vote shall be counted if the intent of the voter can be determined.

39 (c) If a voter casts a ballot under this section for President or Vice
 40 President of the United States and writes in the name of a candidate or
 41 political party that has not:

42 (1) certified a list of presidential electors and alternate



1 presidential electors under IC 3-10-4-5; or
 2 (2) included a list of presidential electors and alternate
 3 presidential electors on the declaration for candidacy filed by a
 4 write-in candidate under IC 3-8-2-2.5;

5 the vote for President or Vice President is void. The remaining votes
 6 **and rankings** on the ballot may be ~~counted~~ **tabulated**.

7 (d) As required by 52 U.S.C. 20303(b), and except as provided in
 8 this section, an absentee ballot subject to this section shall be submitted
 9 and processed in the same manner provided by this title for a regular
 10 absentee ballot.

11 (e) IC 3-12-1-7 applies to a ballot subject to this section.

12 (f) As required by 52 U.S.C. 20303(b), a ballot subject to this
 13 section may not be ~~counted~~ **tabulated** if:

14 (1) the ballot was submitted:

15 (A) by an overseas voter who is not an absent uniformed
 16 services voter; and

17 (B) from within the United States;

18 (2) the overseas voter's application for a regular absentee ballot
 19 was received by the county election board after the applicable
 20 absentee ballot application deadline set forth in IC 3-11-4-3;

21 (3) the voter's completed regular state absentee ballot was
 22 received by the county election board by the deadline for
 23 receiving absentee ballots under IC 3-11-10-11; or

24 (4) the ballot subject to this section was not received by the
 25 county election board by the deadline for receiving absentee
 26 ballots under IC 3-11-10-11.

27 (g) If a federal write-in absentee ballot is received by the county
 28 election board in an envelope that does not indicate that the envelope
 29 contains the ballot, and the envelope is opened by the county election
 30 board, the absentee ballot shall nevertheless be ~~counted~~ **tabulated** if
 31 otherwise valid. The county election board shall:

32 (1) immediately seal the absentee ballot and the envelope in
 33 which the ballot was received in a carrier envelope indicating that
 34 a voted absentee ballot is enclosed; and

35 (2) document the date the absentee ballot was sealed within the
 36 carrier envelope, attested to by the signature of each member of
 37 the county election board.

38 SECTION 59. IC 3-12-2-8 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 8. As soon as the
 40 ballots have been ~~counted~~ **tabulated**, the inspector shall, in the
 41 presence of the judges and poll clerks:

42 (1) place in a strong and stout paper envelope or bag:



- 1 (A) all ballots, voted and not voted, together with all protested,
 2 disputed, and ~~un~~counted **untabulated** ballots;
 3 (B) the seals of the ballot packages; and
 4 (C) one (1) copy of each of the certificates, list of voters, and
 5 tally papers;
 6 (2) securely seal the envelope or bag;
 7 (3) have both clerks initial the envelope or bag; and
 8 (4) plainly mark on the outside of the envelope or bag, in ink, the
 9 precinct where the ballots were cast.

10 SECTION 60. IC 3-12-2-9 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 9. The inspector
 12 and the judge of the opposite political party shall deliver the envelope
 13 or bag prepared under section 8 of this chapter to the circuit court clerk
 14 immediately upon tabulation of the ~~votes~~ **ballots**. The inspector shall
 15 notify the clerk of the number of ballots placed in the envelope or bag
 16 and the condition of the seals of the ballot packages.

17 SECTION 61. IC 3-12-2-15 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 15. Immediately
 19 upon completion of the ~~vote count~~ **ballot tabulation**, each precinct
 20 election board shall make and sign a certificate for the news media
 21 showing the total number of votes **or each ranking** received by each
 22 candidate and **the number of votes** on each public question in the
 23 precinct. The inspector and judge of the opposite political party shall
 24 deliver the certificate to the circuit court clerk at the same time that the
 25 certificates, lists of voters, and tally papers are delivered under section
 26 7 of this chapter. The circuit court clerk immediately shall deliver the
 27 certificate made for the news media to any person designated to receive
 28 the certificate by the editors of the newspapers published in the county
 29 or by the managers of the radio and television stations operating in the
 30 county. The county election board shall furnish each precinct election
 31 board with the forms on which the certificates are to be prepared.

32 SECTION 62. IC 3-12-3-1.2 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1.2. This section
 34 applies to a precinct where votes have been cast on a ballot card system
 35 that is designed to allow the counting and tabulation of ~~votes~~ **ballots** by
 36 the precinct election board. Except as provided in section 14 of this
 37 chapter, if the polls for more than one (1) precinct are located in the
 38 same room, the inspector of a precinct using the room may not begin
 39 the ~~vote counting~~ **ballot tabulation** procedure until all the polls in the
 40 room are officially closed and no more persons are waiting in line to
 41 vote.

42 SECTION 63. IC 3-12-3-1.5 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1.5. (a) During
 2 the tabulation of the ~~votes~~, **ballots**, any member of the precinct election
 3 board in a precinct where votes have been cast on a ballot card system
 4 that is designed to allow the counting and tabulation of ~~votes~~ **ballots** by
 5 the precinct election board may protest the counting of any ballot or
 6 any part of a ballot cast in that precinct.

7 (b) During the tabulation of ~~votes~~ **ballots** at a central counting
 8 location under section 3 of this chapter:

9 (1) a member of the precinct election board in a precinct where
 10 votes were cast on a ballot card system; or

11 (2) a member of the county election board, if a member of the
 12 precinct election board is not present during the tabulation of the
 13 ~~votes~~ **ballots** of the precinct;

14 may protest the counting of any ballot or part of a ballot cast in that
 15 precinct.

16 (c) If a ballot or any part of a ballot is protested, the poll clerks in
 17 the precinct where votes have been cast or the member of the county
 18 election board, if the poll clerks are not present during the tabulation
 19 of ~~votes~~ **ballots** at a central counting location, immediately shall write
 20 on the back of the protested ballot card the word "counted" or "not
 21 counted" as appropriate. The clerks or county election board member
 22 then shall officially sign each protested ballot card.

23 SECTION 64. IC 3-12-3-2 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. (a) After the
 25 ballot cards have been ~~counted~~ **tabulated** under section 1 of this
 26 chapter, the precinct election board shall comply with this section.

27 (b) This subsection applies if the ~~votes~~ **ballots** have been cast on a
 28 ballot card voting system that is not designed to allow the ~~counting and~~
 29 tabulation of ~~votes~~ **ballots** by the precinct election board. The inspector
 30 shall place all cards that have been cast in the container provided for
 31 that purpose and the container shall be sealed by the inspector in the
 32 presence of the precinct election board. The inspector and the judge of
 33 the opposite political party shall immediately deliver the container,
 34 together with the unused, uncounted, and defective cards and returns,
 35 to the central counting location or other designated place.

36 (c) This subsection applies if the ~~votes~~ **ballots** have been cast on a
 37 ballot card voting system that is designed to allow the ~~counting and~~
 38 tabulation of ~~votes~~ **ballots** by the precinct election board. The precinct
 39 election board shall:

40 (1) process the ballot cards with the automatic tabulating machine
 41 provided to the precinct, if the ~~vote~~ **ballot** is not automatically
 42 registered by the ballot card voting system;



1 (2) take the vote **and rankings** as tabulated under subdivision (1)
 2 or as automatically registered by the ballot card voting system;
 3 and

4 (3) certify the totals and the ballot count as required under section
 5 1 of this chapter on forms supplied to the precinct for that
 6 purpose.

7 Copies of the totals shall be delivered to each member of the precinct
 8 election board. One (1) copy of the ~~vote~~ totals shall be prepared and
 9 signed for the news media on the form furnished by the county election
 10 board.

11 SECTION 65. IC 3-12-3-5, AS AMENDED BY P.L.194-2013,
 12 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2020]: Sec. 5. (a) If a ballot card is damaged or defective
 14 so that it cannot properly be ~~counted~~ **tabulated** by the automatic
 15 tabulating machines, then a remake team composed of one (1) person
 16 from each of the major political parties of the county shall have the
 17 card prepared for processing so as to record accurately the intention of
 18 the voter insofar as it can be ascertained.

19 (b) If the ballot card voting system is designed to allow the ~~counting~~
 20 ~~and~~ tabulation of ~~votes~~ **ballots** by the precinct election board, the
 21 members of the remake team must be members of the precinct election
 22 board in which the ballot was cast. If a county provides for the ~~counting~~
 23 ~~and~~ tabulation of ballot card voting systems in a central location, the
 24 members of the remake team shall be appointed by the county election
 25 board.

26 (c) If necessary, a true, duplicate copy shall be made of the damaged
 27 ballot card in the presence of witnesses and substituted for the damaged
 28 card. Similarly, a duplicate ballot card shall be made of a defective
 29 card, not including the ~~uncounted~~ **untabulated** votes.

30 (d) This subsection applies to an absent uniformed services voter or
 31 overseas voter permitted to transmit an absentee ballot by fax or
 32 electronic mail under IC 3-11-4-6. To facilitate the transmittal and
 33 return of the voter's absentee ballot by fax or electronic mail, the county
 34 election board may provide the voter with a paper ballot rather than a
 35 ballot card. The paper ballot must conform with the requirements for
 36 paper ballots set forth in IC 3-10 and IC 3-11. After the voter returns
 37 the ballot by fax or electronic mail, a remake team appointed by the
 38 county election board under this section shall prepare a ballot card for
 39 processing that accurately records the intention of the voter as
 40 indicated on the paper ballot. The ballot card created under this
 41 subsection must be marked and counted as a duplicate ballot under
 42 sections 6 through 7 of this chapter.



1 (e) If an automatic tabulating machine fails during the ~~counting and~~
 2 tabulation of votes following the close of the polls, the county election
 3 board shall immediately arrange for the repair and proper functioning
 4 of the system. The county election board may, by unanimous vote of its
 5 entire membership, authorize the ~~counting and~~ tabulation of votes for
 6 this election on an automatic tabulating machine approved for use in
 7 Indiana by the commission:

8 (1) until the repair and retesting of the malfunctioning machine;
 9 and

10 (2) whether or not the machine was tested under IC 3-11-13-22.

11 SECTION 66. IC 3-12-3-7 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 7. Each duplicate
 13 ballot card shall be ~~counted~~ **tabulated** instead of the damaged or
 14 defective card.

15 SECTION 67. IC 3-12-3-8, AS AMENDED BY P.L.85-2017,
 16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JANUARY 1, 2020]: Sec. 8. If a test of automatic tabulating machines
 18 required by IC 3-11-13-22 is not conducted for a particular office or
 19 public question, the votes **or rankings** for that office or **the votes for**
 20 **that** question shall be ~~counted~~ **tabulated** manually. If for any reason
 21 it becomes impracticable to ~~count~~ **tabulate** all or some of the ballot
 22 cards with automatic tabulating machines:

23 (1) the precinct election board in which the machine is located, if
 24 the ballot card voting system is designed to allow the ~~counting~~
 25 **and** tabulation of **votes ballots** by the precinct election board; or

26 (2) the county election board, if the ballot card voting system is
 27 not designed to allow the ~~counting and~~ tabulation of **votes ballots**
 28 by the precinct election board;

29 may direct that they be ~~counted~~ **tabulated** manually.

30 SECTION 68. IC 3-12-3-9 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 9. If ballot cards
 32 are ~~counted~~ **tabulated** manually, the tabulation of **votes ballots** must
 33 comply with the standards prescribed by IC 3-11-7.

34 SECTION 69. IC 3-12-3-10 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 10. (a) After the
 36 ~~voting totals~~ **ballots** have been ~~taken~~ **tabulated** and certified by a
 37 precinct election board under section 2(c) of this chapter, the inspector
 38 shall:

39 (1) seal each automatic tabulating machine used in the precinct;

40 (2) place all ballot cards that have been ~~counted~~ **tabulated** in the
 41 container provided for that purpose; and

42 (3) seal the container into which the ballot cards have been



- 1 placed;
 2 in the presence of the precinct election board. The automatic tabulating
 3 machine may not be moved from the polls after the polls are closed
 4 until collected.
- 5 (b) The inspector and judge of the opposite political party shall
 6 deliver:
- 7 (1) the certification of the ~~vote totals~~ **tabulation** and one (1) copy
 - 8 of the certificate prepared under section 2(c) of this chapter for
 - 9 the circuit court clerk;
 - 10 (2) the certificate of the ~~vote totals~~ **tabulation** prepared under
 - 11 section 2(c) of this chapter for the news media;
 - 12 (3) the container in which ballot cards have been placed under
 - 13 subsection (a); and
 - 14 (4) the unused, ~~uncounted~~, **untabulated**, and defective ballot
 - 15 cards and returns;
 - 16 to the circuit court clerk.
- 17 (c) The inspector and judge of the opposite political party shall
 18 deliver the certificates and the list of voters to the county election board
 19 by midnight on election day. However, if:
- 20 (1) a ballot card voting system failed;
 - 21 (2) the failure of the system was reported as required by this title;
 - 22 (3) paper ballots were used in place of the system; and
 - 23 (4) the use of the paper ballots caused a substantial delay in the
 - 24 ~~vote counting~~ **tabulation** process;
 - 25 then the certificates, the list of voters, and the tally papers shall be
 - 26 delivered as soon as possible.
- 27 (d) Upon delivery of the container to the circuit court clerk under
 28 subsection (c), the inspector shall take and subscribe an oath before the
 29 clerk stating that the inspector:
- 30 (1) closed and sealed the container in the presence of the judges
 - 31 and poll clerks;
 - 32 (2) securely kept the ballot cards in the container;
 - 33 (3) did not permit any person to open the container or to otherwise
 - 34 touch or tamper with the ballot cards; and
 - 35 (4) has no knowledge of any other person opening the container.
- 36 (e) Each oath taken under subsection (d) shall be filed in the circuit
 37 court clerk's office with other election papers.
- 38 (f) Upon completion of the ~~counting~~ **tabulation** of the ~~votes~~ **ballots**
 39 by a precinct election board under section 2(c) of this chapter or at a
 40 central location, all ballot cards shall be arranged by precincts and kept
 41 by the circuit court clerk for the period required by IC 3-10-1-31 or
 42 IC 3-10-1-31.1. The clerk shall determine the final disposition of all



1 ~~voted~~ ballot cards.

2 SECTION 70. IC 3-12-3-11, AS AMENDED BY P.L.230-2005,
3 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2020]: Sec. 11. (a) The return printed by the automatic
5 tabulating machines, along with the return of ~~votes by~~ absentee and
6 provisional voters, constitutes the official return of each precinct. Upon
7 completion of the count, the return is open to the public.

8 (b) This subsection applies if ~~the votes ballots~~ have been cast on a
9 ballot card voting system that is not designed to allow the ~~counting and~~
10 tabulation of ~~votes ballots~~ by the precinct election board. The circuit
11 court clerk shall, upon request, furnish to the media in the area the
12 results of the tabulation.

13 (c) This subsection applies if ~~the votes ballots~~ have been cast on a
14 ballot card voting system that is designed to allow the ~~counting and~~
15 tabulation of ~~votes ballots~~ by the precinct election board. Upon
16 receiving the certificate for the media prepared under section 2(c) of
17 this chapter, the circuit court clerk shall deliver the certificate to any
18 person designated to receive the certificate by the editors of the
19 newspapers published in the county or by the managers of the radio and
20 television stations operating in the county.

21 (d) If a precinct election board administers more than one (1)
22 precinct, the precinct election board or circuit court clerk shall keep the
23 ballots cast in each precinct separate from ballots cast in any other
24 precinct, so that the votes cast ~~or rankings given~~ for each candidate
25 and ~~the votes cast~~ on each public question in each of the precincts
26 administered by the board may be determined.

27 SECTION 71. IC 3-12-3-12 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 12. ~~Votes by~~
29 Absentee voters may be cast ~~ballots~~ on paper ballots or ballot cards, or
30 both methods may be used. The ballots may be ~~counted tabulated~~ by
31 an automatic tabulating machine or by special canvassing boards
32 appointed by and under the direction of the county election board. A
33 true copy of each paper absentee ballot may be made on a ballot card,
34 which, after being verified in the presence of witnesses, shall be
35 ~~counted tabulated~~ in the same manner as other ballot cards.

36 SECTION 72. IC 3-12-3-12.5 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 12.5. To minimize
38 the delay in the ~~counting tabulation~~ of the vote, the ~~count tabulation~~
39 must begin immediately upon delivery of the cards to the central
40 counting location under section 2(b) of this chapter or upon the closing
41 of the polls under section 2(c) of this chapter. The tabulation must
42 continue without interruption until all ~~votes ballots~~ are canvassed and



1 all certificates of the ~~vote~~ totals required under section 10(b) of this
 2 chapter or totals required under section 11(b) of this chapter are
 3 completed and delivered to the persons entitled to receive the
 4 certificates or totals.

5 SECTION 73. IC 3-12-3-13 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 13. In case of a
 7 recount, all ballot cards shall be ~~recounted~~ **retabulated** in the manner
 8 prescribed by this chapter unless:

9 (1) the court ordering the ~~recount~~ **retabulation** or the state
 10 recount commission directs that they be ~~counted~~ **tabulated**
 11 manually; or

12 (2) a request for a manual ~~recount~~ **retabulation** is made under
 13 IC 3-12-6 or IC 3-12-11.

14 SECTION 74. IC 3-12-3-14 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 14. (a) The
 16 precinct election board may ~~count~~ **tabulate** absentee ballots before the
 17 polls have closed.

18 (b) If the precinct election board ~~counts~~ **tabulates** absentee ballots
 19 under this section, a member of the precinct election board may not,
 20 before the polls have closed, provide any person other than a member
 21 of the precinct election board with information concerning the: ~~number~~
 22 ~~of votes:~~

23 (1) **number of votes or rankings** a candidate received for an
 24 office; or

25 (2) **number of votes** cast to approve or reject a public question;
 26 on absentee ballots ~~counted~~ **tabulated** under this section.

27 SECTION 75. IC 3-12-3.5-1.5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1.5. Except as
 29 provided in section 7 of this chapter, if the polls for more than one (1)
 30 precinct are located in the same room, the inspector of a precinct using
 31 the room may not begin the ~~vote counting~~ **ballot tabulation** procedure
 32 until all the polls in the room are officially closed and no more persons
 33 are waiting in line to vote.

34 SECTION 76. IC 3-12-3.5-2, AS AMENDED BY P.L.221-2005,
 35 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JANUARY 1, 2020]: Sec. 2. After each electronic voting
 37 system has been secured and the paper vote **and ranking** total printouts
 38 obtained, the inspector shall announce in a distinct tone of voice that
 39 the printouts are available for inspection by the members of the
 40 precinct election board and any watchers present within the polls. The
 41 members and watchers are entitled to inspect and copy the printouts to
 42 document the: ~~votes cast for:~~



- 1 (1) **votes cast for or rankings given** each candidate on each
 2 system; and
 3 (2) **votes cast for** each public question on each system.
 4 SECTION 77. IC 3-12-3.5-3, AS AMENDED BY P.L.230-2005,
 5 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2020]: Sec. 3. (a) When paper ~~vote~~ total printouts have
 7 been obtained, the precinct election board shall prepare certificates
 8 stating the **total** number of:
 9 (1) **votes or each ranking** that each candidate received for each
 10 office; and
 11 (2) ~~the~~ votes on each public question;
 12 by attaching the paper ~~vote~~ total printouts to certificate forms supplied
 13 by the county election board.
 14 (b) Each member of the board shall be given a copy of the
 15 certificate.
 16 (c) If a precinct election board administers more than one (1)
 17 precinct, the board shall keep the ballots cast in each precinct separate
 18 from ballots cast in any other precinct, so that the:
 19 (1) votes cast for **or rankings given** each candidate; and
 20 (2) **votes cast** on each public question;
 21 in each of the precincts administered by the board may be determined.
 22 SECTION 78. IC 3-12-3.5-4 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 4. The inspector
 24 and judge of the opposite political party shall deliver the certificates
 25 prepared under section 3 of this chapter and the list of voters to the
 26 county election board **by not later than midnight on after the** election.
 27 ~~day~~. However, if:
 28 (1) an electronic voting system failed;
 29 (2) the failure of the system was reported as required by this title;
 30 (3) paper ballots were used in place of the system; and
 31 (4) the use of the paper ballots caused a substantial delay in the
 32 **vote counting ballot tabulating** process;
 33 then the certificates, the list of voters, and the tally papers shall be
 34 delivered as soon as possible.
 35 SECTION 79. IC 3-12-3.5-5 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 5. Immediately
 37 upon completion of the ~~vote count~~, **ballot tabulation**, each precinct
 38 election board shall make and sign a certificate for the news media
 39 showing the total number of votes received by **or rankings given to**
 40 each candidate in the precinct. The inspector and judge of the opposite
 41 political party shall deliver the certificate to the circuit court clerk at
 42 the same time that the certificates, the list of voters, and the tally papers



1 are delivered under section 4 of this chapter. The circuit court clerk
 2 immediately shall deliver the certificate made for the news media to
 3 any person designated to receive the certificate by the editors of the
 4 newspapers published in the county or by the managers of the radio and
 5 television stations operating in the county. The county election board
 6 shall furnish each precinct election board with the forms on which the
 7 certificates are to be prepared.

8 SECTION 80. IC 3-12-3.5-6 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 6. To minimize
 10 the delay in the ~~counting~~ **tabulation** of the ~~vote~~, **ballots**, canvassing
 11 must begin immediately upon the closing of the polls and continue
 12 without interruption until all the ~~votes~~ **ballots** are canvassed and all
 13 certificates ~~of the vote~~ required under section 3 of this chapter are
 14 completed and delivered to the persons entitled to receive the
 15 certificates.

16 SECTION 81. IC 3-12-3.5-7 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 7. (a) The
 18 precinct election board may ~~count~~ **tabulate** absentee ballots before the
 19 polls have closed.

20 (b) If the precinct election board ~~counts~~ **tabulates** absentee ballots
 21 under this section, a member of the precinct election board may not,
 22 before the polls have closed, provide any person other than a member
 23 of the precinct election board with information concerning the: ~~number~~
 24 ~~of votes:~~

25 (1) **number of votes or rankings** a candidate received for an
 26 office; or

27 (2) **number of votes** cast to approve or reject a public question;
 28 on absentee ballots counted under this section.

29 SECTION 82. IC 3-12-3.5-8, AS AMENDED BY P.L.210-2018,
 30 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2020]: Sec. 8. (a) As used in this section, "audit
 32 threshold number" refers to the following number:

33 (1) One (1), if the total number of ~~votes~~ **ballots** cast, as
 34 determined under subsection (c), is not more than twenty (20).

35 (2) Two (2), if the total number of ~~votes~~ **ballots** cast, as
 36 determined under subsection (c), is:

37 (A) more than twenty (20); but

38 (B) not more than forty (40).

39 (3) Three (3), if the total number of ~~votes~~ **ballots** cast, as
 40 determined under subsection (c), is:

41 (A) more than forty (40); but

42 (B) not more than sixty (60).



- 1 (4) Four (4), if the total number of ~~votes~~ **ballots** cast, as
 2 determined under subsection (c), is:
 3 (A) more than sixty (60); but
 4 (B) not more than eighty (80).
 5 (5) Five percent (5%) of the total number of ~~votes~~ **ballots** cast,
 6 rounded up to the nearest whole number, if the total number of
 7 votes cast, as determined under subsection (c), is:
 8 (A) more than eighty (80); but
 9 (B) not more than five hundred (500).
 10 (6) Twenty-five (25), if the total number of ~~votes~~ **ballots** cast, as
 11 determined under subsection (c) is more than five hundred (500).
 12 (b) As used in this section, "judge" refers only to the judge who is
 13 a member of a political party other than the political party of the
 14 inspector.
 15 (c) After each electronic voting system has been secured and the
 16 paper vote total printouts obtained, the inspector and judge shall record
 17 the total number of:
 18 (1) votes cast on all electronic voting systems located within the
 19 precinct; and
 20 (2) voters who have received a ballot by signing in at the polls
 21 according to the poll lists for each precinct;
 22 to determine if the total number of ~~votes~~ **ballots** cast on the electronic
 23 voting systems differs from the number of voters shown to have
 24 received a ballot at the polls according to the poll lists.
 25 (d) The inspector and judge shall record the information set forth in
 26 subsection (c) on a form prescribed under IC 3-5-4-8 and provided to
 27 each precinct and vote center under IC 3-11-3-10 by the county
 28 election board. The inspector and judge shall sign the form before
 29 delivering the certificates in accordance with section 4 of this chapter
 30 and return the form with the certificates.
 31 (e) If the number of ballots received at the polls differs from the
 32 total number of voters shown on the poll lists, the inspector and judge
 33 shall report this fact in writing to the county election board together
 34 with the reasons for the discrepancy, if known, at the time that the
 35 inspector and judge return the precinct poll list to the board on the form
 36 required under subsection (d).
 37 (f) The county election board shall compile the following
 38 information into a single document listing for each precinct:
 39 (1) The number of ~~votes~~ **ballots** cast on the electronic voting
 40 systems in the precinct, as shown on the form required for the
 41 precinct under subsection (d).
 42 (2) The number of voters who cast ballots on the electronic voting



- 1 systems as shown on the form required for the precinct under
 2 subsection (d).
- 3 (3) The number of absentee ballots returned by voters of the
 4 precinct.
- 5 (4) The number of absentee ballots described in subdivision (3)
 6 that were counted.
- 7 (5) The difference between the number in subdivision (1) and the
 8 number in subdivision (2).
- 9 Not later than noon on the second Friday following the election, the
 10 county election board shall discuss and publish the document described
 11 in this subsection at a public hearing and immediately make the
 12 document available for inspection and copying by any voter of the
 13 county.
- 14 (g) If the number determined under subsection (f)(5) is greater than
 15 or equal to the audit threshold number, then the county election board
 16 or the secretary of state may order an audit of all the **votes ballots** cast
 17 in that precinct under this section. Before ordering an audit, the county
 18 election board shall recheck the computations reported by the inspector
 19 and judge under subsection (c).
- 20 (h) The county election board shall confirm that the **votes ballots**
 21 cast in an election:
- 22 (1) for each candidate and each public question; and
 23 (2) on a direct record electronic voting system in the precinct;
 24 were correctly ~~counted~~ **tabulated**.
- 25 (i) The county election board shall conduct an audit by means of
 26 tests and procedures that are approved by the commission and
 27 independent of the provider of the direct record electronic voting
 28 system being audited.
- 29 (j) The county election board shall certify the results of the audit not
 30 later than noon thirty (30) days after the election. The certification must
 31 be on the form prescribed by the election division. One (1) copy shall
 32 be filed with the election returns, and one (1) copy must be delivered
 33 to the election division.
- 34 (k) Public notice of the time and place of an audit shall be given at
 35 least forty-eight (48) hours before the audit. The notice shall be
 36 published once in accordance with IC 5-3-1-4. However, if publication
 37 in accordance with IC 5-3-1-4 will not allow the county election board
 38 to certify the results of the audit within thirty (30) days after the
 39 election, notice shall be given by posting at or near the office of the
 40 county election board.
- 41 (l) Not later than ninety (90) days after each election in which an
 42 audit is conducted under this section, the secretary of state shall publish



1 a report stating whether the results of each audit indicate that the
2 discrepancy was the result of human error, intentional violations of
3 election laws, unknown causes, or a combination of these factors.

4 SECTION 83. IC 3-12-4-1 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1. The members
6 of each county election board shall canvass the ~~votes~~ **ballots** cast in the
7 county.

8 SECTION 84. IC 3-12-4-4, AS AMENDED BY P.L.2-2007,
9 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JANUARY 1, 2020]: Sec. 4. (a) Each county election board may
11 employ clerical assistants if necessary for the proper canvassing and
12 tabulating of the vote. However, except as provided in subsection (d),
13 not more than one-half (1/2) of the assistants employed by the board
14 may be members of the same political party.

15 (b) The county election board shall appoint the number of two (2)
16 member write-in teams that are necessary to examine and ~~count~~
17 **tabulate** write-in votes cast on ballot card voting systems on election
18 night. The county chairmen of the two (2) major political parties of a
19 county shall each designate one (1) member of each write-in team. The
20 write-in teams are considered employees of the county canvassing
21 board and must meet the qualifications of canvassing board employees.

22 (c) Except as provided in subsection (d), a county election board
23 may not employ a person to assist with canvassing unless the person
24 would be eligible to serve as a precinct election officer under
25 IC 3-6-6-7.

26 (d) The county election board may, by unanimous vote of the entire
27 membership of the board, employ a student to assist the board under
28 this section if the student is:

- 29 (1) enrolled at a postsecondary educational institution (including
30 a community college); and
31 (2) a registered voter of the county.

32 A student appointed under this subsection must serve the board in a
33 nonpartisan manner.

34 SECTION 85. IC 3-12-4-10 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 10. (a) The
36 statement prepared under section 9 of this chapter must contain **the**
37 **following information:**

- 38 (1) The name of each candidate.
39 (2) The elected offices.
40 (3) The ~~total number of votes received by~~ **following for** each
41 candidate:

42 (A) **For offices not subject to ranked choice voting, the**



1 **total number of votes received.**
 2 **(B) For offices subject to ranked choice voting, the**
 3 **following:**
 4 **(i) The total of each ranking.**
 5 **(ii) The total number of votes received by each candidate**
 6 **as determined under IC 3-12-0.5.**
 7 (4) ~~The total number of votes received by each candidate and~~
 8 **following for each precinct:**
 9 **(A) For each candidate, the information described in**
 10 **subdivision (3).**
 11 **(B) The total number of votes cast for and against each**
 12 **public question. in each precinct; and**
 13 (5) The total number of ~~votes~~ **ballots** cast at the election.
 14 (b) Notwithstanding IC 33-37-5-1, upon request by a candidate, the
 15 circuit court clerk shall prepare a copy of the statement for the
 16 candidate at a fee not to exceed twenty-five cents (\$0.25) per page.
 17 SECTION 86. IC 3-12-4-13 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 13. After the
 19 county election board has tabulated the ~~vote~~ **ballots:**
 20 (1) the canvass sheets used by the board; and
 21 (2) the certificates, poll lists, and tally papers returned by each
 22 inspector in the county;
 23 shall be delivered to the circuit court clerk. The clerk shall file and
 24 preserve all the material in the clerk's office as provided in
 25 IC 3-10-1-31 or IC 3-10-1-31.1.
 26 SECTION 87. IC 3-12-4-16, AS AMENDED BY P.L.84-2016,
 27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JANUARY 1, 2020]: Sec. 16. If there is a disagreement between the
 29 members of a county election board as to how the ~~vote~~ **ballots** of a
 30 precinct should be ~~counted~~ **tabulated**, the board shall:
 31 (1) immediately report the matter in dispute to the judge of the
 32 circuit court, superior court, or probate court; and
 33 (2) provide the judge with a written brief stating the grounds of
 34 the disagreement and all papers concerning the matter.
 35 SECTION 88. IC 3-12-4-17, AS AMENDED BY P.L.84-2016,
 36 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JANUARY 1, 2020]: Sec. 17. The judge of the circuit court, superior
 38 court, or probate court shall summarily determine a dispute presented
 39 under section 16 of this chapter and direct the county election board
 40 how to ~~count~~ **tabulate** the ~~vote~~ **ballots**. The judge's determination is
 41 final with respect to the action of the board.
 42 SECTION 89. IC 3-12-4-18, AS AMENDED BY P.L.194-2013,



1 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JANUARY 1, 2020]: Sec. 18. If electronic voting systems are used in
 3 a precinct, the county election board may, upon the adoption of an
 4 order by unanimous vote of the entire membership of the board, inspect
 5 the registering counter or other recording device on any electronic
 6 voting system showing the number of votes cast **or rankings given** for
 7 any candidate or public question. The board may conduct an
 8 inspection, after filing notice of the order authorizing the inspection
 9 with the secretary of state, either before the board proceeds to **count**
 10 **and** tabulate the **vote ballots** or within one (1) day after the **count and**
 11 **tabulation are is** finished.

12 SECTION 90. IC 3-12-4-20, AS AMENDED BY P.L.221-2005,
 13 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JANUARY 1, 2020]: Sec. 20. When making an
 15 inspection under section 18 of this chapter, a county election board
 16 shall compare the **number of votes numbers** registered on the counter
 17 or other recording device on the electronic voting systems with the
 18 returns made by the precinct election board of the precinct in which the
 19 electronic voting system was used.

20 SECTION 91. IC 3-12-4-21, AS AMENDED BY P.L.221-2005,
 21 SECTION 108, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JANUARY 1, 2020]: Sec. 21. If there is a discrepancy
 23 between the **number of votes numbers** registered on an electronic
 24 voting system and the returns made by the precinct election board, the
 25 county election board shall correct the returns made by the precinct
 26 election board so that the returns conform to the **vote numbers**
 27 registered on the electronic voting system. The corrected returns shall
 28 be considered the true and correct returns of the number of votes cast
 29 **or rankings given** for each candidate ~~or~~ **and the number of votes cast**
 30 on each public question in the precinct.

31 SECTION 92. IC 3-12-4-22, AS AMENDED BY P.L.221-2005,
 32 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JANUARY 1, 2020]: Sec. 22. If a nomination or election
 34 is contested or a recount is conducted, the returns of each precinct
 35 election board, as corrected by the county election board under section
 36 21 of this chapter, constitute prima facie evidence of the **vote votes** cast
 37 **or rankings given** for each candidate and **the votes cast** on each
 38 public question to the same extent as the tabulation and return of the
 39 vote in a precinct where electronic voting systems are not used.

40 SECTION 93. IC 3-12-4-23 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 23. The county
 42 election board shall have tally papers printed for use in tabulating the



1 vote at each election held under its jurisdiction. The tally papers must:

- 2 (1) contain the name of each office and candidate ~~to be voted for~~
 3 at an election;
 4 (2) provide for tallying the votes on each public question
 5 submitted to the voters; and
 6 (3) list political parties and candidates in the same order on the
 7 tally sheet as listed on the ballot printed by the county election
 8 board under IC 3-11-2-6.

9 SECTION 94. IC 3-12-5-2 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. (a) Whenever
 11 a candidate is elected:

- 12 (1) to a local or school board office other than:
 13 (A) one for which a town clerk-treasurer issues a certificate of
 14 election under IC 3-10-7-34; or
 15 (B) one commissioned by the governor under IC 4-3-1-5; or
 16 (2) a precinct committeeman or state convention delegate;

17 the circuit court clerk shall, when permitted under section 16 of this
 18 chapter, prepare and deliver to the candidate on demand a certificate
 19 of the candidate's election.

20 (b) This subsection applies to a local or school board office
 21 described in subsection (a) with an election district located in more
 22 than one (1) county and a local public question placed on the ballot in
 23 more than one (1) county. The circuit court clerk of the county that
 24 contains the greatest percentage of the population of the election
 25 district shall, upon demand of the candidate or a person entitled to
 26 request a recount of the votes cast on a public question under
 27 IC 3-12-12, **do the following:**

- 28 (1) Obtain the certified statement of:
 29 (A) the votes cast **or rankings given to each candidate** for
 30 that office; or
 31 (B) **the votes cast** on that question;
 32 that was prepared under IC 3-12-4-9 from the circuit court clerk
 33 in each other county in which the election district is located.

- 34 (2) Tabulate:
 35 (A) the total votes cast **or each ranking given to each**
 36 **candidate** for that office **and determine which candidate has**
 37 **been elected to that office as provided in this title;** or
 38 (B) **the total votes cast** on that question;
 39 as shown on the certified statement of each county in the election
 40 district. ~~and~~

- 41 (3) Issue a certificate:
 42 (A) of election to the candidate when permitted under section



- 1 16 of this chapter; or a ~~certificate~~
- 2 **(B)** declaring the local public question approved or rejected.
- 3 SECTION 95. IC 3-12-5-6, AS AMENDED BY P.L.221-2005,
- 4 SECTION 112, IS AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE JANUARY 1, 2020]: Sec. 6. (a) Not later than noon on
- 6 the second Monday following an election, each circuit court clerk shall
- 7 prepare a certified statement under the clerk's seal of the **total** number
- 8 of votes **or each ranking** received by each candidate for:
- 9 (1) federal office;
- 10 (2) state office;
- 11 (3) legislative office; and
- 12 (4) a local office for which a declaration of candidacy must be
- 13 filed with the election division under IC 3-8-2.
- 14 (b) The clerk shall send the statements by certified mail, return
- 15 receipt requested, or hand deliver the statements to the election
- 16 division.
- 17 (c) The election division shall provide a copy of each statement to
- 18 the office.
- 19 SECTION 96. IC 3-12-5-7, AS AMENDED BY P.L.201-2017,
- 20 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JANUARY 1, 2020]: Sec. 7. Upon receipt of the certified statements
- 22 from the circuit court clerks under section 6 of this chapter and not
- 23 later than noon of the last Tuesday in November, the election division
- 24 shall tabulate the number of votes **as provided in this title** cast for
- 25 each candidate for:
- 26 (1) presidential electors and alternate presidential electors;
- 27 (2) a state office other than governor and lieutenant governor; and
- 28 (3) a local office for which a declaration of candidacy must be
- 29 filed with the election division under IC 3-8-2.
- 30 Immediately following the election division's tabulation, the secretary
- 31 of state shall certify to the governor the candidate receiving the highest
- 32 number of votes for each office.
- 33 SECTION 97. IC 3-12-5-8 IS AMENDED TO READ AS
- 34 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 8. (a) If, not later
- 35 than the final date and hour for filing a recount or contest petition
- 36 under ~~IC 3-12~~, **this article**, a circuit court clerk files a correction with
- 37 the election division that amends a certified statement under section 6
- 38 of this chapter and the amendment results in a different candidate
- 39 receiving the highest number of votes for an office, the election
- 40 division shall immediately notify the governor and the office of the
- 41 amendment.
- 42 (b) If no errors are found by the final date and hour for filing a



1 recount or contest under ~~IC 3-12~~ **this article**, and not later than noon
 2 on the first Tuesday in December following the election, the governor
 3 shall prepare the candidate's commission for each candidate certified
 4 under section 7 of this chapter.

5 (c) Immediately upon preparing the commissions under subsection
 6 (b), the governor shall deliver the commissions to the election division.
 7 Not later than the second Tuesday in December, the election division
 8 shall transmit the commission to each candidate at the address set forth
 9 in the declaration of candidacy filed with the division, or to any more
 10 recent address furnished to the division by the candidate.

11 SECTION 98. IC 3-12-6-3 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. Each petition
 13 filed under section 2 of this chapter must state the following:

- 14 (1) The office for which the petitioner desires a recount.
- 15 (2) The precincts within the county in which the petitioner desires
 16 a recount.
- 17 (3) That the petitioner is entitled to a recount under section 1 of
 18 this chapter.
- 19 (4) That the nomination or office was voted upon in the precincts
 20 specified.
- 21 (5) The name of each candidate for the nomination or office as set
 22 forth on the ballot for the election and the address of each
 23 candidate for nomination or election to the office as set forth in
 24 the records of the county election board or election division.
- 25 (6) That the petitioner in good faith believes that the votes cast for
 26 nomination or election to the office at the election in the precincts
 27 were not correctly **tabulated**, counted, and returned.
- 28 (7) That the petitioner desires a recount of all of the votes cast for
 29 nomination or election to the office in the precincts specified.

30 SECTION 99. IC 3-12-6-6 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 6. Each
 32 cross-petition filed under section 4 of this chapter must state the
 33 following:

- 34 (1) The office for which the cross-petitioner desires a recount.
- 35 (2) The precincts within the county in which the cross-petitioner
 36 desires a recount.
- 37 (3) That the cross-petitioner was a candidate at the election for
 38 nomination or election to the office and that the nomination or
 39 office was voted upon in the precincts specified.
- 40 (4) The name and address of the cross-petitioner's opposing
 41 candidate or candidates.
- 42 (5) That the cross-petitioner in good faith believes that the votes



1 cast for nomination or election to the office at the election in the
2 precincts were not correctly **tabulated**, counted, and returned.

3 (6) That the cross-petitioner desires a recount of all of the votes
4 cast for nomination or election to the office in the precincts
5 specified.

6 SECTION 100. IC 3-12-6-22 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 22. (a) When a
8 recount is completed by a commission appointed under this chapter, the
9 commission shall **do the following**:

10 (1) Make and sign a certificate showing the total number of votes
11 received **or each ranking given** in the precincts by each
12 candidate for nomination or election to the office.

13 (2) State in its certificate the candidate who received the highest
14 number of votes **or the rankings given** in the precincts for
15 nomination or election to the office **as determined under this**
16 **title** and by what plurality. ~~and~~

17 (3) File its certificate with the circuit court clerk.

18 (b) The circuit court clerk shall:

19 (1) enter the certificate in the order book of the court;

20 (2) file a copy of the certificate in the minutes of the county
21 election board; and

22 (3) if the recount concerned an office for which a declaration of
23 candidacy must be filed with the election division under IC 3-8-2,
24 file a copy of the certificate with the election division not later
25 than seven (7) days after the date the recount commission filed
26 the certificate with the clerk of the circuit court.

27 (c) If a certificate is filed with the election division under subsection
28 (b), the election division shall provide a copy of the certificate to the
29 office.

30 SECTION 101. IC 3-12-6-27 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 27. If a recount
32 is made under this chapter for nomination or election to an office for
33 which votes were cast in more than one (1) county, each circuit court
34 clerk where the recount was made shall determine whether the votes **or**
35 **rankings** in the precincts shown by the recount certificate differ from
36 the votes **or rankings** that were tabulated by the county election board.
37 If a circuit court clerk finds that there is a difference between the votes
38 **or rankings** shown by the recount certificate and the votes **or**
39 **rankings** tabulated by the county election board, the clerk shall prepare
40 a certificate showing the total vote **or each ranking** in the county for
41 each candidate for nomination or election to the office as corrected in
42 accordance with the recount certificate.



1 SECTION 102. IC 3-12-6-28 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 28. (a) A circuit
 3 court clerk shall immediately transmit a certificate prepared under
 4 section 27 of this chapter showing the votes cast **or rankings given** for
 5 nomination or election to an office to the election division if the
 6 recount concerned an office for which a declaration of candidacy must
 7 be filed with the election division under IC 3-8-2.

8 (b) The election division shall provide a copy of a certificate
 9 transmitted to the election division under this section to the office.

10 SECTION 103. IC 3-12-6-29 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 29. Upon receipt
 12 of a circuit court clerk's certificate under section 28 of this chapter, the
 13 election division shall tabulate the vote **or rankings** from the county
 14 for the office in accordance with the certificate. If the election division
 15 previously included in a tabulation the votes cast **or rankings given** for
 16 the office as returned by the county election board, the election division
 17 shall correct the tabulation in accordance with the certificate.

18 SECTION 104. IC 3-12-11-3, AS AMENDED BY P.L.221-2005,
 19 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JANUARY 1, 2020]: Sec. 3. (a) Each petition for a
 21 recount filed under section 2 of this chapter must state the following:

- 22 (1) The office for which the petitioner desires a recount.
- 23 (2) The precincts in which the petitioner desires a recount.
- 24 (3) That the individual is entitled to a recount under this chapter
 25 and that the nomination or election to office at issue was voted
 26 upon in the precincts specified.
- 27 (4) The name of the candidates as set forth on the ballot for the
 28 election and address of the candidates as set forth in the records
 29 of the election division.
- 30 (5) That the petitioner in good faith believes that the votes cast for
 31 nomination or election to the office at the election in the precincts
 32 were not correctly **tabulated**, counted, and returned.
- 33 (6) That the petitioner desires a recount of all of the votes cast for
 34 nomination or election to the office in the precincts specified.

35 (b) Each petition for a contest filed under section 2 of this chapter
 36 must state the following:

- 37 (1) The nomination or election to office that the petitioner
 38 contests.
- 39 (2) That the individual is entitled to contest an election or a
 40 nomination to office under this chapter.
- 41 (3) The name of the candidates as set forth on the ballot for the
 42 election and address of each of the candidates as set forth in the



1 records of the election division.

2 (4) That the petitioner in good faith believes that one (1) or more
3 of the following occurred:

4 (A) The person declared nominated or elected does not comply
5 with a specific constitutional or statutory requirement set forth
6 in the petition that is applicable to a candidate for the office.

7 (B) A mistake was made in the printing or distribution of
8 ballots used in the election that makes it impossible to
9 determine which candidate received the highest number of
10 votes cast in the election.

11 (C) A mistake occurred in the programming of an electronic
12 voting system, making it impossible to determine the
13 candidate who received the highest number of votes.

14 (D) An electronic voting system malfunctioned, making it
15 impossible to determine the candidate who received the
16 highest number of votes.

17 (E) A deliberate act or series of actions occurred making it
18 impossible to determine the candidate who received the
19 highest number of votes cast in the election.

20 (c) A petition stating that the petitioner believes that a mistake
21 described in subsection (b)(4)(B), (b)(4)(C), or (b)(4)(D) has occurred
22 must identify each precinct in which:

23 (1) ballots:

24 (A) containing the printing mistake; or

25 (B) distributed by mistake;

26 were cast;

27 (2) a mistake occurred in the programming of an electronic voting
28 system; or

29 (3) an electronic voting system malfunctioned.

30 (d) A petition stating that the petitioner believes that an act or series
31 of actions described in subsection (b)(4)(E) occurred must identify
32 each precinct or other location in which the act or series of actions
33 occurred to the extent known to the petitioner.

34 SECTION 105. IC 3-12-11-6 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 6. Each
36 cross-petition filed under section 4 of this chapter must state the
37 following:

38 (1) The office for which the cross-petitioner desires a recount.

39 (2) The precincts in which the cross-petitioner desires a recount.

40 (3) That the cross-petitioner was a candidate at the election for
41 nomination or election to the office and that the nomination or
42 election to office was voted upon in the precincts specified.



- 1 (4) The name and address of the cross-petitioner's opposing
 2 candidate or candidates.
- 3 (5) That the cross-petitioner in good faith believes that the votes
 4 cast for nomination or election to the office at the election in the
 5 precincts were not correctly **tabulated**, counted, and returned.
- 6 (6) That the cross-petitioner desires a recount of all of the votes
 7 cast for nomination or election to the office in the precincts
 8 specified.
- 9 SECTION 106. IC 3-12-11-18, AS AMENDED BY P.L.221-2005,
 10 SECTION 130, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JANUARY 1, 2020]: Sec. 18. (a) When a recount is
 12 completed by the state recount commission or its designee, the
 13 commission shall **do the following**:
- 14 (1) Make and sign a certificate showing the total number of votes
 15 **or each ranking** received in the precincts by each candidate for
 16 nomination or election to the office.
- 17 (2) State in its certificate the candidate who received the highest
 18 number of votes **or rankings received** in the precincts for
 19 nomination or election to the office **as determined under this**
 20 **title** and by what plurality. ~~and~~
- 21 (3) File its certificate with the election division.
- 22 (b) When a contest proceeding in which a candidate is alleged to be
 23 ineligible is completed by the state recount commission or its designee,
 24 the commission shall make a final determination concerning the
 25 eligibility of the candidate for nomination or election to the office.
- 26 (c) If the state recount commission or its designee determines that:
- 27 (1) a mistake was made in the printing or distribution of ballots
 28 used in the election;
- 29 (2) a mistake was made in the programming of an electronic
 30 voting system;
- 31 (3) an electronic voting system malfunctioned; or
- 32 (4) a deliberate act or series of actions occurred;
- 33 that makes it impossible to determine which candidate received the
 34 highest number of votes cast, the commission shall order that a special
 35 election be conducted under IC 3-10-8.
- 36 (d) The special election ordered under subsection (c) shall be held
 37 in the precincts identified in the petition in which the commission
 38 determines that:
- 39 (1) ballots containing the printing mistake or distributed by
 40 mistake were cast;
- 41 (2) a mistake occurred in the programming of an electronic voting
 42 system;



1 (3) an electronic voting system malfunctioned; or

2 (4) a deliberate act or series of actions occurred.

3 SECTION 107. IC 3-12-11-19 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 19. Except in
 5 recount proceedings for an election to the offices of governor and
 6 lieutenant governor and legislative offices, a recount certificate made
 7 under section 18 of this chapter supersedes all previous returns made
 8 in any form of the recounted votes. A certified copy of a recount
 9 certificate constitutes prima facie evidence of the votes cast **or**
 10 **rankings given** for nomination or election to the office in the precincts
 11 in any proceeding in which there is an issue as to the votes cast at the
 12 election for the nomination or election to office.

13 SECTION 108. IC 3-14-4-10, AS AMENDED BY P.L.158-2013,
 14 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JANUARY 1, 2020]: Sec. 10. ~~A person who knowingly violates:~~ **(a) As**
 16 **used in this section, "applicable statute" refers to any of the**
 17 **following:**

18 (1) IC 3-11.5-5.

19 (2) IC 3-11.5-6.

20 (3) IC 3-12-2-1.

21 (4) IC 3-12-3-14. ~~or~~

22 (5) IC 3-12-3.5-7.

23 **(b) A person who knowingly violates an applicable statute** by
 24 providing any other person with information concerning:

25 **(1) the:**

26 **(A) number of votes; or**

27 **(B) rankings;**

28 a candidate received for an office; or

29 **(2) the number of votes** cast to approve or reject a public
 30 question;

31 on absentee ballots counted under IC 3-11.5-5, IC 3-11.5-6, or IC 3-12
 32 before the closing of the polls commits a Level 6 felony.

