



February 24, 2020

ENGROSSED

SENATE BILL No. 334

DIGEST OF SB 334 (Updated February 20, 2020 11:49 am - DI 75)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-11; IC 3-11.7.

Synopsis: Election matters. Allows (current law requires) the secretary of state and election division to assist a prosecuting attorney in prosecuting certain actions and allow the use of an attorney retained by the secretary of state or election division. Requires boards of elections and registration to attend election security meetings called by the election division. Requires the election division to instruct specified election officials on best practices in answering voters' questions on how to vote, including providing instructions on straight ticket voting. Requires the inclusion of language on a ballot or voting system to tell the voter that the voter is not required to vote a straight party ticket. Changes the time frame in which a voter list maintenance program must be conducted for certain special elections and in an election year other than a year in which a general election is conducted. Removes language that required NVRA officials to obtain voter registration information from certain states. Removes authorization for NVRA officials to enter into a memorandum of understanding with the Kansas Secretary of State to compare voter registration data and voids the memorandum of understanding. Establishes the Indiana data
(Continued next page)

Effective: Upon passage; July 1, 2020.

Walker, Grooms, Ford Jon, Crane

(HOUSE SPONSORS — WESCO, JUDY, LUCAS)

January 13, 2020, read first time and referred to Committee on Elections.
January 27, 2020, amended, reported favorably — Do Pass.
January 30, 2020, read second time, ordered engrossed. Engrossed.
February 3, 2020, read third time, passed. Yeas 40, nays 7.

HOUSE ACTION

February 11, 2020, read first time and referred to Committee on Elections and Apportionment.
February 24, 2020, amended, reported — Do Pass.

ES 334—LS 6641/DI 104



Digest Continued

enhancement association to be administered by the NVRA official for the administration of voter list maintenance programs and sets forth requirements. Requires a county voter registration office to determine whether an individual authorized the cancellation of any previous voter registration when the individual registered to vote in another state. Sets forth parameters for when a county voter registration office may rely on information provided by certain entities concerning voter registration from another state. Requires that a report by a county sheriff to the county voter registration office concerning individuals placed in a county correctional facility occur at least once a quarter. States that certain requirements for provisional ballots do not apply to provisional ballots cast: (1) under a court order extending the hours that the polls were open; (2) by a voter who is not on the poll list but indicates that the voter applied to register at a voter registration agency; (3) by a voter after the voter was challenged due to proof of identification; and (4) by a voter who was challenged solely due to failure to provide additional documentation. Requires a court to take evidence to determine whether a county election board filed written notice with the secretary of state and the election division concerning a petition to extend voting hours.

ES 334—LS 6641/DI 104



February 24, 2020

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 334

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 3-5-2-26.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 26.3. "IDEA" refers to the Indiana data**
4 **enhancement association established by IC 3-7-38.2-5.5.**
5 SECTION 2. IC 3-6-3.7-6, AS ADDED BY P.L.157-2019,
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 6. (a) If, upon investigation, the secretary of
8 state determines that a criminal violation of this title may have
9 occurred, the secretary of state and the co-directors of the election
10 division shall refer the facts drawn from the investigation to the
11 prosecuting attorney of the judicial circuit in which the crime may have
12 been committed.
13 (b) The secretary of state and election division ~~shall~~ **may** assist the
14 prosecuting attorney in prosecuting an action under this section, which
15 may include an attorney employed **or retained** by the secretary of state
16 or the election division serving as a special deputy prosecutor
17 appointed by the prosecuting attorney.

ES 334—LS 6641/DI 104



1 SECTION 3. IC 3-6-4.2-14, AS AMENDED BY P.L.278-2019,
 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 14. (a) Each year in which a general or
 4 municipal election is held, the election division shall call a meeting of
 5 all the members of the county election boards, ~~and~~ the boards of
 6 registration **(subject to IC 3-7-12), and the boards of elections and**
 7 **registration (as defined in IC 3-5-2-5.3)** to instruct them regarding all
 8 of the following:

9 (1) Their duties under this title and federal law (including HAVA
 10 and NVRA).

11 (2) Requirements and best practices concerning cybersecurity for
 12 the computerized list, voting systems, and electronic poll books.

13 (3) Physical security for all aspects of the election process,
 14 including voting systems, electronic poll books, absentee voting,
 15 and polling places.

16 (4) Requirements and best practices to ensure that voting systems,
 17 precinct polling places, and vote centers are accessible to voters
 18 with disabilities.

19 **(5) Best practices in answering voters' questions on how to**
 20 **vote, including providing instructions to voters on straight**
 21 **ticket voting.**

22 (b) The election division may, but is not required to, call a meeting
 23 under this section during a year in which a general or a municipal
 24 election is not held.

25 (c) Each circuit court clerk, ~~and~~ each member of a board of
 26 registration established under IC 3-7-12, **and each member of a board**
 27 **of elections and registration** shall attend a meeting called by the
 28 election division under this section. A circuit court clerk, ~~or~~ member of
 29 a board of registration, **or member of a board of elections and**
 30 **registration** may require the attendance of the following:

31 (1) Each of the circuit court clerk's, ~~or~~ board of registration
 32 member's, **or board of elections and registration member's**
 33 appointed and acting chief deputies or chief assistants with
 34 election related responsibilities.

35 (2) If the number of deputies or assistants:

36 (A) is not more than three (3), one (1) of the clerk's or
 37 member's appointed and acting deputies or assistants; or

38 (B) is greater than three (3), two (2) of the clerk's or member's
 39 appointed and acting deputies or assistants.

40 (d) The election division shall set the time and place of the
 41 instructional meeting. In years in which a primary election is held, the
 42 election division:



1 (1) may conduct the meeting before the first day of the year; and

2 (2) shall conduct the meeting before primary election day.

3 The instructional meeting may not last for more than two (2) days.

4 (e) Each individual required to attend the meeting under subsection
5 (c) and an individual who has been elected or selected to serve as
6 circuit court clerk but has not yet begun serving in that office is entitled
7 to receive all of the following from the county general fund without
8 appropriation:

9 (1) A per diem of twenty-four dollars (\$24) for attending the
10 instructional meeting called by the election division under this
11 section.

12 (2) A mileage allowance at the state rate for the distance
13 necessarily traveled in going and returning from the place of the
14 instructional meeting called by the election division under this
15 section.

16 (3) Reimbursement for the payment of the instructional meeting
17 registration fee.

18 (4) An allowance for lodging for each night preceding conference
19 attendance equal to the lodging allowance provided to state
20 employees in travel status.

21 SECTION 4. IC 3-7-26.4-4, AS AMENDED BY P.L.157-2019,
22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 4. (a) The election division may provide parts
24 and reports from the voter registration information from the
25 computerized list for the purposes specified under IC 3-7-26.3-29.

26 (b) Except as otherwise provided in this section, the parts and
27 reports provided under this section may not include information
28 described under section 8 of this chapter.

29 (c) The parts and reports may contain the information described in
30 section 8 of this chapter if:

31 (1) the part or report is to be provided to an entity that:

32 (A) is described in section 6 of this chapter; and

33 (B) has previously submitted an application to the election
34 division and paid any required fee to obtain the complete
35 compilation; or

36 (2) the part or report is a purely statistical compilation that:

37 (A) includes the information described in section 8 of this
38 chapter; and

39 (B) does not include any information:

40 (i) concerning an individual voter; or

41 (ii) that would permit the identification of an individual
42 voter as a result of providing the compilation.



1 (d) The parts and reports provided under this section may not
2 include the complete Social Security number of any individual.

3 (e) The election division may provide the registration information
4 described in section 8 of this chapter, including an individual's voting
5 history, as follows:

6 (1) To states and local governments in states that are
7 implementing any voter list maintenance program described in
8 IC 3-7-38.2-5, including a program implemented with information
9 obtained from another state under ~~IC 3-7-38.2-5(b)~~.
10 **IC 3-7-38.2-5.5.**

11 (2) Upon written request, to law enforcement officials conducting
12 an investigation.

13 SECTION 5. IC 3-7-38.2-2, AS AMENDED BY P.L.157-2019,
14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2020]: Sec. 2. (a) **Except as provided in subsection (b) or**
16 **(c)**, a voter list maintenance program conducted under this chapter
17 must:

18 (1) be uniform, nondiscriminatory, and in compliance with the
19 Voting Rights Act of 1965 (52 U.S.C. 10101);

20 (2) not result in the removal of the name of a person from the
21 official list of voters solely due to the person's failure to vote; and

22 (3) be completed not later than ninety (90) days before a primary
23 or general or municipal election.

24 **(b) A voter list maintenance program conducted under this**
25 **chapter in a year other than a year in which a general election is**
26 **conducted must:**

27 **(1) comply with the requirements set forth in subsection (a)(1)**
28 **and (a)(2); and**

29 **(2) be completed not later than twenty-nine (29) days before**
30 **a municipal election or special election (other than for a**
31 **federal office) is conducted.**

32 **(c) If a special election is required for a vacancy in a federal**
33 **office in a year in which a general election is not conducted, the**
34 **voter list maintenance program conducted under this chapter**
35 **must:**

36 **(1) comply with the requirements of subsection (a)(1) and**
37 **(a)(2); and**

38 **(2) be completed not later than ninety (90) days before the**
39 **date that the special election is conducted.**

40 **A voter list maintenance program may also be conducted under**
41 **this section in a calendar year following the date of the special**
42 **election if the program is completed no later than the deadline set**



1 **forth in subsection (a).**

2 ~~(b)~~ **(d)** A county voter registration office may conduct a voter list
3 maintenance program that complies with subsection (a). In conducting
4 a voter list maintenance program, the county voter registration office
5 shall mail a notice described in subsection ~~(d)~~ **(f)** to each voter whose
6 registration has not previously been canceled or designated as inactive
7 under this chapter at the mailing address:

- 8 (1) listed in the voter's registration record; and
9 (2) determined by the county voter registration office not to be the
10 voter's current residence address.

11 ~~(e)~~ **(e)** A county voter registration office may use information only
12 from the following sources to make the determination under subsection
13 ~~(b)(2)~~: **(d)(2)**:

- 14 (1) The United States Postal Service National Change of Address
15 Service.
16 (2) A court regarding jury duty notices returned because of an
17 unknown or insufficient address.
18 (3) The return of a mailing sent by the county voter registration
19 office to all active voters (as defined in IC 3-11-18.1-2) in the
20 county because of an unknown or insufficient address.
21 (4) The bureau of motor vehicles concerning the surrender of a
22 voter's Indiana license for the operation of a motor vehicle to
23 another jurisdiction.
24 (5) The return by the United States Postal Service after the
25 expiration of the seven (7) day pending period of a notice
26 regarding the disposition of a voter registration application under
27 IC 3-7-33-5 because of an unknown or insufficient address.
28 (6) The return of a mailing sent to voters of a precinct advising
29 voters of a change of precinct boundary or the precinct polling
30 place because of an unknown or insufficient address, if the county
31 sends a similar mailing to the voters of each precinct when a
32 boundary or polling place is changed.
33 (7) Information received from the election division under section
34 5 of this chapter or section 16 of this chapter.
35 (8) A declination to register by the voter stating that the voter
36 resides at an address different from the address on the voter's
37 registration record.

38 ~~(d)~~ **(f)** The notice described in subsection ~~(b)~~ **(d)** must:

- 39 (1) be sent by first class United States mail, postage prepaid, by
40 a method that requires the notice to be forwarded to the voter; and
41 (2) include a postage prepaid return card that:
42 (A) is addressed to the county voter registration office;



1 (B) states a date (which must be at least thirty (30) days after
 2 the date the notice is mailed) by which the card must be
 3 returned or the voter's registration will become inactive until
 4 the information is provided to the county voter registration
 5 office; and

6 (C) permits the voter to provide the voter's current residence
 7 address.

8 ~~(e)~~ **(g)** If a voter returns the card described in subsection ~~(d)(2)~~
 9 **(f)(2)** and provides a current residence address that establishes that the
 10 voter resides:

11 (1) in the county, the county voter registration office shall update
 12 the voter's registration record; or

13 (2) outside the county, the county voter registration office shall
 14 cancel the voter's registration.

15 ~~(f)~~ **(h)** If a card is returned as undeliverable due to an unknown or
 16 insufficient address by the United States Postal Service after the date
 17 specified in subsection ~~(d)(2)(B)~~; **(f)(2)(B)**, the county voter
 18 registration office shall, when registration reopens after the next
 19 primary, general, or municipal election, determine whether the voter
 20 voted or appeared to vote from the address set forth in the registration
 21 record at any election occurring after the final day for completing voter
 22 list maintenance activities, and if not, then designate the voter as
 23 inactive.

24 ~~(g)~~ **(i)** If a voter does not return the card described in subsection
 25 ~~(d)(2)~~ **(f)(2)** by the date specified in subsection ~~(d)(2)(B)~~; **(f)(2)(B)**, the
 26 county voter registration office shall indicate in the voter's registration
 27 record that the voter's registration is inactive.

28 ~~(h)~~ **(j)** A voter's registration that becomes inactive under subsection
 29 ~~(f)~~ **(h)** or ~~(g)~~ **(i)** remains in inactive status from the date described in
 30 subsection ~~(d)(2)(B)~~ **(f)(2)(B)** until the earlier of the following:

31 (1) The date the county voter registration office updates or
 32 cancels the voter's registration under subsection ~~(e)~~ **(g)** after the
 33 voter provides a current residence address.

34 (2) The day after the second general election in which the voter
 35 has not voted or appeared to vote.

36 ~~(i)~~ **(k)** After the date described in subsection ~~(h)(2)~~; **(j)(2)**, the
 37 county voter registration office shall remove the voter's registration
 38 from the voter registration records.

39 SECTION 6. IC 3-7-38.2-5, AS AMENDED BY P.L.116-2018,
 40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 UPON PASSAGE]: Sec. 5. ~~(a)~~ To assist in performing voter list
 42 maintenance under this chapter, the NVRA official shall submit the



1 names of all registered voters in Indiana to the United States Postal
2 Service National Change of Address Service. The submission under
3 this chapter shall be compiled from the county voter registration
4 information submitted to the election division under IC 3-7-26.3.

5 (b) This subsection does not require the NVRA official to request
6 voter registration data from a state listed in this subsection if the
7 NVRA official will be receiving voter registration data from that state
8 under the memorandum of understanding described in subsection (d).
9 To assist in performing voter list maintenance under this chapter, not
10 later than December 31 of each calendar year the NVRA official shall
11 request that the chief state election official who is responsible for the
12 coordination of state responsibilities under NVRA in each of the
13 following states provide a list of the registered voters in that state:

- 14 (1) Florida.
- 15 (2) Illinois.
- 16 (3) Kentucky.
- 17 (4) Michigan.
- 18 (5) Ohio.

19 (c) The NVRA official shall request a list of registered voters from
20 any other state in which the NVRA official determines there is a
21 reasonable possibility that a significant number of individuals who
22 have registered to vote in Indiana may also be registered to vote in that
23 state.

24 (d) The NVRA official shall execute a memorandum of
25 understanding with the Kansas Secretary of State. Notwithstanding any
26 limitation under IC 3-7-26.4 regarding the availability of certain
27 information from the computerized list, on January 15 of each year, the
28 NVRA official shall provide data from the statewide voter registration
29 list without cost to the Kansas Secretary of State to permit the
30 comparison of voter registration data in the statewide voter registration
31 list with registration data from all other states participating in this
32 memorandum of understanding and to identify any cases in which a
33 voter cast a ballot in more than one (1) state during the same election.
34 Not later than thirty (30) days following the receipt of information
35 under this subsection indicating that a voter of Indiana may also be
36 registered to vote in another state, the NVRA official shall provide the
37 appropriate county voter registration office with the name of and any
38 other information obtained under this subsection concerning that voter,
39 if both of the following apply:

- 40 (1) The first name, last name, and date of birth of the Indiana
41 voter is identical to the first name, last name, and date of birth of
42 the voter registered in the other state.



1 (2) A comparison of the records indicates that there is a
 2 confidence factor that the records are for the same individual
 3 resulting from the accumulation of at least seventy-five (75)
 4 points based on the following criteria:

5 (A) Full Social Security number: 40 points:

6 (B) Last four (4) digits of Social Security number: 10 points:

7 (C) Indiana driver's license or identification card number: 50
 8 points:

9 (D) Date of birth: 25 points:

10 (E) Last Name: 15 points:

11 (F) First Name: 15 points:

12 (G) Middle Name: 5 points:

13 (H) Suffix: 5 points:

14 (I) Street Address 1: 10 points:

15 (J) Zip Code (first five (5) digits): 5 points:

16 (e) The county voter registration office shall determine whether the
 17 individual:

18 (1) identified in the report provided by the NVRA official under
 19 subsection (d) is the same individual who is a registered voter of
 20 the county; and

21 (2) registered to vote in another state on a date following the date
 22 that voter registered in Indiana:

23 (f) If the county voter registration office determines that the voter is
 24 described by subsection (e); the county voter registration office shall
 25 cancel the voter registration of that voter:

26 SECTION 7. IC 3-7-38.2-5.1 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE UPON PASSAGE]: **Sec. 5.1. (a) The actions of the
 29 NVRA officials to execute a memorandum of understanding with
 30 the Kansas Secretary of State under section 5(d) of this chapter,
 31 before its amendment by the 121st general assembly, are void.**

32 **(b) The secretary of state shall promptly notify the Kansas
 33 Secretary of State that Indiana is no longer a party to the
 34 memorandum of understanding.**

35 **(c) This section has no effect on any voter list maintenance
 36 activity undertaken by the NVRA officials of a county voter
 37 registration office before the voiding of the memorandum of
 38 understanding under this section.**

39 **(d) The state shall not join or otherwise participate in the
 40 activities of any organization that requires:**

41 **(1) the payment of funds to obtain voter registration
 42 information from another state; or**



1 **(2) the expenditure of funds to engage in activities other than**
 2 **voter list maintenance as a condition for receiving voter**
 3 **registration information from another state.**

4 SECTION 8. IC 3-7-38.2-5.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) The Indiana data**
 7 **enhancement association (IDEA) is established. IDEA shall be**
 8 **administered by the NVRA official in accordance with IC 3-7-11-1.**

9 **(b) Not later than July 1, 2020, the NVRA official shall adopt an**
 10 **order for the administration of voter list maintenance programs to**
 11 **be performed by IDEA. The NVRA official may amend the order.**
 12 **If the NVRA official does not adopt an order by July 1, 2020, or**
 13 **subsequently amend the order when necessary to perform voter list**
 14 **maintenance duties under this chapter, the secretary of state shall**
 15 **adopt or amend the order under section 18 of this chapter. The**
 16 **order establishing IDEA, and any amendments to the order**
 17 **subsequently issued, shall provide the following:**

18 **(1) The member states of IDEA are not required to pay to**
 19 **Indiana any fee for the processing of the data from the**
 20 **member state.**

21 **(2) The member states of IDEA are not required to engage in**
 22 **any activity other than actions necessary to comply with**
 23 **standards for voter list maintenance set forth in the order as**
 24 **a condition for obtaining data from Indiana or other member**
 25 **states.**

26 **(3) The method for a state to join or withdraw from IDEA.**

27 **(4) The tenure of the membership of each state and duration**
 28 **of the order.**

29 **(5) Indiana shall:**

30 **(A) use the confidence factors set forth in subsection (c) to**
 31 **determine whether the name of an individual registered in**
 32 **that member state appears to be the same as an individual**
 33 **registered to vote in Indiana or any other member state;**
 34 **and**

35 **(B) only forward potential matches of the names of**
 36 **individuals in a state who meet or exceed the confidence**
 37 **factor threshold under subsection (c).**

38 **(6) Any registration data provided to Indiana by another state**
 39 **member:**

40 **(A) is confidential under Indiana law;**

41 **(B) must be safely secured by Indiana for the duration of**
 42 **a particular instance of a voter list maintenance activity;**
 43 **and**



- 1 **(C) shall be destroyed immediately following the provision**
 2 **of data concerning potential duplicate voter registrations**
 3 **to IDEA member states.**
- 4 **(7) Any other provisions necessary for the proper and**
 5 **effective administration of IDEA.**
- 6 **(c) Not later than thirty (30) days following the receipt of**
 7 **information under subsection (b) indicating that a voter of Indiana**
 8 **may also be registered to vote in another state, the NVRA official**
 9 **shall provide the appropriate county voter registration office with**
 10 **the name of and any other information obtained under this**
 11 **subsection concerning that voter, if both of the following apply:**
- 12 **(1) The first name, last name, and date of birth of the Indiana**
 13 **voter is identical to the first name, last name, and date of**
 14 **birth of the voter registered in the other state.**
- 15 **(2) A comparison of the records indicates that there is a**
 16 **confidence factor that the records are for the same individual**
 17 **resulting from the accumulation of at least seventy-five (75)**
 18 **points based on the following criteria:**
- 19 **(A) Full Social Security number: 40 points.**
 20 **(B) Last four (4) digits of Social Security number: 10**
 21 **points.**
 22 **(C) Indiana driver's license or identification card number:**
 23 **50 points.**
 24 **(D) Date of birth: 25 points.**
 25 **(E) Last Name: 15 points.**
 26 **(F) First Name: 15 points.**
 27 **(G) Middle Name: 5 points.**
 28 **(H) Suffix: 5 points.**
 29 **(I) Street Address 1: 10 points.**
 30 **(J) Zip Code (first five (5) digits): 5 points.**
- 31 **(d) The county voter registration office shall determine whether**
 32 **the individual:**
- 33 **(1) identified in the report provided by the NVRA official**
 34 **under subsection (c) is the same individual who is a registered**
 35 **voter of the county;**
 36 **(2) registered to vote in another state on a date following the**
 37 **date that voter registered in Indiana; and**
 38 **(3) authorized the cancellation of any previous registration by**
 39 **the voter when the voter registered in another state.**
- 40 **(e) If the county voter registration office determines that the**
 41 **voter is described by subsection (d), the county voter registration**
 42 **office shall cancel the voter registration of that voter. If the county**
 43 **voter registration office determines that the voter is described by**



1 subsection (d)(1) and (d)(2), but has not authorized the cancellation
 2 of any previous registration, the county voter registration office
 3 shall send an address confirmation notice to the Indiana address of
 4 the voter.

5 (f) The county voter registration office may rely on written
 6 information provided either directly by a voter registration office
 7 in another state or forwarded from the election division from the
 8 office in the other state as follows:

9 (1) If this information is provided directly from the other state
 10 to the Indiana county voter registration official, the
 11 out-of-state voter registration official must provide a copy of
 12 the voter's signed voter registration application which
 13 indicates the individual authorizes cancellation of the
 14 individual's previous registration.

15 (2) If the election division forwards written notice from
 16 another state to an Indiana county voter registration official,
 17 the county should consider this notice as confirmation that the
 18 individual is registered in another jurisdiction and has
 19 requested cancellation of the Indiana registration. A copy of
 20 the actual voter signature is not required to be provided to the
 21 county for the voter's status to be canceled if the written
 22 notice is forwarded by the election division.

23 County voter registration officials shall review the date the
 24 individual registered out of state and the date the individual
 25 registered in Indiana to confirm which registration is more recent
 26 when performing the officials' analysis under this subsection.

27 SECTION 9. IC 3-7-38.2-7.5, AS ADDED BY P.L.258-2013,
 28 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]: Sec. 7.5. The NVRA official shall do both of the
 30 following:

31 (1) Compare the lists of voters ~~described in section 5(c) of this~~
 32 ~~chapter~~ **provided by another state** with the list of registered
 33 voters in Indiana to identify any individuals who may be
 34 registered to vote in more than one (1) state.

35 (2) Provide each county voter registration office with a list of
 36 potential duplicate registrations not later than thirty (30) days
 37 after receipt of a list of voters of a state.

38 SECTION 10. IC 3-7-46-6, AS AMENDED BY P.L.74-2017,
 39 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 6. (a) **At least once a quarter, and** not later
 41 than:

42 (1) January 31;



- 1 (2) April 30;
 2 (3) July 31; and
 3 (4) October 31;
 4 of each year, a county sheriff shall provide the county voter registration
 5 office with a report containing the information set forth in subsection
 6 (b) for processing under section 8 of this chapter.
 7 (b) The report required by subsection (a) must identify each person
 8 who:
 9 (1) is a resident of Indiana;
 10 (2) has been convicted of a crime; and
 11 (3) has been placed in a county correctional facility after the last
 12 date the sheriff prepared a report required by subsection (a).
 13 (c) The report must be in the form prescribed by the election
 14 division under IC 3-5-4-8 and state:
 15 (1) whether the person remains in lawful custody in a county
 16 correctional facility as of the date of the report; and
 17 (2) if the person remains in lawful custody, the date that the
 18 person is scheduled to be released from the county correctional
 19 facility.
 20 SECTION 11. IC 3-11-2-10, AS AMENDED BY P.L.278-2019,
 21 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2020]: Sec. 10. (a) Public questions shall be placed on the
 23 general election ballot in the following order after the statement
 24 described in section 7 of this chapter, and the instructions described in
 25 subsections (d) and (e) and section 8 of this chapter, if instructions are
 26 printed on the ballot:
 27 (1) Ratification of a state constitutional amendment.
 28 (2) Local public questions.
 29 Subject to section 10.1 of this chapter, each public question shall be
 30 placed in a separate column on the ballot.
 31 (b) The name or title of the political party or independent ticket
 32 described in section 6 of this chapter shall be placed on the general
 33 election ballot after the public questions described in subsection (a).
 34 The device of the political party or independent ticket shall be placed
 35 immediately under the name of the political party or independent ticket.
 36 **Notwithstanding section 8(b) of this chapter**, the instructions for
 37 voting a straight party ticket shall be placed to the right of the device
 38 **if instructions are printed** on the ballot.
 39 (c) The instructions for voting a straight party ticket must conform
 40 as nearly as possible to the following:
 41 **"(1) You are not required to vote a straight party ticket. If you**
 42 **do not wish to vote a straight party ticket, do not make a**



- 1 **mark in this section, and proceed to voting the ballot by office.**
 2 (†) (2) To vote a straight (insert political party name) ticket for all
 3 (insert political party name) candidates on this ballot, except for
 4 candidates described in (2) below, make a voting mark on or in
 5 this circle and do not make any other marks on this ballot.
 6 (‡) (3) To vote for any candidate for an at-large office (insert
 7 county council, city common council, town council, or township
 8 board if those offices appear on this ballot) to which more than
 9 one (1) person may be elected, you must make another voting
 10 mark for each candidate you wish to vote for. Your straight party
 11 vote will not count as a vote for any candidate for that office.
 12 (⊕) (4) If you wish to vote for a candidate seeking a nonpartisan
 13 office or on a public question, you must make another voting
 14 mark on the appropriate place on this ballot."
 15 (d) Except as permitted under section 8(b) of this chapter, if the
 16 ballot contains an independent ticket described in section 6 of this
 17 chapter and at least one (1) other independent candidate, the ballot
 18 must also contain a statement that reads substantially as follows: "A
 19 vote cast for an independent ticket will only be counted for the
 20 candidates for President and Vice President or governor and lieutenant
 21 governor comprising that independent ticket. This vote will NOT be
 22 counted for any OTHER independent candidate appearing on the
 23 ballot."
 24 (e) Except as permitted under section 8(b) of this chapter, the ballot
 25 must also contain a statement that reads substantially as follows: "A
 26 write-in vote will NOT be counted unless the vote is for a DECLARED
 27 write-in candidate. To vote for a write-in candidate, you must make a
 28 voting mark on or in the square to the left of the name you have written
 29 in or your vote will not be counted."
 30 (f) Subject to section 10.1 of this chapter, the list of candidates of
 31 the political party shall be placed immediately under the instructions
 32 for voting a straight party ticket. The names of the candidates shall be
 33 placed three-fourths (3/4) of an inch apart from center to center of the
 34 name. The name of each candidate must have, immediately on its left,
 35 a square three-eighths (3/8) of an inch on each side.
 36 (g) The circuit court clerk may authorize the printing of ballots
 37 containing a ballot variation code to ensure that the proper version of
 38 a ballot is used within a precinct.
 39 SECTION 12. IC 3-11-13-11, AS AMENDED BY P.L.278-2019,
 40 SECTION 104, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The ballot information,
 42 whether placed on the ballot card or on the marking device, must be in



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



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



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



- 1 (1) do not replace; and
 2 (2) are in addition to;
 3 any other requirements in this title that apply to optical scan ballots.
 4 (o) The procedure described in IC 3-11-2-16 must be used when a
 5 ballot does not comply with the requirements imposed by this title or
 6 contains another error or omission that might result in confusion or
 7 mistakes by voters.
 8 (p) This subsection applies to an optical scan ballot that does not
 9 list:
 10 (1) the names of political parties or candidates; or
 11 (2) the text of public questions;
 12 on the face of the ballot. The ballot must be prepared in accordance
 13 with this section, except that the ballot must include a numbered circle
 14 or oval to refer to each political party, candidate, or public question.
 15 SECTION 13. IC 3-11-14-3.5, AS AMENDED BY P.L.21-2016,
 16 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2020]: Sec. 3.5. (a) Each county election board shall have the
 18 names of all candidates for all elected offices, political party offices,
 19 and public questions printed on ballot labels for use in an electronic
 20 voting system as provided in this chapter.
 21 (b) The county may:
 22 (1) print all offices and public questions on a single ballot label;
 23 and
 24 (2) include a ballot variation code to ensure that the proper
 25 version of a ballot label is used within a precinct.
 26 (c) Each type of ballot label must be of uniform size and of the same
 27 quality and color of paper (except as permitted under IC 3-10-1-17).
 28 (d) The nominees of a political party or an independent candidate
 29 or independent ticket (described in IC 3-11-2-6) nominated by
 30 petitioners must be listed on the ballot label with the name and device
 31 set forth on the certification or petition. The circle containing the
 32 device may be of any size that permits a voter to readily identify the
 33 device. IC 3-11-2-5 applies if the certification or petition does not
 34 include a name or device, or if the same device is selected by two (2)
 35 or more parties or petitioners.
 36 (e) The ballot labels must list the offices and public questions on the
 37 general election ballot in the order listed in IC 3-11-2-12,
 38 ~~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),
 39 IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c),
 40 IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question
 41 may have a separate screen, or the offices and public questions may be
 42 listed in a continuous column either vertically or horizontally.



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

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

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

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

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

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

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

25 (4) If a political party did not have a candidate for secretary of
 26 state in the last election or a nominee is an independent candidate
 27 or independent ticket (described in IC 3-11-2-6), the party or
 28 candidate is listed after the parties described in subdivisions (1),
 29 (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 must be placed
 18 immediately below the name of the office and above the name of the
 19 first candidate: "Vote for not more than (insert the number of
 20 candidates to be elected) candidate(s) of ANY party for this office."

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

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

25 (2) in alphabetical order according to surname.

26 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: "Vote for not more than (insert the number of
 29 candidates to be elected) candidate(s) for this office."

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

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

35 (1) placed on the ballot label; or

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

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

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



- 1 (2) immediately below or beside the political party's or
 2 independent ticket's name, the device of that party or ticket
 3 (described in IC 3-11-2-5).
 4 The name and device of each party or ticket must be of uniform size
 5 and type, and arranged in the order established by subsection (g) for
 6 listing candidates under each office. The instructions described in
 7 IC 3-11-2-10(c) for voting a straight party ticket and the statement
 8 concerning presidential electors required under IC 3-10-4-3 ~~may~~ **must**
 9 be placed on the ballot label. ~~or in a location within the voting booth~~
 10 ~~that permits the voter to easily read the instructions. The instructions~~
 11 **for voting a straight party ticket must include the statement: "If**
 12 **you do not wish to vote a straight party ticket, press "NEXT" (or**
 13 **replace "NEXT" with the term used by that voting system to**
 14 **permit a voter to skip a ballot screen) to continue voting.".**
 15 (n) 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 touch sensitive
 17 point or button must be used instead of a square. Except as expressly
 18 authorized or required by statute, a county election board may not print
 19 a ballot label that contains language concerning the public question
 20 other than the language authorized by a statute.
 21 (o) 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 ballots for electronic
 25 voting systems.
 26 (p) The procedure described in IC 3-11-2-16 must be used when a
 27 ballot label does not comply with the requirements imposed by this title
 28 or contains another error or omission that might result in confusion or
 29 mistakes by voters.
 30 SECTION 14. IC 3-11-7-5-1.7, AS ADDED BY P.L.278-2019,
 31 SECTION 133, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE UPON PASSAGE]: Sec. 1.7. (a) This section ~~applies~~
 33 **does not apply** to a provisional ballot cast by a voter for any of the
 34 following reasons:
 35 (1) The provisional ballot was cast by the voter under a court
 36 order extending the hours that the polls were open.
 37 (2) The provisional ballot was cast by a voter who is not on the
 38 poll list who indicates that the voter applied to register at a voter
 39 registration agency.
 40 (3) The provisional ballot was cast by the voter after the voter was
 41 challenged solely due to the voter being unable or declining to
 42 provide proof of identification.



1 (4) The provisional ballot was cast by the voter after the voter was
 2 challenged solely due to the voter's failure to provide additional
 3 documentation.
 4 (b) If the only evidence before the county election board on the
 5 question of counting of the provisional ballot cast by the voter is:
 6 (1) the affidavit of the voter who cast the provisional ballot; and
 7 (2) the affidavit of a challenger challenging the voter who cast the
 8 provisional ballot;
 9 the provisional ballot shall be counted.
 10 SECTION 15. IC 3-11.7-7-3, AS ADDED BY P.L.278-2019,
 11 SECTION 136, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Before issuing an order
 13 under this chapter, the court or entity must take evidence and make the
 14 following findings:
 15 (1) The polls were substantially delayed in opening at the time
 16 fixed by IC 3-11-8-8.
 17 (2) The specific precincts or vote centers in which substantial
 18 delays occurred.
 19 (3) If a poll closed at any time during the hours specified by
 20 IC 3-11-8-8, how long the polls were closed and in which
 21 precincts and vote centers the closing occurred.
 22 (4) Substantial evidence exists that voters were prevented from
 23 casting a ballot due to a delay or closure of the polls during the
 24 hours specified by IC 3-11-8-8.
 25 (5) The actual harm determined can only be ameliorated by the
 26 extension of polling hours.
 27 **(6) The county election board filed written notice with the**
 28 **secretary of state and the election division indicating that the**
 29 **county election board:**
 30 **(A) filed the action or petition with the court to extend**
 31 **hours; and**
 32 **(B) received confirmation from the court of the receipt of**
 33 **the filings.**
 34 (b) If the court is unable to make the applicable findings regarding
 35 a delay in opening or a subsequent closure of the polls described in
 36 subsection (a), the court shall not issue an order extending the polling
 37 hours specified under IC 3-11-8-8.
 38 SECTION 16. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 334, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-26.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 26.3. "IDEA" refers to the Indiana data enhancement association established by IC 3-7-38.2-5.5.**"

Page 9, line 41, delete "Not later than July 1," and insert "**The Indiana data enhancement association (IDEA) is established. IDEA shall be administered by the NVRA official in accordance with IC 3-7-11-1.**"

(b) Not later than July 1, 2020, the NVRA official shall adopt an order for the administration of voter list maintenance programs to be performed by IDEA. The NVRA official may amend the order. If the NVRA official does not adopt an order by July 1, 2020, or subsequently amend the order when necessary to perform voter list maintenance duties under this chapter, the secretary of state shall adopt or amend the order under section 18 of this chapter. The order establishing IDEA, and any amendments to the order subsequently issued, shall provide the following:"

Page 9, delete line 42.

Page 10, delete lines 1 through 3.

Page 10, line 16, delete "(b)" and insert "(c)".

Page 10, line 23, delete "(b)." and insert "(c)."

Page 10, line 35, delete "(b)" and insert "(c)".

Page 10, line 36, delete "(a)" and insert "(b)".

Page 11, line 17, delete "(c)" and insert "(d)".

Page 11, line 20, delete "(a)" and insert "(c)".

Page 11, line 26, delete "(d)" and insert "(e)".

Page 11, line 27, delete "(c)," and insert "(d),"

Page 11, line 30, delete "(c)(1) and (c)(2)" and insert "**(d)(1) and (d)(2)**".

Page 11, line 34, delete "(e)" and insert "(f)".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.



(Reference is to SB 334 as introduced.)

WALKER, Chairperson

Committee Vote: Yeas 5, Nays 2.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 334, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 18 and 19, begin a new line block indented and insert:

"(5) Best practices in answering voters' questions on how to vote, including providing instructions to voters on straight ticket voting."

Page 4, line 27, delete "for a federal office" and insert "**(other than for a federal office)**".

Page 12, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 11. IC 3-11-2-10, AS AMENDED BY P.L.278-2019, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) and section 8 of this chapter, if instructions are printed on the ballot:

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

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

(b) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. **Notwithstanding section 8(b) of this chapter**, the instructions for voting a straight party ticket shall be placed to the right of the device **if instructions are printed** on the ballot.

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

"(1) You are not required to vote a straight party ticket. If you

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do not wish to vote a straight party ticket, do not make a mark in this section, and proceed to voting the ballot by office.

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

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

(-) (4) If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

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

(e) Except as permitted under section 8(b) of this chapter, the ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

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

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

SECTION 12. IC 3-11-13-11, AS AMENDED BY P.L.278-2019, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The ballot information,

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whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

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

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

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

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

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

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

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

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

- (1) The major political party whose candidate received the highest



number of votes in the county for secretary of state at the last election is listed first.

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

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

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

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

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

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

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

(1) candidate; or

(2) ticket of candidates for:

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

(B) governor and lieutenant governor;

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

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

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

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

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

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



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

- (1) under the name of the office that the candidates are seeking; and
- (2) in alphabetical order according to surname.

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

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

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

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

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

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 **may must** be placed on the ballot label. ~~or in a location within the voting booth in a location that permits the voter to easily read the instructions.~~ **The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, do not make a mark in this section and proceed to voting the ballot by office."**

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



(n) The requirements in this section:

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

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

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

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

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

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

SECTION 13. IC 3-11-14-3.5, AS AMENDED BY P.L.21-2016, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

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

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

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

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



listed in a continuous column either vertically or horizontally.

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

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

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

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

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

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

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

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

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

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

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



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

- (1) candidate; or
- (2) ticket of candidates for:
 - (A) President and Vice President of the United States; or
 - (B) governor and lieutenant governor;

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

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

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

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

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

- (1) under the name of the office that the candidates are seeking; and
- (2) in alphabetical order according to surname.

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

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

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

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

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



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

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 ~~may~~ **must** be placed on the ballot label. ~~or in a location within the voting booth that permits the voter to easily read the instructions.~~ **The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, press "NEXT" (or replace "NEXT" with the term used by that voting system to permit a voter to skip a ballot screen) to continue voting."**

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

(o) The requirements in this section:

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

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

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

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 334 as printed January 28, 2020.)

WESCO

Committee Vote: yeas 6, nays 4.

ES 334—LS 6641/DI 104

