

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

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

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

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

SENATE ENROLLED ACT No. 334

AN ACT to amend the Indiana Code concerning elections.

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

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.**

SECTION 2. IC 3-6-3.7-6, AS ADDED BY P.L.157-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If, upon investigation, the secretary of state determines that a criminal violation of this title may have occurred, the secretary of state and the co-directors of the election division shall refer the facts drawn from the investigation to the prosecuting attorney of the judicial circuit in which the crime may have been committed.

(b) The secretary of state and election division ~~shall~~ **may** assist the prosecuting attorney in prosecuting an action under this section, which may include an attorney employed **or retained** by the secretary of state or the election division serving as a special deputy prosecutor appointed by the prosecuting attorney.

SECTION 3. IC 3-6-4.2-14, AS AMENDED BY P.L.278-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Each year in which a general or municipal election is held, the election division shall call a meeting of all the members of the county election boards, ~~and~~ the boards of

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registration (**subject to IC 3-7-12**), and the boards of elections and registration (**as defined in IC 3-5-2-5.3**) to instruct them regarding all of the following:

- (1) Their duties under this title and federal law (including HAVA and NVRA).
- (2) Requirements and best practices concerning cybersecurity for the computerized list, voting systems, and electronic poll books.
- (3) Physical security for all aspects of the election process, including voting systems, electronic poll books, absentee voting, and polling places.
- (4) Requirements and best practices to ensure that voting systems, precinct polling places, and vote centers are accessible to voters with disabilities.
- (5) Best practices in answering voters' questions on how to vote, including providing instructions to voters on straight ticket voting.**

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

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

- (1) Each of the circuit court clerk's, ~~or~~ board of registration member's, **or board of elections and registration member's** appointed and acting chief deputies or chief assistants with election related responsibilities.
- (2) If the number of deputies or assistants:
 - (A) is not more than three (3), one (1) of the clerk's or member's appointed and acting deputies or assistants; or
 - (B) is greater than three (3), two (2) of the clerk's or member's appointed and acting deputies or assistants.

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

- (1) may conduct the meeting before the first day of the year; and
- (2) shall conduct the meeting before primary election day.

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

(e) Each individual required to attend the meeting under subsection (c) and an individual who has been elected or selected to serve as



circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following from the county general fund without appropriation:

- (1) A per diem of twenty-four dollars (\$24) for attending the instructional meeting called by the election division under this section.
- (2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the instructional meeting called by the election division under this section.
- (3) Reimbursement for the payment of the instructional meeting registration fee.
- (4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state employees in travel status.

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

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

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

- (1) the part or report is to be provided to an entity that:
 - (A) is described in section 6 of this chapter; and
 - (B) has previously submitted an application to the election division and paid any required fee to obtain the complete compilation; or
- (2) the part or report is a purely statistical compilation that:
 - (A) includes the information described in section 8 of this chapter; and
 - (B) does not include any information:
 - (i) concerning an individual voter; or
 - (ii) that would permit the identification of an individual voter as a result of providing the compilation.

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

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

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

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

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

- (1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (52 U.S.C. 10101);
- (2) not result in the removal of the name of a person from the official list of voters solely due to the person's failure to vote; and
- (3) be completed not later than ninety (90) days before a primary or general or municipal election.

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

- (1) comply with the requirements set forth in subsection (a)(1) and (a)(2); and**
- (2) be completed not later than twenty-nine (29) days before a municipal election or special election (other than for a federal office) is conducted.**

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

- (1) comply with the requirements of subsection (a)(1) and (a)(2); and**
- (2) be completed not later than ninety (90) days before the date that the special election is conducted.**

A voter list maintenance program may also be conducted under this section in a calendar year following the date of the special election if the program is completed no later than the deadline set forth in subsection (a).

~~(b)~~ **(d)** A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection ~~(c)~~ **(f)** to each voter whose



registration has not previously been canceled or designated as inactive under this chapter at the mailing address:

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

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

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

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

- (1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and
- (2) include a postage prepaid return card that:
 - (A) is addressed to the county voter registration office;
 - (B) states a date (which must be at least thirty (30) days after the date the notice is mailed) by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and



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

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

- (1) in the county, the county voter registration office shall update the voter's registration record; or
- (2) outside the county, the county voter registration office shall cancel the voter's registration.

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

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

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

- (1) The date the county voter registration office updates or cancels the voter's registration under subsection ~~(e)~~ **(g)** after the voter provides a current residence address.
- (2) The day after the second general election in which the voter has not voted or appeared to vote.

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

SECTION 6. IC 3-7-38.2-5, AS AMENDED BY P.L.116-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. ~~(a)~~ To assist in performing voter list maintenance under this chapter, the NVRA official shall submit the names of all registered voters in Indiana to the United States Postal Service National Change of Address Service. The submission under this chapter shall be compiled from the county voter registration information submitted to the election division under IC 3-7-26.3.

~~(b)~~ This subsection does not require the NVRA official to request



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

- (1) Florida.
- (2) Illinois.
- (3) Kentucky.
- (4) Michigan.
- (5) Ohio.

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

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

- (1) The first name, last name, and date of birth of the Indiana voter is identical to the first name, last name, and date of birth of the voter registered in the other state.
- (2) A comparison of the records indicates that there is a confidence factor that the records are for the same individual resulting from the accumulation of at least seventy-five (75) points based on the following criteria:
 - (A) Full Social Security number: 40 points.



- (B) Last four (4) digits of Social Security number: 10 points.
- (C) Indiana driver's license or identification card number: 50 points.
- (D) Date of birth: 25 points.
- (E) Last Name: 15 points.
- (F) First Name: 15 points.
- (G) Middle Name: 5 points.
- (H) Suffix: 5 points.
- (I) Street Address 1: 10 points.
- (J) Zip Code (first five (5) digits): 5 points.

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

- (1) identified in the report provided by the NVRA official under subsection (d) is the same individual who is a registered voter of the county; and
- (2) registered to vote in another state on a date following the date that voter registered in Indiana.

(f) If the county voter registration office determines that the voter is described by subsection (e), the county voter registration office shall cancel the voter registration of that voter.

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

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

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

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

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

SECTION 8. IC 3-7-38.2-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



[EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) 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:

- (1) The member states of IDEA are not required to pay to Indiana any fee for the processing of the data from the member state.**
- (2) The member states of IDEA are not required to engage in any activity other than actions necessary to comply with standards for voter list maintenance set forth in the order as a condition for obtaining data from Indiana or other member states.**
- (3) The method for a state to join or withdraw from IDEA.**
- (4) The tenure of the membership of each state and duration of the order.**
- (5) Indiana shall:**
 - (A) use the confidence factors set forth in subsection (c) to determine whether the name of an individual registered in that member state appears to be the same as an individual registered to vote in Indiana or any other member state; and**
 - (B) only forward potential matches of the names of individuals in a state who meet or exceed the confidence factor threshold under subsection (c).**
- (6) Any registration data provided to Indiana by another state member:**
 - (A) is confidential under Indiana law;**
 - (B) must be safely secured by Indiana for the duration of a particular instance of a voter list maintenance activity; and**
 - (C) shall be destroyed immediately following the provision of data concerning potential duplicate voter registrations to IDEA member states.**
- (7) Any other provisions necessary for the proper and**



effective administration of IDEA.

(c) Not later than thirty (30) days following the receipt of information under subsection (b) indicating that a voter of Indiana may also be registered to vote in another state, the NVRA official shall provide the appropriate county voter registration office with the name of and any other information obtained under this subsection concerning that voter, if both of the following apply:

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

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

(A) Full Social Security number: 40 points.

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

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

(D) Date of birth: 25 points.

(E) Last Name: 15 points.

(F) First Name: 15 points.

(G) Middle Name: 5 points.

(H) Suffix: 5 points.

(I) Street Address 1: 10 points.

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

(d) The county voter registration office shall determine whether the individual:

(1) identified in the report provided by the NVRA official under subsection (c) is the same individual who is a registered voter of the county;

(2) registered to vote in another state on a date following the date that voter registered in Indiana; and

(3) authorized the cancellation of any previous registration by the voter when the voter registered in another state.

(e) If the county voter registration office determines that the voter is described by subsection (d), the county voter registration office shall cancel the voter registration of that voter. If the county voter registration office determines that the voter is described by subsection (d)(1) and (d)(2), but has not authorized the cancellation of any previous registration, the county voter registration office shall send an address confirmation notice to the Indiana address of



the voter.

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

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

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

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

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

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

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

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

- (1) January 31;
- (2) April 30;
- (3) July 31; and
- (4) October 31;

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of each year, a county sheriff shall provide the county voter registration office with a report containing the information set forth in subsection (b) for processing under section 8 of this chapter.

(b) The report required by subsection (a) must identify each person who:

- (1) is a resident of Indiana;
- (2) has been convicted of a crime; and
- (3) has been placed in a county correctional facility after the last date the sheriff prepared a report required by subsection (a).

(c) The report must be in the form prescribed by the election division under IC 3-5-4-8 and state:

- (1) whether the person remains in lawful custody in a county correctional facility as of the date of the report; and
- (2) if the person remains in lawful custody, the date that the person is scheduled to be released from the county correctional facility.

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 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.

(2) (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.

(3) (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, 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.

SECTION 14. IC 3-11.7-5-1.7, AS ADDED BY P.L.278-2019, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. (a) This section **applies does not apply** to a provisional ballot cast by a voter for any of the following reasons:

- (1) The provisional ballot was cast by the voter under a court order extending the hours that the polls were open.
- (2) The provisional ballot was cast by a voter who is not on the poll list who indicates that the voter applied to register at a voter registration agency.
- (3) The provisional ballot was cast by the voter after the voter was challenged solely due to the voter being unable or declining to provide proof of identification.
- (4) The provisional ballot was cast by the voter after the voter was challenged solely due to the voter's failure to provide additional documentation.



(b) If the only evidence before the county election board on the question of counting of the provisional ballot cast by the voter is:

- (1) the affidavit of the voter who cast the provisional ballot; and
- (2) the affidavit of a challenger challenging the voter who cast the provisional ballot;

the provisional ballot shall be counted.

SECTION 15. IC 3-11.7-7-3, AS ADDED BY P.L.278-2019, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Before issuing an order under this chapter, the court or entity must take evidence and make the following findings:

- (1) The polls were substantially delayed in opening at the time fixed by IC 3-11-8-8.
- (2) The specific precincts or vote centers in which substantial delays occurred.
- (3) If a poll closed at any time during the hours specified by IC 3-11-8-8, how long the polls were closed and in which precincts and vote centers the closing occurred.
- (4) Substantial evidence exists that voters were prevented from casting a ballot due to a delay or closure of the polls during the hours specified by IC 3-11-8-8.
- (5) The actual harm determined can only be ameliorated by the extension of polling hours.

(6) The county election board filed written notice with the secretary of state and the election division indicating that the county election board:

- (A) filed the action or petition with the court to extend hours; and**
- (B) received confirmation from the court of the receipt of the filings.**

(b) If the court is unable to make the applicable findings regarding a delay in opening or a subsequent closure of the polls described in subsection (a), the court shall not issue an order extending the polling hours specified under IC 3-11-8-8.

SECTION 16. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 334 — Concur

