

SENATE BILL No. 400

DIGEST OF INTRODUCED BILL

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

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

Effective: July 1, 2018.

Stoops

January 8, 2018, read first time and referred to Committee on Elections.



Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 400

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

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

1 SECTION 1. IC 3-5-2-41.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]: **Sec. 41.2. "Rank" has the meaning set forth in**
4 **IC 3-12-0.5-5.**

5 SECTION 2. IC 3-5-2-41.3 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2018]: **Sec. 41.3. "Ranked choice voting" refers to the system of**
8 **voting described in IC 3-12-0.5, whereby a voter may give a rank**
9 **to all the candidates for the same office.**

10 SECTION 3. IC 3-5-2-48.3 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2018]: **Sec. 48.3. "Tabulate" refers to the following:**

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



1 office.

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

9 SECTION 4. IC 3-10-1-14.1, AS AMENDED BY P.L.76-2014,
 10 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2018]: Sec. 14.1. (a) All the candidates for each office who
 12 have qualified in the manner prescribed by IC 3-8 for placement on the
 13 primary election ballot shall be grouped together under the name of the
 14 office and printed in type with uniform capital letters, with uniform
 15 space between each name.

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

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

23 (1) initials; or

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

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

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

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

33 SECTION 5. IC 3-10-1-14.3 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2018]: **Sec. 14.3. (a) This section applies to a ballot for candidates**
 36 **whose nomination or election will be determined by ranked choice**
 37 **voting under IC 3-12-0.5.**

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

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



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

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

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

10 YES

11 NO

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

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

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

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

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

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

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

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

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



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



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

3 (1) For paper ballots, print:

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

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

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

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

19 (2) For optical scan ballots, print:

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

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

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

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

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



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



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

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

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

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

7 (3) Either:

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

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

11 if voting is by an electronic voting system.

12 SECTION 7. IC 3-10-1-19.5, AS AMENDED BY P.L.21-2016,
13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2018]: Sec. 19.5. Notwithstanding section 19 of this chapter,
15 the county election board may alter the prescribed ballot order to place
16 the names of the candidates for the following offices before the names
17 of the candidates for county judicial offices:

18 (1) Prosecuting attorney.

19 (2) Clerk of the circuit court.

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

22 SECTION 8. IC 3-10-1-29 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 29. **(a)** The canvass of
24 votes cast in a primary election shall, as far as applicable, be made in
25 the same manner and by the same officers as the canvass at a general
26 election.

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

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

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

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

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

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

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



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

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

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

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

16 SECTION 9. IC 3-10-1-32, AS AMENDED BY P.L.179-2011,
 17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2018]: Sec. 32. (a) Primary election returns must contain the
 19 whole number of votes, **subject to IC 3-12-0.1 and as determined**
 20 **under IC 3-12-0.5, if applicable**, cast for each of the following:

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

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

28 SECTION 10. IC 3-10-1-33, AS AMENDED BY P.L.164-2006,
 29 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2018]: Sec. 33. (a) The county election board shall also make
 31 an additional duplicate showing the votes cast **and rankings given (if**
 32 **applicable)** for each candidate required to file a declaration of
 33 candidacy with the ~~election division~~ **secretary of state** under ~~IC 3-8-2.~~
 34 **IC 3-8-2-5.**

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

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



1 SECTION 11. IC 3-10-7-32, AS AMENDED BY P.L.190-2011,
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2018]: Sec. 32. (a) A town election board shall determine
 4 what voting method will be used in a municipal election.

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

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

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

19 SECTION 12. IC 3-11-2-10, AS AMENDED BY P.L.245-2017,
 20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2018]: Sec. 10. (a) Public questions shall be placed on the
 22 general election ballot in the following order after the statement
 23 described in section 7 of this chapter, and the instructions described in
 24 subsections (d), ~~and (e)~~, **and (f)** and section 8 of this chapter, if
 25 instructions are printed on the ballot:

26 (1) Ratification of a state constitutional amendment.

27 (2) Local public questions.

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

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

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

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



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



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

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

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

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

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

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

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

38 SECTION 13. IC 3-11-2-12.4, AS ADDED BY P.L.21-2016,
 39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2018]: Sec. 12.4. (a) This section applies whenever more than
 41 one (1) candidate may be elected to an office.

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



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

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

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

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

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

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

19 SECTION 14. IC 3-11-2-12.9, AS AMENDED BY P.L.21-2016,
20 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2018]: Sec. 12.9. (a) School board offices to be elected at the
22 general election shall be placed on the general election ballot after the
23 offices described in section 12.4 of this chapter with each candidate for
24 the office designated as "nonpartisan".

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

30 SECTION 15. IC 3-11-2-14, AS AMENDED BY P.L.190-2011,
31 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2018]: Sec. 14. (a) The following offices shall be placed on
33 the general election ballot in the following order after the offices
34 described in section 13 of this chapter:

35 (1) Retention of a local judge.

36 (2) Local nonpartisan judicial offices.

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

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



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

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

8 SECTION 16. IC 3-11-2-14.5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14.5. (a) This section
 10 applies to candidates for election to at-large seats on the governing
 11 body of a school corporation.

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

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

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

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

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

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

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

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

35 SECTION 17. IC 3-11-7-4, AS AMENDED BY P.L.201-2017,
 36 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2018]: Sec. 4. (a) Except as provided in subsection (b), a
 38 ballot card voting system must permit a voter to ~~vote:~~ **do the**
 39 **following:**

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



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

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

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

11 (2) For candidates whose election is:

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

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

18 (3) For candidates whose election is:

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

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

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

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

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

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

32 (ii) candidates of other political parties; and

33 (iii) independent candidates.

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

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



- 1 (3) town council, or (4) township board as follows:
- 2 **(1) If the election of candidates to an at-large district is not**
- 3 **subject to ranked choice voting, the voting system must**
- 4 **require a voter to** make a voting mark for each individual
- 5 candidate for whom the voter wishes to cast a vote. The ballot
- 6 card voting system may not count any straight party ticket voting
- 7 mark as a vote for any candidate for an office described by this
- 8 subsection.
- 9 **(2) If the election of candidates to an at-large district is**
- 10 **subject to ranked choice voting, the voting system must**
- 11 **permit, but not require, a voter to rank candidates by making**
- 12 **voting marks for each individual candidate whom the voter**
- 13 **wishes to rank. If the voter votes a straight party ticket, the**
- 14 **following apply:**
 - 15 **(A) If the voter does not rank any of the candidates,**
 - 16 **subsection (a)(1)(B) applies.**
 - 17 **(B) If the voter ranks any of the candidates, the straight**
 - 18 **party ticket vote for that office shall be disregarded and**
 - 19 **the voter's rankings shall be tabulated as otherwise**
 - 20 **provided in this title. The ballot card voting system may**
 - 21 **not count any straight party ticket voting mark as a**
 - 22 **ranking for any candidate for an office described by this**
 - 23 **subsection.**
- 24 (c) A ballot card voting system must permit a voter to vote:
 - 25 (1) for all candidates for presidential electors and alternate
 - 26 presidential electors of a political party or an independent ticket
 - 27 by making a single voting mark; and
 - 28 (2) for or against a public question on which the voter may vote.
- 29 SECTION 18. IC 3-11-7-5.5 IS ADDED TO THE INDIANA CODE
- 30 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
- 31 1, 2018]: **Sec. 5.5. A ballot card voting system must be able to**
- 32 **tabulate candidate rankings in accordance with IC 3-12-0.5.**
- 33 SECTION 19. IC 3-11-7.5-10, AS AMENDED BY P.L.201-2017,
- 34 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2018]: Sec. 10. (a) Except as provided in subsection (b), an
- 36 electronic voting system must permit a voter to ~~vote:~~ **do the following:**
 - 37 (1) Except at a primary election, **vote** a straight party ticket for all
 - 38 the candidates of one (1) political party by touching the device of
 - 39 that party. **If the voter makes no other voting marks for**
 - 40 **candidates on the ballot, the ballot shall be counted as follows:**
 - 41 **(A) For candidates not subject to ranked choice voting, the**
 - 42 **straight ticket vote shall be counted as a vote for each**



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



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

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

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

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

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

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

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

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

27 SECTION 20. IC 3-11-7.5-13 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. An electronic
 29 voting system must correctly register and accurately count tabulate:

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

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

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

36 SECTION 21. IC 3-11-7.5-16 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16. An electronic
 38 voting system must have a counting device that records:

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

41 (2) **the rankings of each candidate whose election is subject to**
 42 **ranked choice voting; and**



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

7 SECTION 22. IC 3-11-11-7, AS AMENDED BY P.L.128-2015,
 8 SECTION 186, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) This section is enacted to
 10 comply with 52 U.S.C. 21081 by establishing uniform and
 11 nondiscriminatory standards to define what constitutes a vote on a
 12 paper ballot.

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

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

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

24 ~~(2)~~ **(3) Indicate** the voter's preference on each public question by
 25 making a voting mark in front of the word "yes" or "no" under the
 26 question.

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

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

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

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

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

37 SECTION 23. IC 3-11-13-11, AS AMENDED BY P.L.21-2016,
 38 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2018]: Sec. 11. (a) The ballot information, whether placed on
 40 the ballot card or on the marking device, must be in the order of
 41 arrangement provided for ballots under this section.

42 (b) Each county election board shall have the names of all



1 candidates for all elected offices, political party offices, and public
 2 questions printed on a ballot card as provided in this chapter. The
 3 county may:

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

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

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

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

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

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

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

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

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

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



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



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

5 (1) candidate; or

6 (2) ticket of candidates for:

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

8 (B) governor and lieutenant governor;

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

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

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

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

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

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

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

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

26 and

27 (2) in alphabetical order according to surname.

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

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

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

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

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



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

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

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

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

20 (n) The requirements in this section:

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

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

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

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

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

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

35 SECTION 24. IC 3-11-13-12 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. If ballot labels
37 consist of a number of separate pages, the office title with a statement
38 of the number of candidates to be voted for **or ranked** may be printed
39 above or at the side of the name of each candidate for that office.
40 Except in a primary election, the political party designation or
41 independent status of each candidate, which may be abbreviated, shall
42 be printed following the candidate's name.



1 SECTION 25. IC 3-11-13-13 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. If there are more
 3 candidates for an office than can be printed on one (1) ballot page, the
 4 ballot label shall be clearly marked that the list of candidates is
 5 continued on the following page. Arrows and numbers may be used to
 6 indicate the place to vote for **or rank** each candidate and **vote** on each
 7 public question.

8 SECTION 26. IC 3-11-13-14, AS AMENDED BY P.L.21-2016,
 9 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2018]: Sec. 14. (a) In partisan elections, the ballot labels must
 11 include a voting square or position where a voter may by one (1) voting
 12 mark on each card record a straight party or an independent ticket vote
 13 for all the candidates of one (1) political party or the independent
 14 ticket, except for offices for which the voter:

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

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

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

22 SECTION 27. IC 3-11-13-18, AS AMENDED BY P.L.128-2015,
 23 SECTION 189, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2018]: Sec. 18. (a) Except as provided in
 25 subsection (d), the county election board in a county using a ballot card
 26 voting system shall provide ballot cards to the precinct election board
 27 that permit voters to cast **votes or rank** write-in ~~votes~~ **candidates** for
 28 each officer to be voted for at that election.

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

30 (1) designed to be folded; or

31 (2) accompanied by a secrecy envelope;

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

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

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



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

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

6 SECTION 28. IC 3-11-13-22, AS AMENDED BY P.L.74-2017,
 7 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2018]: Sec. 22. (a) This section applies to:

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

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

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

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

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

41 (2) ballots used in the test conducted under this section were not
 42 reprinted or corrected to remove the omission of a candidate,



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

8 SECTION 29. IC 3-11-13-24, AS AMENDED BY P.L.169-2015,
 9 SECTION 128, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2018]: Sec. 24. (a) This subsection applies to
 11 a ballot card voting system. The test required by section 22 of this
 12 chapter must:

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

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

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

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

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

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

35 SECTION 30. IC 3-11-13-28.7, AS AMENDED BY P.L.128-2015,
 36 SECTION 191, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2018]: Sec. 28.7. (a) The two (2) poll clerks of
 38 each precinct shall place their initials in ink on the secrecy envelope of
 39 a ballot card (or on the fold-over part of a ballot card described in
 40 section 18(b)(1) of this chapter) at the time the card is issued to a voter.
 41 The initials must be in the poll clerk's ordinary handwriting or printing
 42 and without a distinguishing mark of any kind.



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

5 (1) is not valid unless:

- 6 (A) the secrecy envelope is initialed by both poll clerks; and
 7 (B) the vote **or ranking** includes both the name of the write-in
 8 candidate and the office for which the write-in vote **or**
 9 **ranking is cast or given; and**

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

12 SECTION 31. IC 3-11-13-31.7, AS AMENDED BY P.L.21-2016,
 13 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2018]: Sec. 31.7. (a) This section is enacted to comply with
 15 52 U.S.C. 21081 by establishing uniform and nondiscriminatory
 16 standards to define what constitutes a vote on an optical scan voting
 17 system.

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

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

- 24 (A) the candidates' names; or
 25 (B) the numbers referring to the candidates; and

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

- 28 (A) the word "yes" or "no" under the question; or
 29 (B) the number referring to the word "yes" or "no" on the
 30 ballot.

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

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

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



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

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

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

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

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

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

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

20 SECTION 32. IC 3-11-13-32.8 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 32.8. If a voter shows
22 the voter's ballot card or a part of the card to another person after the
23 card has been marked so as to disclose any of the candidates voted for
24 **or ranked** or how the voter voted on a public question, the ballot card
25 may not be deposited in a ballot box. A record of the occurrence shall
26 be made on the poll list, and the voter may not vote again at the
27 election.

28 SECTION 33. IC 3-11-14-3.5, AS AMENDED BY P.L.21-2016,
29 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2018]: Sec. 3.5. (a) Each county election board shall have the
31 names of all candidates for all elected offices, political party offices,
32 and public questions printed on ballot labels for use in an electronic
33 voting system as provided in this chapter.

34 (b) The county may:

35 (1) print all offices and public questions on a single ballot label;
36 and

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

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

41 (d) The nominees of a political party or an independent candidate
42 or independent ticket (described in IC 3-11-2-6) nominated by



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

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

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

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

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

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

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

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

34 **(A) For candidates whose election is not subject to ranked**
 35 **choice voting, "Vote for not more than (insert the number of**
 36 **candidates to be elected) candidate(s) for this office. To vote**
 37 **for any candidate for this office, you must make a voting mark**
 38 **for each candidate you wish to vote for. A straight party vote**
 39 **will not count as a vote for any candidate for this office." if**
 40 **more than one (1) candidate is to be elected to the office.**

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



- 1 **"You may rank one (1) candidate as your #1 choice, one (1)**
 2 **candidate as your #2 choice, and one (1) candidate as your**
 3 **#3 choice, and so on. You may, but are not required to,**
 4 **rank all the candidates that appear. However, you may not**
 5 **give any candidate more than one (1) ranking. Giving a**
 6 **candidate a #1 ranking is an automatic vote for that**
 7 **candidate.".**
- 8 (g) Below the name of the office and the statement required by
 9 subsection (f), the names of the candidates for each office must be
 10 grouped together in the following order:
- 11 (1) The major political party whose candidate received the ~~highest~~
 12 **greatest** number of votes in the county for secretary of state at the
 13 ~~last~~ **most recent election for secretary of state** is listed first.
- 14 (2) The major political party whose candidate received the second
 15 ~~highest~~ **greatest** number of votes in the county for secretary of
 16 state **at the most recent election for secretary of state** is listed
 17 second.
- 18 (3) All other political parties listed in the order that the parties'
 19 candidates for secretary of state finished in the ~~last~~ **most recent**
 20 election **for secretary of state** are listed after the party listed in
 21 subdivision (2).
- 22 (4) If a political party did not have a candidate for secretary of
 23 state in the ~~last~~ **most recent election for secretary of state** or a
 24 nominee is an independent candidate or independent ticket
 25 (described in IC 3-11-2-6), the party or candidate is listed after
 26 the parties described in subdivisions (1), (2), and (3).
- 27 (5) If more than one (1) political party or independent candidate
 28 or ticket described in subdivision (4) qualifies to be on the ballot,
 29 the parties, candidates, or tickets are listed in the order in which
 30 the party filed its petition of nomination under IC 3-8-6-12.
- 31 (6) A space for write-in voting is placed after the candidates listed
 32 in subdivisions (1) through (5), if required by law. A space for
 33 write-in voting for an office is not required if there are no
 34 declared write-in candidates for that office. However, procedures
 35 must be implemented to permit write-in voting for candidates for
 36 federal offices.
- 37 (7) The name of a write-in candidate may not be listed on the
 38 ballot.
- 39 (h) The names of the candidates grouped in the order established by
 40 subsection (g) must be printed in type with uniform capital letters and
 41 have a uniform space between each name. The name of the candidate's
 42 political party, or the word "Independent", if the:



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



1 (described in IC 3-11-2-5).

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

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

15 (o) The requirements in this section:

16 (1) do not replace; and

17 (2) are in addition to;

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

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

24 SECTION 34. IC 3-11-14-23, AS AMENDED BY P.L.21-2016,
25 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2018]: Sec. 23. (a) This section is enacted to comply with 52
27 U.S.C. 21081 by establishing uniform and nondiscriminatory standards
28 to define what constitutes a vote on an electronic voting system.

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

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

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

39 (2) (B) If the voter intends to cast a write-in vote, **indicate** a
40 write-in vote by touching a device on or in the square
41 immediately below the candidates' names and printing the
42 name of the candidate in the window provided for write-in



- 1 voting. and
 2 **(2) If the election of candidates is subject to ranked choice**
 3 **voting, do the following:**
 4 **(A) Indicate the rankings of the candidates by touching the**
 5 **device to indicate the voter's rank of each candidate.**
 6 **(B) If the voter intends to rank a write-in candidate,**
 7 **indicate the ranking of the candidate by touching the**
 8 **device to indicate the rank of the write-in candidate and**
 9 **printing the name of the candidate in the window provided**
 10 **for write-in voting.**
 11 (3) **Indicate** the voter's preference on each public question by
 12 touching a device above the word "yes" or "no" under the
 13 question.
 14 (c) If an election is a general or municipal election and a voter
 15 desires to vote for all the candidates of one (1) political party or group
 16 of petitioners, the voter may cast a straight party ticket by touching that
 17 party's device. Except as provided in IC 3-11-7.5-10(b), the voter's vote
 18 shall then be counted for all the candidates under that name. However,
 19 if the voter casts a vote by touching the circle of an independent ticket
 20 comprised of two (2) candidates, the vote shall not be counted for any
 21 other independent candidate on the ballot.
 22 (d) As provided by 52 U.S.C. 21081, a voter casting a ballot on an
 23 electronic voting system must be:
 24 (1) permitted to verify in a private and independent manner the
 25 votes selected by the voter before the ballot is cast and counted;
 26 (2) provided the opportunity to change the ballot or correct any
 27 error in a private and independent manner before the ballot is cast
 28 and counted, including the opportunity to receive a replacement
 29 ballot if the voter is otherwise unable to change or correct the
 30 ballot; and
 31 (3) notified before the ballot is cast regarding the effect of casting
 32 multiple votes for the office and provided an opportunity to
 33 correct the ballot before the ballot is cast and counted.
 34 SECTION 35. IC 3-11-14-29 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 29. If a voter shows or
 36 discloses to another person the candidates voted for **or ranked** or how
 37 the voter voted on a public question before the vote **or ranking** is
 38 registered, the vote **or ranking** may not be registered on the electronic
 39 voting system. A record of the occurrence shall be made on the poll
 40 list, and the voter may not vote again at the election.
 41 SECTION 36. IC 3-11-14-30 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 30. Subject to



1 IC 3-12-2-5, as soon as the polls are closed, the inspector, in the
 2 presence of the judges and poll clerks, immediately shall secure each
 3 electronic voting system against voting **and ranking** and obtain at least
 4 one (1) paper printout of the total votes cast **and rankings given** for
 5 each candidate and **the votes cast** on each public question in that
 6 precinct.

7 SECTION 37. IC 3-11-14-31 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 31. As soon as the
 9 paper printouts of the ~~vote count counts~~ are obtained **under section 30**
 10 **of this chapter**, the inspector shall close the system and remove the
 11 computer memory pack from the system. The inspector and the judge
 12 of the opposite political party shall then transport the computer memory
 13 packs and each electronic voting system to the county election board.

14 SECTION 38. IC 3-11-14-32 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 32. The certificates of
 16 the **total** number of votes cast **and rankings given** for each ~~person~~
 17 **candidate** shall be made and signed as required by IC 3-12, and the
 18 precinct election officers shall make and sign all statements of the
 19 number of votes **and rankings** required by law in duplicate, triplicate,
 20 or otherwise. The certificates and other papers shall be returned to the
 21 circuit court clerk in the same manner and with the same penalties that
 22 are prescribed in IC 3-12 for election returns from precincts in which
 23 electronic voting systems are not used.

24 SECTION 39. IC 3-11-14.5-1, AS AMENDED BY P.L.169-2015,
 25 SECTION 130, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The county election board of
 27 each county planning to use an electronic voting system at the next
 28 election shall randomly select at least three (3) precincts within the
 29 county and test the voting system units to be used at those precincts on
 30 election day. Each voting system shall be tested to ascertain that the
 31 system will correctly count the votes cast **and rankings given** for all
 32 candidates and **votes cast** on all public questions in that precinct.

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

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

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

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

40 (B) is an absentee ballot that a voter is entitled to recast under
 41 IC 3-11-10-1.5 because the absentee ballot includes a
 42 candidate for election to office who:



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

11 SECTION 40. IC 3-11-14.5-5, AS ADDED BY P.L.221-2005,
 12 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2018]: Sec. 5. The test required by this chapter must include
 14 the following:

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

22 SECTION 41. IC 3-11-14.5-8, AS ADDED BY P.L.221-2005,
 23 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2018]: Sec. 8. Immediately following the completion of the
 25 voting system test under section 5 of this chapter, the county election
 26 board shall enter the ~~vote~~ totals from the voting systems tested under
 27 this chapter into the component of the voting system used by the county
 28 election board to tabulate election results under IC 3-12-3.5. The board
 29 shall determine whether this component of the voting system properly
 30 tabulates the votes cast **and rankings given** in each of the precincts
 31 tested under this chapter.

32 SECTION 42. IC 3-11-15-13.7 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13.7. (a) If a voting
 34 system has any of the following functions, the functions must be
 35 operable in the voting system's equipment actually in use in a precinct:

36 (1) The voting system can demonstrate to the voter that the voter
 37 has:
 38 (A) cast votes for too many candidates for an office; **or**
 39 (B) **given rankings not permitted by this title.**
 40 (2) The voting system can demonstrate to the voter that the voter
 41 has cast votes both in favor of and in opposition to a public
 42 question.



1 (b) Except as provided in subsection (c), a voting system described
 2 in subsection (a) must be able to inform the voter how the voter may
 3 correct errors on the voter's ballot.

4 (c) A voting system is not required to provide the information
 5 required by subsection (b) if the information is provided in writing
 6 conspicuously on or near the components of the voting system where
 7 the voter casts the voter's votes.

8 SECTION 43. IC 3-11-15-20, AS AMENDED BY P.L.128-2015,
 9 SECTION 197, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2018]: Sec. 20. (a) A voting system must be
 11 able to record accurately each vote **cast and candidate ranking given**
 12 and be able to produce an accurate report of all votes cast **and**
 13 **rankings given.**

14 (b) As used in this subsection, "error rate" refers to the error rate of
 15 the voting system in counting ballots (determined by taking into
 16 account only those errors that are attributable to the voting system and
 17 not attributable to an act of the voter). As required by 52 U.S.C. 21081,
 18 a voting system must comply with the error rate standards established
 19 under section 3.2.1. of the Voting System Standards approved by the
 20 Federal Election Commission on April 30, 2002, as those standards
 21 were in effect on October 29, 2002.

22 (c) The inclusion of control logic and data processing methods
 23 incorporating parity and check-sums (or equivalent error detection and
 24 correction methods) must demonstrate that the system has been
 25 designed for accuracy.

26 SECTION 44. IC 3-11-18.1-14, AS AMENDED BY P.L.169-2015,
 27 SECTION 134, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2018]: Sec. 14. (a) The precinct election board
 29 administering an election at a vote center shall keep the ballots cast in
 30 each precinct separate from the ballots cast in any other precinct whose
 31 election is administered at the vote center, so that the votes cast **and**
 32 **rankings given** for each candidate and **the votes** on each public
 33 question in each of the precincts administered by the board may be
 34 determined and included on the statement required by IC 3-12-4-9.

35 (b) This subsection applies to a county described under section 12
 36 of this chapter on and after the date absentee ballots are first
 37 transmitted to voters. A person that receives a certification for an
 38 electronic poll book shall file not later than forty-eight (48) hours after
 39 the discovery of an anomaly or problem with the poll book a written
 40 report describing the anomaly or problem with the secretary of state.

41 SECTION 45. IC 3-12-0.1 IS ADDED TO THE INDIANA CODE
 42 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]:

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

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

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

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

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

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

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

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

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

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

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

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

29 SECTION 46. IC 3-12-0.5 IS ADDED TO THE INDIANA CODE
 30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2018]:

32 **Chapter 0.5. Ranked Choice Voting**

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

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

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

39 **(2) The election of candidates to all local offices elected in a**
 40 **municipality, only if the municipal legislative body adopts an**
 41 **ordinance making this chapter applicable to elections to**
 42 **municipal offices of the municipality.**



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

2 **(1) A county adopts ranked choice voting for all local offices**
 3 **elected in the county.**

4 **(2) A municipality located in a county described in subdivision**

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

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

13 **Sec. 3. As used in this chapter, "exhausted ballot" means a**
 14 **ballot on which all available rankings have been used as provided**
 15 **in this chapter.**

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

19 **(b) Two (2) or more candidates both become "last place**
 20 **candidates" if the sum of the number of each of their votes is less**
 21 **than the number of votes for the candidate who has the next**
 22 **greatest number of votes.**

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

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

27 **(1) A voter's first choice is referred to as the voter's "#1**
 28 **ranking".**

29 **(2) A voter's second choice is referred to as the voter's "#2**
 30 **ranking".**

31 **(3) A voter's third choice is referred to as the voter's "#3**
 32 **ranking".**

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

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

38 **Sec. 7. As used in this chapter, "stage" means a step in**
 39 **determining and counting votes for a particular office during**
 40 **which votes for all remaining candidates are counted to determine**
 41 **whether a candidate has achieved a majority of the votes, and if**
 42 **not, which candidates are eliminated.**



1 **Sec. 8. (a)** As used in this chapter, "vote" means a ballot ranking
 2 that is counted toward nomination or election of a candidate. All
 3 #1 rankings are votes. Lower rankings are potential votes that, as
 4 provided in this chapter, may be credited to a candidate as a vote
 5 for that candidate at a subsequent stage.

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

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

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

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

- 19 (1) Nomination of candidates by a convention.
- 20 (2) Selection of an individual to fill a candidate vacancy.
- 21 (3) Selection of an individual to fill a vacancy in an office.

22 **Sec. 10. (a)** The following generally apply to counting ballots
 23 under this chapter:

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

37 **(b)** Counting ballots in an election using ranked choice voting
 38 shall be done in the following manner:

- 39 (1) All #1 rankings are counted first. If a candidate has a
 40 majority of the #1 rankings, that candidate is nominated or
 41 elected and the counting ends.
- 42 (2) If a candidate does not have a majority of the votes under



1 subdivision (1) (first stage), second stage counting begins by
 2 eliminating the last place candidate from among the
 3 remaining candidates. The following then apply:

4 (A) The #2 rankings made on ballots of the eliminated
 5 candidate become #1 rankings for the #2 choice candidate
 6 indicated on the eliminated candidate's ballots.

7 (B) The #3 rankings made on ballots of the eliminated
 8 candidate become #2 rankings for the #3 choice candidate
 9 indicated on the eliminated candidate's ballots.

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

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

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

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

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

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

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

38 Sec. 13. (a) This section applies only to a candidate who is a
 39 declared write-in candidate.

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



1 **Sec. 14. If ballots do not contain sufficient effective choices for**
 2 **a particular office, so that at the end of the counting a candidate**
 3 **has not received a majority of the votes, the candidate who receives**
 4 **the most votes is nominated or elected.**

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

8 SECTION 47. IC 3-12-1-1, AS AMENDED BY P.L.64-2014,
 9 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2018]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, 9.5, and 13 of
 11 this chapter, the primary factor to be considered in determining a
 12 voter's choice on a ballot is the intent of the voter. If the voter's intent
 13 can be determined on the ballot or on part of the ballot, the vote **or**
 14 **ranking** shall be counted for the affected candidate or candidates or on
 15 the public question. However, if it is impossible to determine a voter's
 16 ~~choice~~ **vote or ranking** of candidates on a part of a ballot or vote on a
 17 public question, then the voter's vote **or ranking** concerning those
 18 candidates or public questions may not be counted.

19 SECTION 48. IC 3-12-1-1.7 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1.7. (a) The following
 21 provisions govern the counting of **votes or rankings for** write-in ~~votes:~~
 22 **candidates:**

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

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

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

37 (4) An abbreviation, a misspelling, or other minor variation in the
 38 form of the name of a candidate or an office shall be disregarded
 39 in determining the validity of the ballot if the intention of the
 40 voter can be ascertained.

41 (5) ~~Write-in~~ **Votes or rankings** for each write-in candidate shall
 42 be counted separately using the tally sheets provided by the



1 county election board.

2 (b) This subsection does not apply to an office for which more than
3 one (1) individual may be nominated or elected within the same
4 election district. A **vote cast or a ranking given as a** write-in **vote cast**
5 for an individual whose name appears on the ballot as a candidate for
6 that office shall be counted as a vote **cast or ranking given** for the
7 candidate.

8 SECTION 49. IC 3-12-1-5, AS AMENDED BY P.L.21-2016,
9 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2018]: Sec. 5. (a) This subsection does not apply to a ballot
11 card voting system or an electronic voting system. Except as provided
12 in subsection (d), a voting mark made by a voter on or in a **voting**
13 square at the left of a candidate's name or political party's name shall
14 be counted as a vote **or ranking** for the candidate or **votes for each of**
15 **the** candidates of the political party.

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

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

20 immediately below or beside a candidate's name or political party's
21 name shall be counted as a vote **or ranking** for the candidate or **votes**
22 **for each of the** candidates of the political party, except as provided in
23 subsection (d).

24 (c) This subsection applies to a direct record electronic voting
25 system. A voting mark made by a voter touching a touch sensitive point
26 or button below or beside a candidate's name or political party's name
27 shall be counted as a vote **or ranking** for the candidate or **votes for**
28 **each of the** candidates of the political party, except as provided in
29 subsection (d).

30 (d) A voter who wishes to ~~cast a ballot vote~~ **for or rank** a candidate
31 for election to an at-large district on a:

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

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

41 SECTION 50. IC 3-12-1-7.5, AS AMENDED BY P.L.21-2016,
42 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]: Sec. 7.5. (a) If a voter votes for one (1) individual
 2 candidate for an office for which only one (1) person may be elected
 3 and also writes in the name of another candidate **and votes for or gives**
 4 **that candidate a #1 ranking** for the same office, **neither a vote or**
 5 **ranking may not** be counted.

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

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

17 SECTION 51. IC 3-12-1-16, AS AMENDED BY P.L.219-2013,
 18 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2018]: Sec. 16. (a) This section applies when:

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

24 (b) A vote cast **or ranking given** on the ballot where the statement
 25 "NO CANDIDATE" or "CANDIDATE DECEASED" appears is
 26 considered a vote cast **or the same ranking given** for the successor
 27 candidate.

28 SECTION 52. IC 3-12-1-18, AS ADDED BY P.L.66-2010,
 29 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2018]: Sec. 18. (a) This section applies to a federal write-in
 31 absentee ballot cast in a primary election as provided in
 32 IC 3-11-4-12.5(b)(1) by an absent uniformed services voter or overseas
 33 voter.

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

- 36 (1) The voter votes for **or gives** more than one (1) candidate a **#1**
 37 **ranking**, and the candidates are not on the official primary ballot
 38 of the same political party.
 39 (2) The voter votes for **or gives a #1 ranking to** a candidate who
 40 is not on the official primary ballot of any political party.
 41 (3) The voter votes for **or gives a #1 ranking to** a candidate who
 42 is on the official primary ballot of a political party, but the voter



- 1 does not indicate the office for which the candidate seeks to be
 2 nominated.
- 3 (c) If the voter votes for a political party, but the voter does not vote
 4 for any individual candidates who are on that political party's official
 5 primary ballot, the voter's vote is void.
- 6 SECTION 53. IC 3-12-2-1, AS AMENDED BY P.L.128-2015,
 7 SECTION 208, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) This chapter:
- 9 (1) is enacted to comply with 52 U.S.C. 21081 by establishing
 10 uniform and nondiscriminatory standards to define what will be
 11 counted ~~as a vote~~ on a paper ballot; and
 12 (2) applies to each precinct where voting is by paper ballot.
- 13 (b) After the polls have closed, each precinct election board shall
 14 ~~count~~ **tabulate** the paper ballot votes **and rankings** for each candidate
 15 for each office and **the votes** on each public question. The ballots shall
 16 be counted by laying each ballot upon a table in the order in which it
 17 is taken from the ballot box.
- 18 (c) Notwithstanding subsection (b), the precinct election board may
 19 ~~count~~ **tabulate** absentee ballots before the polls have closed. If the
 20 precinct election board ~~counts~~ **tabulates** absentee ballots under this
 21 subsection, a member of the precinct election board may not, before the
 22 polls have closed, provide any person other than a member of the
 23 precinct election board with information concerning the: ~~number of~~
 24 ~~votes~~:
- 25 (1) **number of votes or rankings** a candidate received for an
 26 office; or
 27 (2) **number of votes** cast to approve or reject a public question;
 28 on absentee ballots counted under this subsection.
- 29 (d) If a precinct election board administers more than one (1)
 30 precinct, the board shall keep the ballots cast in each precinct separate
 31 from ballots cast in any other precinct, so that the votes cast **and**
 32 **rankings given** for each candidate and **the votes** on each public
 33 question in each of the precincts administered by the board may be
 34 determined.
- 35 SECTION 54. IC 3-12-2-2 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. During the ~~counting~~
 37 **tabulation** of the ~~votes~~, ~~ballots~~, the inspector and the judge of the
 38 opposite political party from the inspector shall view the ballots as the
 39 names of the candidates ~~voted for~~ **and their respective votes or**
 40 **rankings** are read from the ballots.
- 41 SECTION 55. IC 3-12-2-3 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. During the ~~counting~~



1 **tabulation** of the ~~votes, ballots~~, any member of the precinct election
 2 board may protest the ~~counting~~ **tabulation** of any ballot or any part of
 3 a ballot.

4 SECTION 56. IC 3-12-2-5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. Except as provided
 6 in section 1(c) of this chapter, if the polls for more than one (1)
 7 precinct are located in the same room, the inspector of a precinct using
 8 the room may not begin the ~~vote count~~ **ballot tabulation** procedure
 9 until all the polls in the room are officially closed and no more persons
 10 are waiting in line to vote.

11 SECTION 57. IC 3-12-2-6, AS AMENDED BY P.L.221-2005,
 12 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) When all ~~votes~~ **ballots** have
 14 been ~~counted, tabulated~~, the precinct election board shall prepare a
 15 certificate stating the **following**:

16 (1) **The total** number of votes **(if ranked choice voting does not**
 17 **apply to the election for office) or each ranking (if ranked**
 18 **choice voting applies to the election for office)** that each
 19 candidate received for each office. ~~and~~

20 (2) **The total** number of votes cast on each public question.
 21 The number of **votes or each ranking that each candidate received**
 22 **and the** votes that each ~~candidate~~ ~~and~~ public question received shall be
 23 written in words and numbers.

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

28 SECTION 58. IC 3-12-2-7.5, AS AMENDED BY P.L.201-2017,
 29 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2018]: Sec. 7.5. (a) This section applies to the counting of
 31 federal write-in absentee ballots described in IC 3-11-4-12.5.

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

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

38 (1) certified a list of presidential electors and alternate
 39 presidential electors under IC 3-10-4-5; or

40 (2) included a list of presidential electors and alternate
 41 presidential electors on the declaration for candidacy filed by a
 42 write-in candidate under IC 3-8-2-2.5;



1 the vote for President or Vice President is void. The remaining votes
2 **and rankings** on the ballot may be counted.

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

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

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

10 (1) the ballot was submitted:

11 (A) by an overseas voter who is not an absent uniformed
12 services voter; and

13 (B) from within the United States;

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

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

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

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

28 (1) immediately seal the absentee ballot and the envelope in
29 which the ballot was received in a carrier envelope indicating that
30 a voted absentee ballot is enclosed; and

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

34 SECTION 59. IC 3-12-2-8 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. As soon as the
36 ballots have been ~~counted~~, **tabulated**, the inspector shall, in the
37 presence of the judges and poll clerks:

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

39 (A) all ballots, voted and not voted, together with all protested,
40 disputed, and ~~uncounted~~ **untabulated** ballots;

41 (B) the seals of the ballot packages; and

42 (C) one (1) copy of each of the certificates, list of voters, and



- 1 tally papers;
 2 (2) securely seal the envelope or bag;
 3 (3) have both clerks initial the envelope or bag; and
 4 (4) plainly mark on the outside of the envelope or bag, in ink, the
 5 precinct where the ballots were cast.

6 SECTION 60. IC 3-12-2-9 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. The inspector and
 8 the judge of the opposite political party shall deliver the envelope or
 9 bag prepared under section 8 of this chapter to the circuit court clerk
 10 immediately upon tabulation of the ~~votes~~ **ballots**. The inspector shall
 11 notify the clerk of the number of ballots placed in the envelope or bag
 12 and the condition of the seals of the ballot packages.

13 SECTION 61. IC 3-12-2-15 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. Immediately upon
 15 completion of the ~~vote count~~ **ballot tabulation**, each precinct election
 16 board shall make and sign a certificate for the news media showing the
 17 total number of votes **or each ranking** received by each candidate and
 18 **the number of votes** on each public question in the precinct. The
 19 inspector and judge of the opposite political party shall deliver the
 20 certificate to the circuit court clerk at the same time that the
 21 certificates, lists of voters, and tally papers are delivered under section
 22 7 of this chapter. The circuit court clerk immediately shall deliver the
 23 certificate made for the news media to any person designated to receive
 24 the certificate by the editors of the newspapers published in the county
 25 or by the managers of the radio and television stations operating in the
 26 county. The county election board shall furnish each precinct election
 27 board with the forms on which the certificates are to be prepared.

28 SECTION 62. IC 3-12-3-1.2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1.2. This section
 30 applies to a precinct where votes have been cast on a ballot card system
 31 that is designed to allow the counting and tabulation of ~~votes~~ **ballots** by
 32 the precinct election board. Except as provided in section 14 of this
 33 chapter, if the polls for more than one (1) precinct are located in the
 34 same room, the inspector of a precinct using the room may not begin
 35 the ~~vote counting~~ **ballot tabulation** procedure until all the polls in the
 36 room are officially closed and no more persons are waiting in line to
 37 vote.

38 SECTION 63. IC 3-12-3-1.5 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1.5. (a) During the
 40 tabulation of the ~~votes~~ **ballots**, any member of the precinct election
 41 board in a precinct where votes have been cast on a ballot card system
 42 that is designed to allow the counting and tabulation of ~~votes~~ **ballots** by



1 the precinct election board may protest the counting of any ballot or
2 any part of a ballot cast in that precinct.

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

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

7 (2) a member of the county election board, if a member of the
8 precinct election board is not present during the tabulation of the
9 ~~votes~~ **ballots** of the precinct;

10 may protest the counting of any ballot or part of a ballot cast in that
11 precinct.

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

19 SECTION 64. IC 3-12-3-2 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) After the ballot
21 cards have been ~~counted~~ **tabulated** under section 1 of this chapter, the
22 precinct election board shall comply with this section.

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

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

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

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

42 (3) certify the totals and the ballot count as required under section



1 1 of this chapter on forms supplied to the precinct for that
2 purpose.

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

7 SECTION 65. IC 3-12-3-5, AS AMENDED BY P.L.194-2013,
8 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2018]: Sec. 5. (a) If a ballot card is damaged or defective so
10 that it cannot properly be ~~counted~~ **tabulated** by the automatic
11 tabulating machines, then a remake team composed of one (1) person
12 from each of the major political parties of the county shall have the
13 card prepared for processing so as to record accurately the intention of
14 the voter insofar as it can be ascertained.

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

22 (c) If necessary, a true, duplicate copy shall be made of the damaged
23 ballot card in the presence of witnesses and substituted for the damaged
24 card. Similarly, a duplicate ballot card shall be made of a defective
25 card, not including the uncounted votes.

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

39 (e) If an automatic tabulating machine fails during the ~~counting~~ **and**
40 tabulation of votes following the close of the polls, the county election
41 board shall immediately arrange for the repair and proper functioning
42 of the system. The county election board may, by unanimous vote of its



1 entire membership, authorize the ~~counting and~~ tabulation of votes for
 2 this election on an automatic tabulating machine approved for use in
 3 Indiana by the commission:

4 (1) until the repair and retesting of the malfunctioning machine;
 5 and

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

7 SECTION 66. IC 3-12-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. Each duplicate ballot
 8 card shall be ~~counted tabulated~~ instead of the damaged or defective
 9 card.
 10

11 SECTION 67. IC 3-12-3-8, AS AMENDED BY P.L.85-2017,
 12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2018]: Sec. 8. If a test of automatic tabulating machines
 14 required by IC 3-11-13-22 is not conducted for a particular office or
 15 public question, the votes **or rankings** for that office or **the votes for**
 16 **that** question shall be ~~counted tabulated~~ manually. If for any reason
 17 it becomes impracticable to ~~count tabulate~~ all or some of the ballot
 18 cards with automatic tabulating machines:

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

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

25 may direct that they be ~~counted tabulated~~ manually.

26 SECTION 68. IC 3-12-3-9 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. If ballot cards are
 28 ~~counted tabulated~~ manually, the tabulation of **votes ballots** must
 29 comply with the standards prescribed by IC 3-11-7.

30 SECTION 69. IC 3-12-3-10 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. (a) After the ~~voting~~
 32 ~~totals ballots~~ have been ~~taken tabulated~~ and certified by a precinct
 33 election board under section 2(c) of this chapter, the inspector shall:

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

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

37 (3) seal the container into which the ballot cards have been
 38 placed;

39 in the presence of the precinct election board. The automatic tabulating
 40 machine may not be moved from the polls after the polls are closed
 41 until collected.

42 (b) The inspector and judge of the opposite political party shall



- 1 deliver:
- 2 (1) the certification of the ~~vote totals~~ **tabulation** and one (1) copy
- 3 of the certificate prepared under section 2(c) of this chapter for
- 4 the circuit court clerk;
- 5 (2) the certificate of the ~~vote totals~~ **tabulation** prepared under
- 6 section 2(c) of this chapter for the news media;
- 7 (3) the container in which ballot cards have been placed under
- 8 subsection (a); and
- 9 (4) the unused, ~~uncounted~~, **untabulated**, and defective ballot
- 10 cards and returns;
- 11 to the circuit court clerk.
- 12 (c) The inspector and judge of the opposite political party shall
- 13 deliver the certificates and the list of voters to the county election board
- 14 by midnight on election day. However, if:
- 15 (1) a ballot card voting system failed;
- 16 (2) the failure of the system was reported as required by this title;
- 17 (3) paper ballots were used in place of the system; and
- 18 (4) the use of the paper ballots caused a substantial delay in the
- 19 **vote counting tabulation** process;
- 20 then the certificates, the list of voters, and the tally papers shall be
- 21 delivered as soon as possible.
- 22 (d) Upon delivery of the container to the circuit court clerk under
- 23 subsection (c), the inspector shall take and subscribe an oath before the
- 24 clerk stating that the inspector:
- 25 (1) closed and sealed the container in the presence of the judges
- 26 and poll clerks;
- 27 (2) securely kept the ballot cards in the container;
- 28 (3) did not permit any person to open the container or to otherwise
- 29 touch or tamper with the ballot cards; and
- 30 (4) has no knowledge of any other person opening the container.
- 31 (e) Each oath taken under subsection (d) shall be filed in the circuit
- 32 court clerk's office with other election papers.
- 33 (f) Upon completion of the **counting tabulation** of the ~~votes~~ **ballots**
- 34 by a precinct election board under section 2(c) of this chapter or at a
- 35 central location, all ballot cards shall be arranged by precincts and kept
- 36 by the circuit court clerk for the period required by IC 3-10-1-31 or
- 37 IC 3-10-1-31.1. The clerk shall determine the final disposition of all
- 38 ~~voted~~ ballot cards.
- 39 SECTION 70. IC 3-12-3-11, AS AMENDED BY P.L.230-2005,
- 40 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2018]: Sec. 11. (a) The return printed by the automatic
- 42 tabulating machines, along with the return of ~~votes~~ by absentee and



1 provisional voters, constitutes the official return of each precinct. Upon
2 completion of the count, the return is open to the public.

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

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

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

22 SECTION 71. IC 3-12-3-12 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. ~~Votes by~~ Absentee
24 voters may ~~be~~ cast **ballots** on paper ballots or ballot cards, or both
25 methods may be used. The ballots may be ~~counted~~ **tabulated** by an
26 automatic tabulating machine or by special canvassing boards
27 appointed by and under the direction of the county election board. A
28 true copy of each paper absentee ballot may be made on a ballot card,
29 which, after being verified in the presence of witnesses, shall be
30 ~~counted~~ **tabulated** in the same manner as other ballot cards.

31 SECTION 72. IC 3-12-3-12.5 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12.5. To minimize the
33 delay in the ~~counting~~ **tabulation** of the vote, the ~~count~~ **tabulation** must
34 begin immediately upon delivery of the cards to the central counting
35 location under section 2(b) of this chapter or upon the closing of the
36 polls under section 2(c) of this chapter. The tabulation must continue
37 without interruption until all **votes ballots** are canvassed and all
38 certificates of the ~~vote~~ totals required under section 10(b) of this
39 chapter or totals required under section 11(b) of this chapter are
40 completed and delivered to the persons entitled to receive the
41 certificates or totals.

42 SECTION 73. IC 3-12-3-13 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. In case of a recount,
 2 all ballot cards shall be ~~recounted~~ **retabulated** in the manner
 3 prescribed by this chapter unless:

4 (1) the court ordering the ~~recount~~ **retabulation** or the state
 5 recount commission directs that they be ~~counted~~ **tabulated**
 6 manually; or

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

9 SECTION 74. IC 3-12-3-14 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. (a) The precinct
 11 election board may ~~count~~ **tabulate** absentee ballots before the polls
 12 have closed.

13 (b) If the precinct election board ~~counts~~ **tabulates** absentee ballots
 14 under this section, a member of the precinct election board may not,
 15 before the polls have closed, provide any person other than a member
 16 of the precinct election board with information concerning the: ~~number~~
 17 ~~of votes~~:

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

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

22 SECTION 75. IC 3-12-3.5-1.5 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1.5. Except as provided
 24 in section 7 of this chapter, if the polls for more than one (1) precinct
 25 are located in the same room, the inspector of a precinct using the room
 26 may not begin the ~~vote counting~~ **ballot tabulation** procedure until all
 27 the polls in the room are officially closed and no more persons are
 28 waiting in line to vote.

29 SECTION 76. IC 3-12-3.5-2, AS AMENDED BY P.L.221-2005,
 30 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2018]: Sec. 2. After each electronic voting
 32 system has been secured and the paper vote **and ranking** total printouts
 33 obtained, the inspector shall announce in a distinct tone of voice that
 34 the printouts are available for inspection by the members of the
 35 precinct election board and any watchers present within the polls. The
 36 members and watchers are entitled to inspect and copy the printouts to
 37 document the: ~~votes cast for~~:

38 (1) **votes cast for or rankings given** each candidate on each
 39 system; and

40 (2) **votes cast for** each public question on each system.

41 SECTION 77. IC 3-12-3.5-3, AS AMENDED BY P.L.230-2005,
 42 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]: Sec. 3. (a) When paper ~~vote~~ total printouts have been
 2 obtained, the precinct election board shall prepare certificates stating
 3 the **total** number of:

4 (1) votes **or each ranking** that each candidate received for each
 5 office; and

6 (2) ~~the~~ votes on each public question;
 7 by attaching the paper ~~vote~~ total printouts to certificate forms supplied
 8 by the county election board.

9 (b) Each member of the board shall be given a copy of the
 10 certificate.

11 (c) If a precinct election board administers more than one (1)
 12 precinct, the board shall keep the ballots cast in each precinct separate
 13 from ballots cast in any other precinct, so that the:

14 (1) votes cast for **or rankings given** each candidate; and

15 (2) **votes cast** on each public question;

16 in each of the precincts administered by the board may be determined.

17 SECTION 78. IC 3-12-3.5-4 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. The inspector and
 19 judge of the opposite political party shall deliver the certificates
 20 prepared under section 3 of this chapter and the list of voters to the
 21 county election board **by not later than midnight or after the** election.
 22 ~~day.~~ However, if:

23 (1) an electronic voting system failed;

24 (2) the failure of the system was reported as required by this title;

25 (3) paper ballots were used in place of the system; and

26 (4) the use of the paper ballots caused a substantial delay in the
 27 **vote counting ballot tabulating** process;

28 then the certificates, the list of voters, and the tally papers shall be
 29 delivered as soon as possible.

30 SECTION 79. IC 3-12-3.5-5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. Immediately upon
 32 completion of the ~~vote count~~, **ballot tabulation**, each precinct election
 33 board shall make and sign a certificate for the news media showing the
 34 total number of votes received by **or rankings given to** each candidate
 35 in the precinct. The inspector and judge of the opposite political party
 36 shall deliver the certificate to the circuit court clerk at the same time
 37 that the certificates, the list of voters, and the tally papers are delivered
 38 under section 4 of this chapter. The circuit court clerk immediately
 39 shall deliver the certificate made for the news media to any person
 40 designated to receive the certificate by the editors of the newspapers
 41 published in the county or by the managers of the radio and television
 42 stations operating in the county. The county election board shall furnish



1 each precinct election board with the forms on which the certificates
2 are to be prepared.

3 SECTION 80. IC 3-12-3.5-6 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. To minimize the
5 delay in the ~~counting tabulation~~ of the ~~vote~~, ~~ballots~~, canvassing must
6 begin immediately upon the closing of the polls and continue without
7 interruption until all the ~~votes~~ ~~ballots~~ are canvassed and all certificates
8 ~~of the vote~~ required under section 3 of this chapter are completed and
9 delivered to the persons entitled to receive the certificates.

10 SECTION 81. IC 3-12-3.5-7 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) The precinct
12 election board may ~~count~~ ~~tabulate~~ absentee ballots before the polls
13 have closed.

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

19 (1) ~~number of votes or rankings~~ a candidate received for an
20 office; or

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

23 SECTION 82. IC 3-12-3.5-8, AS AMENDED BY P.L.169-2015,
24 SECTION 148, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) After each electronic voting
26 system has been secured and the paper ~~vote total~~ printouts obtained, the
27 inspector shall announce the total number of ~~votes~~ ~~ballots~~ cast on all
28 electronic voting systems located within the precinct, including any
29 absentee ballots cast, to determine if the total number of ~~votes~~ ~~ballots~~
30 cast on the electronic voting systems differs from the number of voters
31 shown to have received a ballot at the polls or returned an absentee
32 ballot, according to the poll lists.

33 (b) If the number of ballots received at the polls and returned as
34 absentee ballots differs from the total number of voters shown on the
35 poll lists, the inspector and judge of the opposite party shall report this
36 fact in writing to the county election board together with the reasons for
37 the discrepancy, if known, at the time that the inspector and judge
38 return the precinct poll list to the board.

39 (c) If:

40 (1) the total number of ~~votes~~ ~~ballots~~ cast, as determined under
41 subsection (a); and

42 (2) the number of voters who received a ballot at the polls or



1 returned an absentee ballot according to the poll lists;
 2 ~~differs~~ **differ** by five (5) or more, then the county election board shall
 3 order an audit of the ~~votes~~ **ballots** cast in that precinct under this
 4 section. Before ordering an audit, the county election board shall
 5 recheck the computations reported by the inspector and judge under
 6 subsection (b).

7 (d) The county election board shall confirm that the ~~votes~~ **ballots**
 8 cast in an election:

9 (1) for each candidate and each public question; and

10 (2) on a direct record electronic voting system in the precinct;

11 were correctly ~~counted~~ **tabulated**.

12 (e) The county election board shall conduct an audit by means of
 13 tests and procedures that are approved by the commission and
 14 independent of the provider of the direct record electronic voting
 15 system being audited.

16 (f) The county election board shall certify the results of the audit not
 17 later than noon thirteen (13) days after the election. The certification
 18 must be on the form prescribed by the election division. One (1) copy
 19 shall be filed with the election returns, and one (1) copy must be
 20 delivered to the election division.

21 (g) Public notice of the time and place of an audit shall be given at
 22 least forty-eight (48) hours before the audit. The notice shall be
 23 published once in accordance with IC 5-3-1-4. However, if publication
 24 in accordance with IC 5-3-1-4 will not allow the county election board
 25 to certify the results of the audit within thirteen (13) days after the
 26 election, notice shall be given by posting at or near the office of the
 27 county election board.

28 SECTION 83. IC 3-12-4-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. The members of
 30 each county election board shall canvass the ~~votes~~ **ballots** cast in the
 31 county.

32 SECTION 84. IC 3-12-4-4, AS AMENDED BY P.L.2-2007,
 33 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2018]: Sec. 4. (a) Each county election board may employ
 35 clerical assistants if necessary for the proper canvassing and tabulating
 36 of the vote. However, except as provided in subsection (d), not more
 37 than one-half (1/2) of the assistants employed by the board may be
 38 members of the same political party.

39 (b) The county election board shall appoint the number of two (2)
 40 member write-in teams that are necessary to examine and ~~count~~
 41 **tabulate** write-in votes cast on ballot card voting systems on election
 42 night. The county chairmen of the two (2) major political parties of a



1 county shall each designate one (1) member of each write-in team. The
 2 write-in teams are considered employees of the county canvassing
 3 board and must meet the qualifications of canvassing board employees.

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

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

- 11 (1) enrolled at a postsecondary educational institution (including
 12 a community college); and
 13 (2) a registered voter of the county.

14 A student appointed under this subsection must serve the board in a
 15 nonpartisan manner.

16 SECTION 85. IC 3-12-4-10 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. (a) The statement
 18 prepared under section 9 of this chapter must contain **the following**
 19 **information:**

- 20 (1) The name of each candidate.
 21 (2) The elected offices.
 22 (3) The ~~total number of votes received by~~ **following for** each
 23 candidate:

24 (A) **For offices not subject to ranked choice voting, the**
 25 **total number of votes received.**

26 (B) **For offices subject to ranked choice voting, the**
 27 **following:**

- 28 (i) **The total of each ranking.**
 29 (ii) **The total number of votes received by each candidate**
 30 **as determined under IC 3-12-0.5.**

31 (4) The ~~total number of votes received by each candidate and~~
 32 **following for each precinct:**

33 (A) **For each candidate, the information described in**
 34 **subdivision (3).**

35 (B) **The total number of votes cast for and against each**
 36 **public question. in each precinct; and**

37 (5) The total number of ~~votes~~ **ballots** cast at the election.

38 (b) Notwithstanding IC 33-37-5-1, upon request by a candidate, the
 39 circuit court clerk shall prepare a copy of the statement for the
 40 candidate at a fee not to exceed twenty-five cents (\$0.25) per page.

41 SECTION 86. IC 3-12-4-13 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. After the county



1 election board has tabulated the ~~vote~~ **ballots**:

2 (1) the canvass sheets used by the board; and

3 (2) the certificates, poll lists, and tally papers returned by each
4 inspector in the county;

5 shall be delivered to the circuit court clerk. The clerk shall file and
6 preserve all the material in the clerk's office as provided in
7 IC 3-10-1-31 or IC 3-10-1-31.1.

8 SECTION 87. IC 3-12-4-16, AS AMENDED BY P.L.84-2016,
9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2018]: Sec. 16. If there is a disagreement between the
11 members of a county election board as to how the ~~vote~~ **ballots** of a
12 precinct should be ~~counted~~, **tabulated**, the board shall:

13 (1) immediately report the matter in dispute to the judge of the
14 circuit court, superior court, or probate court; and

15 (2) provide the judge with a written brief stating the grounds of
16 the disagreement and all papers concerning the matter.

17 SECTION 88. IC 3-12-4-17, AS AMENDED BY P.L.84-2016,
18 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2018]: Sec. 17. The judge of the circuit court, superior court,
20 or probate court shall summarily determine a dispute presented under
21 section 16 of this chapter and direct the county election board how to
22 ~~count~~ **tabulate** the ~~vote~~ **ballots**. The judge's determination is final with
23 respect to the action of the board.

24 SECTION 89. IC 3-12-4-18, AS AMENDED BY P.L.194-2013,
25 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2018]: Sec. 18. If electronic voting systems are used in a
27 precinct, the county election board may, upon the adoption of an order
28 by unanimous vote of the entire membership of the board, inspect the
29 registering counter or other recording device on any electronic voting
30 system showing the number of votes cast **or rankings given** for any
31 candidate or public question. The board may conduct an inspection,
32 after filing notice of the order authorizing the inspection with the
33 secretary of state, either before the board proceeds to ~~count and~~
34 tabulate the ~~vote~~ **ballots** or within one (1) day after the ~~count and~~
35 tabulation ~~are is~~ finished.

36 SECTION 90. IC 3-12-4-20, AS AMENDED BY P.L.221-2005,
37 SECTION 107, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2018]: Sec. 20. When making an inspection
39 under section 18 of this chapter, a county election board shall compare
40 the ~~number of votes~~ **numbers** registered on the counter or other
41 recording device on the electronic voting systems with the returns
42 made by the precinct election board of the precinct in which the



1 electronic voting system was used.

2 SECTION 91. IC 3-12-4-21, AS AMENDED BY P.L.221-2005,
3 SECTION 108, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2018]: Sec. 21. If there is a discrepancy
5 between the ~~number of votes~~ **numbers** registered on an electronic
6 voting system and the returns made by the precinct election board, the
7 county election board shall correct the returns made by the precinct
8 election board so that the returns conform to the ~~vote~~ **numbers**
9 registered on the electronic voting system. The corrected returns shall
10 be considered the true and correct returns of the number of votes cast
11 **or rankings given** for each candidate ~~or~~ **and the number of votes cast**
12 on each public question in the precinct.

13 SECTION 92. IC 3-12-4-22, AS AMENDED BY P.L.221-2005,
14 SECTION 109, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2018]: Sec. 22. If a nomination or election is
16 contested or a recount is conducted, the returns of each precinct
17 election board, as corrected by the county election board under section
18 21 of this chapter, constitute prima facie evidence of the ~~vote~~ **votes** cast
19 **or rankings given** for each candidate and **the votes cast** on each
20 public question to the same extent as the tabulation and return of the
21 vote in a precinct where electronic voting systems are not used.

22 SECTION 93. IC 3-12-4-23 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 23. The county election
24 board shall have tally papers printed for use in tabulating the vote at
25 each election held under its jurisdiction. The tally papers must:

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

33 SECTION 94. IC 3-12-5-2 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) Whenever a
35 candidate is elected:

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

41 the circuit court clerk shall, when permitted under section 16 of this
42 chapter, prepare and deliver to the candidate on demand a certificate



1 of the candidate's election.

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

10 (1) Obtain the certified statement of:

11 (A) the votes cast **or rankings given to each candidate** for
12 that office; or

13 (B) **the votes cast** on that question;

14 that was prepared under IC 3-12-4-9 from the circuit court clerk
15 in each other county in which the election district is located.

16 (2) Tabulate:

17 (A) the total votes cast **or each ranking given to each**
18 **candidate** for that office **and determine which candidate has**
19 **been elected to that office as provided in this title;** or

20 (B) **the total votes cast** on that question;

21 as shown on the certified statement of each county in the election
22 district. ~~and~~

23 (3) Issue a certificate:

24 (A) of election to the candidate when permitted under section
25 16 of this chapter; or ~~a certificate~~

26 (B) declaring the local public question approved or rejected.

27 SECTION 95. IC 3-12-5-6, AS AMENDED BY P.L.221-2005,
28 SECTION 112, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) Not later than noon on the
30 second Monday following an election, each circuit court clerk shall
31 prepare a certified statement under the clerk's seal of the **total** number
32 of votes **or each ranking** received by each candidate for:

33 (1) federal office;

34 (2) state office;

35 (3) legislative office; and

36 (4) a local office for which a declaration of candidacy must be
37 filed with the election division under IC 3-8-2.

38 (b) The clerk shall send the statements by certified mail, return
39 receipt requested, or hand deliver the statements to the election
40 division.

41 (c) The election division shall provide a copy of each statement to
42 the office.



1 SECTION 96. IC 3-12-5-7, AS AMENDED BY P.L.201-2017,
 2 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2018]: Sec. 7. Upon receipt of the certified statements from
 4 the circuit court clerks under section 6 of this chapter and not later than
 5 noon of the last Tuesday in November, the election division shall
 6 tabulate the number of votes **as provided in this title** cast for each
 7 candidate for:

- 8 (1) presidential electors and alternate presidential electors;
- 9 (2) a state office other than governor and lieutenant governor; and
- 10 (3) a local office for which a declaration of candidacy must be
 11 filed with the election division under IC 3-8-2.

12 Immediately following the election division's tabulation, the secretary
 13 of state shall certify to the governor the candidate receiving the highest
 14 number of votes for each office.

15 SECTION 97. IC 3-12-5-8 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) If, not later than
 17 the final date and hour for filing a recount or contest petition under
 18 ~~IC 3-12~~, **this article**, a circuit court clerk files a correction with the
 19 election division that amends a certified statement under section 6 of
 20 this chapter and the amendment results in a different candidate
 21 receiving the highest number of votes for an office, the election
 22 division shall immediately notify the governor and the office of the
 23 amendment.

24 (b) If no errors are found by the final date and hour for filing a
 25 recount or contest under ~~IC 3-12~~ **this article**, and not later than noon
 26 on the first Tuesday in December following the election, the governor
 27 shall prepare the candidate's commission for each candidate certified
 28 under section 7 of this chapter.

29 (c) Immediately upon preparing the commissions under subsection
 30 (b), the governor shall deliver the commissions to the election division.
 31 Not later than the second Tuesday in December, the election division
 32 shall transmit the commission to each candidate at the address set forth
 33 in the declaration of candidacy filed with the division, or to any more
 34 recent address furnished to the division by the candidate.

35 SECTION 98. IC 3-12-6-3 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. Each petition filed
 37 under section 2 of this chapter must state the following:

- 38 (1) The office for which the petitioner desires a recount.
- 39 (2) The precincts within the county in which the petitioner desires
 40 a recount.
- 41 (3) That the petitioner is entitled to a recount under section 1 of
 42 this chapter.



- 1 (4) That the nomination or office was voted upon in the precincts
 2 specified.
- 3 (5) The name of each candidate for the nomination or office as set
 4 forth on the ballot for the election and the address of each
 5 candidate for nomination or election to the office as set forth in
 6 the records of the county election board or election division.
- 7 (6) That the petitioner in good faith believes that the votes cast for
 8 nomination or election to the office at the election in the precincts
 9 were not correctly **tabulated**, counted, and returned.
- 10 (7) That the petitioner desires a recount of all of the votes cast for
 11 nomination or election to the office in the precincts specified.
- 12 SECTION 99. IC 3-12-6-6 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. Each cross-petition
 14 filed under section 4 of this chapter must state the following:
- 15 (1) The office for which the cross-petitioner desires a recount.
- 16 (2) The precincts within the county in which the cross-petitioner
 17 desires a recount.
- 18 (3) That the cross-petitioner was a candidate at the election for
 19 nomination or election to the office and that the nomination or
 20 office was voted upon in the precincts specified.
- 21 (4) The name and address of the cross-petitioner's opposing
 22 candidate or candidates.
- 23 (5) That the cross-petitioner in good faith believes that the votes
 24 cast for nomination or election to the office at the election in the
 25 precincts were not correctly **tabulated**, counted, and returned.
- 26 (6) That the cross-petitioner desires a recount of all of the votes
 27 cast for nomination or election to the office in the precincts
 28 specified.
- 29 SECTION 100. IC 3-12-6-22 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 22. (a) When a recount
 31 is completed by a commission appointed under this chapter, the
 32 commission shall **do the following**:
- 33 (1) Make and sign a certificate showing the total number of votes
 34 received **or each ranking given** in the precincts by each
 35 candidate for nomination or election to the office.
- 36 (2) State in its certificate the candidate who received the highest
 37 number of votes **or the rankings given** in the precincts for
 38 nomination or election to the office **as determined under this**
 39 **title** and by what plurality. **and**
- 40 (3) File its certificate with the circuit court clerk.
- 41 (b) The circuit court clerk shall:
- 42 (1) enter the certificate in the order book of the court;



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

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

8 (c) If a certificate is filed with the election division under subsection
9 (b), the election division shall provide a copy of the certificate to the
10 office.

11 SECTION 101. IC 3-12-6-27 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 27. If a recount is made
13 under this chapter for nomination or election to an office for which
14 votes were cast in more than one (1) county, each circuit court clerk
15 where the recount was made shall determine whether the votes **or**
16 **rankings** in the precincts shown by the recount certificate differ from
17 the votes **or rankings** that were tabulated by the county election board.
18 If a circuit court clerk finds that there is a difference between the votes
19 **or rankings** shown by the recount certificate and the votes **or**
20 **rankings** tabulated by the county election board, the clerk shall prepare
21 a certificate showing the total vote **or each ranking** in the county for
22 each candidate for nomination or election to the office as corrected in
23 accordance with the recount certificate.

24 SECTION 102. IC 3-12-6-28 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 28. (a) A circuit court
26 clerk shall immediately transmit a certificate prepared under section 27
27 of this chapter showing the votes cast **or rankings given** for
28 nomination or election to an office to the election division if the
29 recount concerned an office for which a declaration of candidacy must
30 be filed with the election division under IC 3-8-2.

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

33 SECTION 103. IC 3-12-6-29 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 29. Upon receipt of a
35 circuit court clerk's certificate under section 28 of this chapter, the
36 election division shall tabulate the vote **or rankings** from the county
37 for the office in accordance with the certificate. If the election division
38 previously included in a tabulation the votes cast **or rankings given** for
39 the office as returned by the county election board, the election division
40 shall correct the tabulation in accordance with the certificate.

41 SECTION 104. IC 3-12-11-3, AS AMENDED BY P.L.221-2005,
42 SECTION 123, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) Each petition for a recount
 2 filed under section 2 of this chapter must state the following:

- 3 (1) The office for which the petitioner desires a recount.
 4 (2) The precincts in which the petitioner desires a recount.
 5 (3) That the individual is entitled to a recount under this chapter
 6 and that the nomination or election to office at issue was voted
 7 upon in the precincts specified.
 8 (4) The name of the candidates as set forth on the ballot for the
 9 election and address of the candidates as set forth in the records
 10 of the election division.
 11 (5) That the petitioner in good faith believes that the votes cast for
 12 nomination or election to the office at the election in the precincts
 13 were not correctly **tabulated**, counted, and returned.
 14 (6) That the petitioner desires a recount of all of the votes cast for
 15 nomination or election to the office in the precincts specified.

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

- 18 (1) The nomination or election to office that the petitioner
 19 contests.
 20 (2) That the individual is entitled to contest an election or a
 21 nomination to office under this chapter.
 22 (3) The name of the candidates as set forth on the ballot for the
 23 election and address of each of the candidates as set forth in the
 24 records of the election division.
 25 (4) That the petitioner in good faith believes that one (1) or more
 26 of the following occurred:
 27 (A) The person declared nominated or elected does not comply
 28 with a specific constitutional or statutory requirement set forth
 29 in the petition that is applicable to a candidate for the office.
 30 (B) A mistake was made in the printing or distribution of
 31 ballots used in the election that makes it impossible to
 32 determine which candidate received the highest number of
 33 votes cast in the election.
 34 (C) A mistake occurred in the programming of an electronic
 35 voting system, making it impossible to determine the
 36 candidate who received the highest number of votes.
 37 (D) An electronic voting system malfunctioned, making it
 38 impossible to determine the candidate who received the
 39 highest number of votes.
 40 (E) A deliberate act or series of actions occurred making it
 41 impossible to determine the candidate who received the
 42 highest number of votes cast in the election.



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

4 (1) ballots:

5 (A) containing the printing mistake; or

6 (B) distributed by mistake;

7 were cast;

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

10 (3) an electronic voting system malfunctioned.

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

15 SECTION 105. IC 3-12-11-6 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. Each cross-petition
 17 filed under section 4 of this chapter must state the following:

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

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

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

23 (4) The name and address of the cross-petitioner's opposing
 24 candidate or candidates.

25 (5) That the cross-petitioner in good faith believes that the votes
 26 cast for nomination or election to the office at the election in the
 27 precincts were not correctly **tabulated**, counted, and returned.

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

31 SECTION 106. IC 3-12-11-18, AS AMENDED BY P.L.221-2005,
 32 SECTION 130, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2018]: Sec. 18. (a) When a recount is
 34 completed by the state recount commission or its designee, the
 35 commission shall **do the following**:

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

39 (2) State in its certificate the candidate who received the highest
 40 number of votes **or rankings received** in the precincts for
 41 nomination or election to the office **as determined under this**
 42 **title** and by what plurality. ~~and~~



- 1 (3) File its certificate with the election division.
- 2 (b) When a contest proceeding in which a candidate is alleged to be
3 ineligible is completed by the state recount commission or its designee,
4 the commission shall make a final determination concerning the
5 eligibility of the candidate for nomination or election to the office.
- 6 (c) If the state recount commission or its designee determines that:
7 (1) a mistake was made in the printing or distribution of ballots
8 used in the election;
9 (2) a mistake was made in the programming of an electronic
10 voting system;
11 (3) an electronic voting system malfunctioned; or
12 (4) a deliberate act or series of actions occurred;
13 that makes it impossible to determine which candidate received the
14 highest number of votes cast, the commission shall order that a special
15 election be conducted under IC 3-10-8.
- 16 (d) The special election ordered under subsection (c) shall be held
17 in the precincts identified in the petition in which the commission
18 determines that:
19 (1) ballots containing the printing mistake or distributed by
20 mistake were cast;
21 (2) a mistake occurred in the programming of an electronic voting
22 system;
23 (3) an electronic voting system malfunctioned; or
24 (4) a deliberate act or series of actions occurred.
- 25 SECTION 107. IC 3-12-11-19 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 19. Except in recount
27 proceedings for an election to the offices of governor and lieutenant
28 governor and legislative offices, a recount certificate made under
29 section 18 of this chapter supersedes all previous returns made in any
30 form of the recounted votes. A certified copy of a recount certificate
31 constitutes prima facie evidence of the votes cast **or rankings given** for
32 nomination or election to the office in the precincts in any proceeding
33 in which there is an issue as to the votes cast at the election for the
34 nomination or election to office.
- 35 SECTION 108. IC 3-14-4-10, AS AMENDED BY P.L.158-2013,
36 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2018]: Sec. 10. ~~A person who knowingly violates:~~ **(a) As used**
38 **in this section, "applicable statute" refers to any of the following:**
39 (1) IC 3-11.5-5.
40 (2) IC 3-11.5-6.
41 (3) IC 3-12-2-1.
42 (4) IC 3-12-3-14. ~~or~~



1 (5) IC 3-12-3.5-7.
2 **(b) A person who knowingly violates an applicable statute** by
3 providing any other person with information concerning:
4 **(1) the:**
5 **(A) number of votes; or**
6 **(B) rankings;**
7 a candidate received for an office; or
8 **(2) the number of votes** cast to approve or reject a public
9 question;
10 on absentee ballots counted under IC 3-11.5-5, IC 3-11.5-6, or IC 3-12
11 before the closing of the polls commits a Level 6 felony.

