

SENATE BILL No. 333

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-10-7-32; IC 3-11; IC 3-12-1.

Synopsis: Straight ticket voting. Removes a voter's option to vote for all candidates of a political party or an independent ticket at one time (straight ticket voting) in a general or municipal election, except for candidates for presidential electors. Repeals superseded statutes relating to straight ticket voting.

Effective: January 1, 2021.

Walker

January 13, 2020, read first time and referred to Committee on Elections.



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

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

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

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

SENATE BILL No. 333

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 3-10-7-32, AS AMENDED BY P.L.190-2011,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2021]: Sec. 32. (a) A town election board shall
4 determine what voting method will be used in a municipal election.
5 (b) The town election board and its precinct election officers shall
6 perform the duties of the county election board and its precinct election
7 officers under IC 3-11 for each voting method used.
8 (c) The town election board shall prepare the ballots in the form
9 prescribed by IC 3-11 and distribute them to the precincts in the town.
10 (d) This subsection applies only to paper ballots. Notwithstanding
11 subsection (c), the town election board, by unanimous consent of the
12 board's entire membership, may authorize the printing or reproduction
13 of ballots on equipment under the control of the town clerk-treasurer.
14 If the town election board acts under this subsection, the ballots are not
15 required to conform to the precise dimensions concerning the size of
16 political party devices under IC 3-11-2-9 or the placement of a
17 candidate's name under ~~IC 3-11-2-10(f)~~ **IC 3-11-2-10(d)**. However,



1 the ballots must otherwise substantially conform with IC 3-11-2.

2 SECTION 2. IC 3-11-2-10, AS AMENDED BY P.L.278-2019,
3 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2021]: Sec. 10. (a) Public questions shall be placed on
5 the general election ballot in the following order after the statement
6 described in section 7 of this chapter, and the instructions described in
7 ~~subsections (d) and (e)~~ **subsection (c)** and section 8 of this chapter, if
8 instructions are printed on the ballot:

9 (1) Ratification of a state constitutional amendment.

10 (2) Local public questions.

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

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

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

22 "(1) ~~To vote a straight (insert political party name) ticket for all~~
23 ~~(insert political party name) candidates on this ballot, except for~~
24 ~~candidates described in (2) below; make a voting mark on or in~~
25 ~~this circle and do not make any other marks on this ballot.~~

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

32 (3) ~~If you wish to vote for a candidate seeking a nonpartisan office~~
33 ~~or on a public question; you must make another voting mark on~~
34 ~~the appropriate place on this ballot."~~

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



1 ballot."

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

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

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

17 SECTION 3. IC 3-11-2-12.4, AS ADDED BY P.L.21-2016,
18 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JANUARY 1, 2021]: Sec. 12.4. (a) This section applies whenever more
20 than one (1) candidate may be elected to an office.

21 (b) The office shall be placed on the general election ballot after the
22 offices described in section 12 of this chapter and before the offices
23 described in section 12.9 of this chapter.

24 (c) The ballot shall contain a statement reading substantially as
25 follows above the name of the first candidate: "To vote for any
26 candidate for this office, you must make a voting mark for each
27 candidate you wish to vote for." ~~A straight party vote will not count as~~
28 ~~a vote for any candidate for this office."~~

29 SECTION 4. IC 3-11-7-4, AS AMENDED BY P.L.278-2019,
30 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JANUARY 1, 2021]: Sec. 4. (a) ~~Except as provided in subsection (b)~~;
32 A ballot card voting system must permit a voter to vote:

33 (1) ~~except at a primary election, a straight party ticket for all of~~
34 ~~the candidates of one (1) political party by a single voting mark~~
35 ~~on each ballot card;~~

36 (2) (1) for one (1) or more candidates of each political party or
37 independent candidates, or for one (1) or more school board
38 candidates nominated by petition; ~~or~~

39 (3) (2) a split ticket for the candidates of different political parties
40 and for independent candidates. ~~or~~

41 (4) a straight party ticket and then split that ticket by casting
42 individual votes for candidates of another political party or



- 1 independent candidate.
- 2 (b) A ballot card voting system must require that a voter who wishes
- 3 to cast a ballot for a candidate for election to an at-large district to
- 4 which more than one person may be elected; on a:
- 5 (1) county council;
- 6 (2) city common council;
- 7 (3) town council; or
- 8 (4) township board;
- 9 make a voting mark for each individual candidate for whom the voter
- 10 wishes to cast a vote. The ballot card voting system may not count any
- 11 straight party ticket voting mark as a vote for any candidate for an
- 12 office described by this subsection.
- 13 (c) (b) A ballot card voting system must permit a voter to vote:
- 14 (1) for all candidates for presidential electors and alternate
- 15 presidential electors of a political party or an independent ticket
- 16 by making a single voting mark; and
- 17 (2) for or against a public question on which the voter may vote.
- 18 SECTION 5. IC 3-11-7-6 IS REPEALED [EFFECTIVE JANUARY
- 19 1, 2021]. Sec. 6: A ballot card voting system must count a ballot in
- 20 accordance with IC 3-12-1-7 when a voter votes a straight ticket vote
- 21 and votes for individual candidates as described by IC 3-12-1-7.
- 22 SECTION 6. IC 3-11-7.5-10, AS AMENDED BY P.L.278-2019,
- 23 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JANUARY 1, 2021]: Sec. 10. (a) Except as provided in subsection (b);
- 25 An electronic voting system must permit a voter to vote:
- 26 (1) except at a primary election, a straight party ticket for all the
- 27 candidates of one (1) political party by touching the device of that
- 28 party;
- 29 (2) (1) for one (1) or more candidates of each political party or
- 30 independent candidates, or for one (1) or more school board
- 31 candidates nominated by petition; or
- 32 (3) (2) a split ticket for the candidates of different political parties
- 33 and for independent candidates. or
- 34 (4) a straight party ticket and then split that ticket by casting
- 35 individual votes for candidates of another political party or
- 36 independent candidates.
- 37 (b) An electronic voting system must require that a voter who
- 38 wishes to cast a ballot for a candidate for election to an at-large district
- 39 to which more than one person may be elected; on a:
- 40 (1) county council;
- 41 (2) city common council;
- 42 (3) town council; or



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

6 ~~(c)~~ (b) An electronic voting system must permit a voter to vote:

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

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

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

14 SECTION 7. IC 3-11-11-10 IS REPEALED [EFFECTIVE
 15 JANUARY 1, 2021]. ~~Sec. 10. If an election is a general or municipal~~
 16 ~~election and a voter desires to vote for all the candidates of one (1)~~
 17 ~~political party or group of petitioners, the voter may make a voting~~
 18 ~~mark on or in a large circle enclosing the device and before the name~~
 19 ~~under which the candidates of the party or group of petitioners are~~
 20 ~~printed. The voter's vote shall then be counted for all the candidates~~
 21 ~~under that party name or for the two (2) candidates comprising an~~
 22 ~~independent ticket.~~

23 SECTION 8. IC 3-11-13-11, AS AMENDED BY P.L.278-2019,
 24 SECTION 104, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JANUARY 1, 2021]: Sec. 11. (a) The ballot information,
 26 whether placed on the ballot card or on the marking device, must be in
 27 the order of arrangement provided for ballots under this section.

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

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

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

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

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



1 name or device, or if the same device is selected by two (2) or more
2 parties or petitioners.

3 (e) The offices and public questions on the general election ballot
4 must be placed on the ballot in the order listed in IC 3-11-2-12,
5 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),
6 IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c),
7 IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions
8 may be listed in a continuous column **or row** either vertically or
9 horizontally and on a number of separate pages.

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

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

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

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

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

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

31 (3) All other political parties listed in the order that the parties'
32 candidates for secretary of state finished in the ~~last~~ **most recent**
33 election **for secretary of state** are listed after the party listed in
34 subdivision (2).

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

40 (5) If more than one (1) political party or independent candidate
41 or ticket described in subdivision (4) qualifies to be on the ballot,
42 the parties, candidates, or tickets are listed in the order in which



1 the party filed its petition of nomination under IC 3-8-6-12.

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

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

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

10 (1) candidate; or

11 (2) ticket of candidates for:

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

13 (B) governor and lieutenant governor;

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

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

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

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

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

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

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

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

31 (2) in alphabetical order according to surname.

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

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

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

39 (2) The instructions described in IC 3-11-2-8 ~~IC 3-11-2-10(d);~~
40 ~~and IC 3-11-2-10(e);~~ **IC 3-11-2-10(c).**

41 (l) The ballot must include: ~~a single connectable arrow, circle, oval;~~
42 ~~or square; or a voting position for voting a straight party or an~~



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

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

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

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

23 (n) The requirements in this section:

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

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

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

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

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

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

38 SECTION 9. IC 3-11-13-14 IS REPEALED [EFFECTIVE
 39 JANUARY 1, 2021]. ~~Sec. 14. (a) In partisan elections, the ballot labels~~
 40 ~~must include a voting square or position where a voter may by one (+)~~
 41 ~~voting mark on each card record a straight party or an independent~~
 42 ~~ticket vote for all the candidates of one (+) political party or the~~



1 independent ticket, except for offices for which the voter:

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

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

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

8 SECTION 10. IC 3-11-13-22, AS AMENDED BY P.L.278-2019,
9 SECTION 106, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JANUARY 1, 2021]: Sec. 22. (a) This section applies to:

11 (1) a ballot card voting system; and

12 (2) a voting system that includes features of a ballot card voting
13 system and a direct record electronic voting system.

14 (b) Not later than seventy-four (74) days before election day, for
15 each county planning to use automatic tabulating machines at the next
16 election, VSTOP shall provide each county election board with two (2)
17 lists of unique identification numbers for the machines to be tested by
18 the county. The number of machines selected in each list must be:

19 (1) approved by the division; and

20 (2) not less than five percent (5%) of the machines in the county.

21 (c) The county election board shall test the machines in the first list
22 described in subsection (b) to ascertain that the machines will correctly
23 count the votes cast for ~~straight party tickets~~, for all candidates
24 (including write-in candidates) and on all public questions. If an
25 individual attending the public test requests that additional automatic
26 tabulating machines be tested, then the county election board shall test
27 machines from the second list described in subsection (b).

28 (d) If VSTOP does not provide the lists under subsection (b) not
29 later than sixty (60) days before the election, the county election board
30 shall establish and implement a procedure for random selection of not
31 less than five percent (5%) of the machines in the county. The county
32 election board shall then test the machines selected as described in
33 subsection (c).

34 (e) Not later than seven (7) days after conducting the test under
35 subsection (c), the county election board shall certify to the election
36 division that the test has been conducted in conformity with subsection
37 (c). The testing under subsection (c) must begin before absentee voting
38 begins in the office of the circuit court clerk under IC 3-11-10-26.

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

42 (g) If a county election board determines that:



- 1 (1) a ballot:
 2 (A) must be reprinted or corrected as provided by
 3 IC 3-11-2-16 because of the omission of a candidate, political
 4 party, or public question from the ballot; or
 5 (B) is an absentee ballot that a voter is entitled to recast under
 6 IC 3-11.5-4-2 because the absentee ballot includes a candidate
 7 for election to office who:
 8 (i) ceased to be a candidate; and
 9 (ii) has been succeeded by a candidate selected under
 10 IC 3-13-1 or IC 3-13-2; and
 11 (2) ballots used in the test conducted under this section were not
 12 reprinted or corrected to remove the omission of a candidate,
 13 political party, or public question, or indicate the name of the
 14 successor candidate;
 15 the county election board shall conduct an additional public test
 16 described in subsection (c) using the reprinted or corrected ballots.
 17 Notice of the time and place of the additional test shall be given in
 18 accordance with IC 5-14-1.5, but publication of the notice in
 19 accordance with IC 5-3-1-4 is not required.
 20 SECTION 11. IC 3-11-13-31.7, AS AMENDED BY P.L.21-2016,
 21 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JANUARY 1, 2021]: Sec. 31.7. (a) This section is enacted to comply
 23 with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory
 24 standards to define what constitutes a vote on an optical scan voting
 25 system.
 26 (b) After receiving ballot cards, a voter shall, without leaving the
 27 room, go alone into one (1) of the booths or compartments that is
 28 unoccupied and indicate:
 29 (1) the candidates for whom the voter desires to vote by marking
 30 the connectable arrows, circles, ovals, or squares immediately
 31 beside:
 32 (A) the candidates' names; or
 33 (B) the numbers referring to the candidates; and
 34 (2) the voter's preference on each public question by marking the
 35 connectable arrow, oval, or square beside:
 36 (A) the word "yes" or "no" under the question; or
 37 (B) the number referring to the word "yes" or "no" on the
 38 ballot.
 39 (c) If an election is a general or municipal election and a voter
 40 desires to vote for all the candidates of one (1) political party or
 41 independent ticket (described in IC 3-11-2-6), the voter may mark:
 42 (†) the circle enclosing the device; or



1 (2) the connectable arrow, circle, oval, or square described in
 2 section 11 of this chapter;
 3 that designates the candidates of that political party or independent
 4 ticket (described in IC 3-11-2-6). Except as provided by
 5 IC 3-11-7-4(b), the voter's vote shall then be counted for all the
 6 candidates of that political party or included in the independent ticket
 7 (described in IC 3-11-2-6). However, if the voter marks the circle,
 8 arrow, oval, or square of an independent ticket (described in
 9 IC 3-11-2-6), the vote shall not be counted for any other independent
 10 candidate on the ballot.

11 ~~(d)~~ (c) This subsection applies to a voter casting a ballot on a voting
 12 system that includes features of both an optical scan ballot card voting
 13 system and a direct record electronic voting system. After entering into
 14 a booth used with the voting system, the voter shall indicate the
 15 candidates for whom the voter desires to vote and the voter's preference
 16 on each public question by:

- 17 (1) inserting a paper ballot or an optical scan ballot into the voting
 18 system; or
- 19 (2) using headphones to listen to a recorded list of political
 20 parties, candidates, and public questions.

21 ~~(e)~~ (d) A voter using a voting system described in subsection ~~(d)~~ (c)
 22 may indicate the voter's selections by:

- 23 (1) touching a device on or in the squares immediately adjacent
 24 to the name of a political party, candidate, or response to a public
 25 question; or
- 26 (2) indicating the voter's choices by using a sip puff device that
 27 enables the voter to indicate a choice by inhaling or exhaling.

28 SECTION 12. IC 3-11-14-3.5, AS AMENDED BY P.L.21-2016,
 29 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 2021]: Sec. 3.5. (a) Each county election board shall
 31 have the names of all candidates for all elected offices, political party
 32 offices, and public questions printed on ballot labels for use in an
 33 electronic 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). Each office and public question
 12 may have a separate screen, or the offices and public questions may be
 13 listed in a continuous column either vertically or horizontally.

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

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

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

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

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

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

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

39 (4) If a political party did not have a candidate for secretary of
 40 state in the ~~last most recent~~ **election for secretary of state** or a
 41 nominee is an independent candidate or independent ticket
 42 (described in IC 3-11-2-6), the party or candidate is listed after



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



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

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

5 (l) The instructions described in IC 3-11-2-8 ~~IC 3-11-2-10(d)~~; and
6 ~~IC 3-11-2-10(e)~~ **IC 3-11-2-10(c)** may be:

7 (1) placed on the ballot label; or

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

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

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

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

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

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

31 (o) The requirements in this section:

32 (1) do not replace; and

33 (2) are in addition to;

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

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

40 SECTION 13. IC 3-11-14-23, AS AMENDED BY P.L.21-2016,
41 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JANUARY 1, 2021]: Sec. 23. (a) This section is enacted to comply



1 with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory
 2 standards to define what constitutes a vote on an electronic voting
 3 system.

4 (b) If a voter is not challenged by a member of the precinct election
 5 board, the voter may pass the railing to the side where an electronic
 6 voting system is and into the voting booth. There the voter shall
 7 register the voter's vote in secret by indicating:

8 (1) the candidates for whom the voter desires to vote by touching
 9 a device on or in the squares immediately above the candidates'
 10 names;

11 (2) if the voter intends to cast a write-in vote, a write-in vote by
 12 touching a device on or in the square immediately below the
 13 candidates' names and printing the name of the candidate in the
 14 window provided for write-in voting; and

15 (3) the voter's preference on each public question by touching a
 16 device above the word "yes" or "no" under the question.

17 (c) If an election is a general or municipal election and a voter
 18 desires to vote for all the candidates of one (1) political party or group
 19 of petitioners, the voter may cast a straight party ticket by touching that
 20 party's device. Except as provided in IC 3-11-7.5-10(b), the voter's vote
 21 shall then be counted for all the candidates under that name. However,
 22 if the voter casts a vote by touching the circle of an independent ticket
 23 comprised of two (2) candidates, the vote shall not be counted for any
 24 other independent candidate on the ballot.

25 (d) (c) As provided by 52 U.S.C. 21081, a voter casting a ballot on
 26 an electronic voting system must be:

27 (1) permitted to verify in a private and independent manner the
 28 votes selected by the voter before the ballot is cast and counted;

29 (2) provided the opportunity to change the ballot or correct any
 30 error in a private and independent manner before the ballot is cast
 31 and counted, including the opportunity to receive a replacement
 32 ballot if the voter is otherwise unable to change or correct the
 33 ballot; and

34 (3) notified before the ballot is cast regarding the effect of casting
 35 multiple votes for the office and provided an opportunity to
 36 correct the ballot before the ballot is cast and counted.

37 SECTION 14. IC 3-11-14.5-1, AS AMENDED BY P.L.278-2019,
 38 SECTION 113, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JANUARY 1, 2021]: Sec. 1. (a) Not later than
 40 seventy-four (74) days before election day, for each county planning to
 41 use an electronic voting system at the next election, VSTOP shall
 42 provide each county election board with two (2) lists of unique



1 identification numbers for the machines to be tested by the county. The
 2 number of machines selected in each list must be:

- 3 (1) approved by the division; and
 4 (2) not less than five percent (5%) of the machines in the county.

5 (b) The county election board shall test the machines in the first list
 6 described in subsection (a) to ascertain that the machines will correctly
 7 count the votes cast for ~~straight party tickets~~, for all candidates
 8 (including write-in candidates) and on all public questions. If an
 9 individual attending the public test requests that additional electronic
 10 voting systems be tested, then the county election board shall test
 11 machines from the second list described in subsection (a).

12 (c) If VSTOP does not provide the lists under subsection (a) not
 13 later than sixty (60) days before the election, the county election board
 14 shall establish and implement a procedure for random selection of not
 15 less than five percent (5%) of the machines in the county. The county
 16 election board shall then test the machines selected as described in
 17 subsection (b).

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

20 (e) If a county election board determines that:

- 21 (1) a ballot provided by an electronic voting system:
 22 (A) must be corrected as provided by IC 3-11-2-16 because of
 23 the omission of a candidate, political party, or public question
 24 from the ballot; or
 25 (B) is an absentee ballot that a voter is entitled to recast under
 26 IC 3-11.5-4-2 because the absentee ballot includes a candidate
 27 for election to office who:
 28 (i) ceased to be a candidate; and
 29 (ii) has been succeeded by a candidate selected under
 30 IC 3-13-1 or IC 3-13-2; and

31 (2) machines used in the test conducted under this section did not
 32 contain a ballot that was reprinted or corrected to remove the
 33 omission of a candidate, political party, or public question, or
 34 indicate the name of the successor candidate;
 35 the county election board shall conduct an additional public test
 36 described in subsection (b) using the machines previously tested and
 37 containing the reprinted or corrected ballots.

38 SECTION 15. IC 3-12-1-1, AS AMENDED BY P.L.64-2014,
 39 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JANUARY 1, 2021]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, 9.5, and
 41 13 of this chapter, the primary factor to be considered in determining
 42 a voter's choice on a ballot is the intent of the voter. If the voter's intent



1 can be determined on the ballot or on part of the ballot, the vote shall
 2 be counted for the affected candidate or candidates or on the public
 3 question. However, if it is impossible to determine a voter's choice of
 4 candidates on a part of a ballot or vote on a public question, then the
 5 voter's vote concerning those candidates or public questions may not
 6 be counted.

7 SECTION 16. IC 3-12-1-5, AS AMENDED BY P.L.278-2019,
 8 SECTION 137, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JANUARY 1, 2021]: Sec. 5. (a) This subsection does not
 10 apply to a ballot card voting system or an electronic voting system.
 11 ~~Except as provided in subsection (d);~~ A voting mark made by a voter
 12 on or in a voting square at the left of a candidate's name ~~or political~~
 13 ~~party's name~~ shall be counted as a vote for the candidate. ~~or candidates~~
 14 ~~of the political party.~~

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

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

19 immediately below or beside a candidate's name ~~or political party's~~
 20 ~~name~~ shall be counted as a vote for the candidate. ~~or candidates of the~~
 21 ~~political party; except as provided in subsection (d).~~

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

27 (d) ~~A voter who wishes to cast a ballot for a candidate for election~~
 28 ~~to an at-large district to which more than one (1) person may be elected~~
 29 ~~on a:~~

- 30 (1) ~~county council;~~
- 31 (2) ~~city common council;~~
- 32 (3) ~~town council; or~~
- 33 (4) ~~township board;~~

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

39 SECTION 17. IC 3-12-1-7, AS AMENDED BY P.L.21-2016,
 40 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2021]: Sec. 7. (a) ~~This subsection applies whenever a~~
 42 ~~voter:~~



1 (1) votes a straight party ticket; and
 2 (2) votes only for one (1) or more individual candidates who are
 3 all of the same political party as the straight ticket vote.
 4 Except as provided in subsection (d) or (e), the straight ticket vote shall
 5 be counted and the individual candidate votes may not be counted:
 6 (b) This subsection applies whenever:
 7 (1) a voter has voted a straight party ticket for the candidates of
 8 one (1) political party;
 9 (2) only one (1) person may be elected to an office; and
 10 (3) the voter has voted for one (1) individual candidate for the
 11 office described in subdivision (2) who is:
 12 (A) a candidate of a political party other than the party for
 13 which the voter voted a straight ticket; or
 14 (B) an independent candidate or declared write-in candidate
 15 for the office.
 16 If the voter has voted for one (1) individual candidate for the office
 17 described in subdivision (2), the individual candidate vote for that
 18 office shall be counted; the straight party ticket vote for that office may
 19 not be counted; and the straight party ticket votes for other offices on
 20 the ballot shall be counted:
 21 (c) This subsection applies whenever:
 22 (1) a voter has voted a straight party ticket for the candidates of
 23 one (1) political party; and
 24 (2) the voter has voted for more individual candidates for the
 25 office than the number of persons to be elected to that office.
 26 The individual candidate votes for that office may not be counted; the
 27 straight party ticket vote for that office may not be counted; and the
 28 straight party ticket votes for other offices on the ballot shall be
 29 counted:
 30 (d) This subsection applies whenever:
 31 (1) a voter has voted a straight party ticket for the candidates of
 32 one (1) political party;
 33 (2) more than one (1) person may be elected to an office; and
 34 (3) the voter has voted for individual candidates for the office
 35 described in subdivision (2) who are:
 36 (A) independent candidates or declared write-in candidates;
 37 (B) candidates of a political party other than the political party
 38 for which the voter cast a straight party ticket under
 39 subdivision (1); or
 40 (C) a combination of candidates described in clauses (A) and
 41 (B).
 42 The individual votes cast by the voter for the office for the independent



1 candidates; declared write-in candidates; and the candidates of a
 2 political party other than the political party for which the voter cast a
 3 straight party ticket shall be counted unless the total number of these
 4 individual votes is greater than the number of persons to be elected to
 5 the office. The straight party ticket votes for the office shall not be
 6 counted. The straight party ticket votes for other offices on the voter's
 7 ballot shall be counted.

8 (e) This subsection applies whenever:

9 (1) a voter has voted a straight party ticket for the candidates of
 10 one (1) political party;

11 (2) more than one (1) person may be elected to an office; and

12 (3) the voter has voted for individual candidates for the office
 13 described in subdivision (2) who are:

14 (A) independent candidates; declared write-in candidates; or
 15 candidates of a political party other than the political party for
 16 which the voter cast a straight party ticket under subdivision
 17 (1); and

18 (B) candidates of the same political party for which the voter
 19 cast a straight party ticket under subdivision (1).

20 The individual votes cast by the voter for the office for the independent
 21 candidates; the declared write-in candidates; and the candidates of a
 22 political party other than the political party for which the voter cast a
 23 straight party ticket; and the candidates of the political party for which
 24 the voter cast a straight party ticket shall be counted unless the total
 25 number of these individual votes is greater than the number of persons
 26 to be elected to the office. The straight party ticket votes for the office
 27 shall not be counted. The straight party ticket votes for other offices on
 28 the voter's ballot shall be counted.

29 (f) If a voter votes a straight party ticket for more than one (1)
 30 political party, the whole ballot is void with regard to all candidates
 31 nominated by a political party; declared write-in candidates; or
 32 candidates designated as independent candidates on the ballot.
 33 However, the voter's vote for a school board candidate or on a public
 34 question shall be counted if otherwise valid under this chapter.

35 (g) (a) If a voter does not vote a straight party ticket and the number
 36 of votes cast by that a voter for the candidates for an office are less
 37 than or equal to the number of openings for that office, the individual
 38 candidates votes shall be counted.

39 (h) (b) If a voter does not vote a straight party ticket and the number
 40 of votes cast by that a voter for an office exceeds the number of
 41 openings for that office, none of the votes concerning that office may
 42 be counted.



1 SECTION 18. IC 3-12-1-7.5, AS AMENDED BY P.L.21-2016,
 2 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2021]: Sec. 7.5. (a) If a voter votes for one (1) individual
 4 candidate for an office for which only one (1) person may be elected
 5 and also writes in the name of another candidate for the same office,
 6 neither vote may be counted.

7 (b) If a voter votes for at least one (1) individual candidate for an
 8 office for which at least two (2) people may be elected and also writes
 9 in the name of at least one (1) candidate, the vote for that office may
 10 not be counted unless the number of individual votes cast for the office,
 11 when added to the number of write-in votes cast for that office, is less
 12 than or equal 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 19. IC 3-12-1-8 IS REPEALED [EFFECTIVE
 18 JANUARY 1, 2021]. ~~Sec. 8: (a) Except as provided in subsection (b),~~
 19 ~~a voting mark made by a voter on or in a circle containing a political~~
 20 ~~party device shall be counted as a vote for each candidate of that~~
 21 ~~political party on that ballot.~~

22 (b) ~~A voter who wishes to cast a ballot for a candidate for election~~
 23 ~~to an at-large district to which more than one (1) person may be elected~~
 24 ~~on a:~~

- 25 (1) ~~county council;~~
- 26 (2) ~~city common council;~~
- 27 (3) ~~town council; or~~
- 28 (4) ~~township board;~~

29 ~~must make a voting mark for each individual candidate for whom the~~
 30 ~~voter wishes to cast a vote. A voting mark on or in a circle containing~~
 31 ~~a political party device shall not be counted as a straight party ticket~~
 32 ~~voting mark as a vote for any candidate for an office described by this~~
 33 ~~subsection.~~

34 SECTION 20. IC 3-12-1-14 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 14. (a) This
 36 section does not apply to a vote

- 37 (1) ~~cast for President or Vice President of the United States under~~
 38 ~~IC 3-10-4-6. or~~
- 39 (2) ~~described by section 15 of this chapter.~~

40 (b) A vote cast for a candidate who ceases to be a candidate may not
 41 be counted as a vote for a successor candidate selected under IC 3-13-1
 42 or IC 3-13-2.



1 SECTION 21. IC 3-12-1-15 IS REPEALED [EFFECTIVE
2 JANUARY 1, 2021]. Sec. 15: (a) This section does not apply to a
3 candidate for an at-large office of a county council, city common
4 council, town council, or township board, if those offices appear on a
5 ballot.
6 (b) This section applies to a vote cast for one (1) straight party ticket
7 that includes a candidate for election to office who:
8 (1) ceases to be a candidate; and
9 (2) is succeeded by a candidate selected under IC 3-13-1 or
10 IC 3-13-2.
11 (c) A vote cast in the election for the original nominee is considered
12 a vote cast for the successor.

