

HOUSE BILL No. 1195

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 Repeals superseded statutes relating to straight ticket voting.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: July 1, 2021.

Saunders

January 7, 2021, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1195

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 JULY 1, 2021]: 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(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 THE TECHNICAL
3 CORRECTIONS BILL OF THE 2021 GENERAL ASSEMBLY, IS
4 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:
5 Sec. 10. (a) Public questions shall be placed on the general election
6 ballot in the following order after the statement described in section 7
7 of this chapter, and the instructions described in ~~subsections (d) and (e)~~
8 **subsection (c)** and section 8 of this chapter, if instructions are printed
9 on the ballot:

10 (1) Ratification of a state constitutional amendment.

11 (2) Local public questions.

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

14 (b) The name or title of the political party or independent ticket
15 described in section 6 of this chapter shall be placed on the general
16 election ballot after the public questions described in subsection (a).
17 The device of the political party or independent ticket shall be placed
18 immediately under the name of the political party or independent ticket.
19 Notwithstanding section 8(b) of this chapter, the instructions for voting
20 a straight party ticket shall be placed to the right of the device on the
21 ballot.

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

24 "(1) You are not required to vote a straight party ticket. If you do
25 not wish to vote a straight party ticket, do not make a mark in this
26 section, and proceed to voting the ballot by office.

27 (2) To vote a straight (insert political party name) ticket for all
28 (insert political party name) candidates on this ballot, except for
29 candidates described in (3) below, make a voting mark on or in
30 this circle and do not make any other marks on this ballot.

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

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

40 (d) Except as permitted under section 8(b) of this chapter, if the
41 ballot contains an independent ticket described in section 6 of this
42 chapter and at least one (1) other independent candidate, the ballot



1 must also contain a statement that reads substantially as follows: "A
2 vote cast for an independent ticket will only be counted for the
3 candidates for President and Vice President or governor and lieutenant
4 governor comprising that independent ticket. This vote will NOT be
5 counted for any OTHER independent candidate appearing on the
6 ballot."

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

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

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

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

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

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

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

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

41 ~~(2) (1) for one (1) or more candidates of each political party or~~
42 ~~independent candidates, or for one (1) or more school board~~



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



1 wishes to cast a ballot for a candidate for election to an at-large district
2 to which more than one person may be elected; on a:

- 3 (1) county council;
4 (2) city common council;
5 (3) town council; or
6 (4) township board;

7 make a voting mark for each individual candidate for whom the voter
8 wishes to cast a vote. The electronic voting system may not count any
9 straight party ticket voting mark as a vote for any candidate for an
10 office described by this subsection:

- 11 (e) (b) An electronic voting system must permit a voter to vote:
12 (1) for as many candidates for an office as the voter may vote for,
13 but no more;
14 (2) for or against a public question on which the voter may vote,
15 but no other; and
16 (3) for all the candidates for presidential electors and alternate
17 presidential electors of a political party or an independent ticket
18 by making a single voting mark.

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

27 SECTION 8. IC 3-11-13-11, AS AMENDED BY P.L.141-2020,
28 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2021]: Sec. 11. (a) The ballot information, whether placed on
30 the ballot card or on the marking device, must be in the order of
31 arrangement provided for ballots under this section.

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

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

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

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

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 for
 22 this office, you must make a voting mark for each candidate you
 23 wish to vote for." ~~A straight party vote will not count as a vote for~~
 24 ~~any candidate for this office.~~; if more than one (1) candidate is to
 25 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 **at the most recent election for secretary of state** is listed
 35 second.

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

40 (4) If a political party did not have a candidate for secretary of
 41 state in the ~~last most recent~~ **election for secretary of state** or a
 42 nominee is an independent candidate or independent ticket



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



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

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

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

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

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

15 The name and device of each political party or independent ticket must
16 be of uniform size and type and arranged in the order established by
17 subsection (g) for listing candidates under each office. The ~~instructions~~
18 ~~described in IC 3-11-2-10(c) for voting a straight party ticket and the~~
19 ~~statement concerning presidential electors required under IC 3-10-4-3~~
20 ~~must be placed on the ballot label. The instructions for voting a straight~~
21 ~~party ticket must include the statement: "If you do not wish to vote a~~
22 ~~straight party ticket, do not make a mark in this section and proceed to~~
23 ~~voting the ballot by office."~~

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

30 (n) The requirements in this section:

31 (1) do not replace; and

32 (2) are in addition to;

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

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

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

40 (1) the names of ~~political parties~~ or candidates; or

41 (2) the text of public questions;

42 on the face of the ballot. The ballot must be prepared in accordance



1 with this section, except that the ballot must include a numbered circle
2 or oval to refer to each political party, candidate, or public question.

3 SECTION 9. IC 3-11-13-14 IS REPEALED [EFFECTIVE JULY 1,
4 2021]. Sec. 14. (a) ~~In partisan elections, the ballot labels must include~~
5 ~~a voting square or position where a voter may by one (1) voting mark~~
6 ~~on each card record a straight party or an independent ticket vote for all~~
7 ~~the candidates of one (1) political party or the independent ticket,~~
8 ~~except for offices for which the voter:~~

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

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

12 (b) ~~If the voter records a vote for the two (2) candidates comprising~~
13 ~~an independent ticket, the vote must not count for any other~~
14 ~~independent candidate on the ballot.~~

15 SECTION 10. IC 3-11-13-22, AS AMENDED BY P.L.135-2020,
16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2021]: Sec. 22. (a) This section applies to:

18 (1) a ballot card voting system; and

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

21 (b) Not later than seventy-four (74) days before election day, for
22 each county planning to use automatic tabulating machines at the next
23 election, VSTOP shall provide each county election board with a
24 randomly sorted list of unique identification numbers for the inventory
25 of machines in the county maintained under IC 3-11-16-4. Starting at
26 the top of the list, the county election board shall select machines in the
27 list in the order listed so that:

28 (1) if a machine to be selected in the list is not scheduled to be
29 used in the upcoming election, the selection process will move to
30 the next machine in the order listed;

31 (2) each selected machine is scheduled to be used in the
32 upcoming election; and

33 (3) the number of machines selected is not less than five percent
34 (5%) of the machines in the county scheduled by the county
35 election board to be used in the upcoming election.

36 (c) The county election board shall test the machines as described
37 in subsection (b) to ascertain that the machines will correctly count the
38 votes cast ~~for straight party tickets~~, for all candidates (including
39 write-in candidates) and on all public questions. If an individual
40 attending the public test requests that additional automatic tabulating
41 machines be tested, then the county election board shall select and test
42 additional machines from the list in the manner described in subsection



- 1 (b).
- 2 (d) If VSTOP does not provide the lists under subsection (b) not
- 3 later than sixty (60) days before the election, the county election board
- 4 shall establish and implement a procedure for random selection of not
- 5 less than five percent (5%) of the machines in the county to be used in
- 6 the upcoming election. The county election board shall then test the
- 7 machines selected as described in subsection (c).
- 8 (e) Not later than seven (7) days after conducting the test under
- 9 subsection (c), the county election board shall certify to the election
- 10 division that the test has been conducted in conformity with subsection
- 11 (c). The testing under subsection (c) must begin before absentee voting
- 12 begins in the office of the circuit court clerk under IC 3-11-10-26.
- 13 (f) Public notice of the time and place shall be given at least
- 14 forty-eight (48) hours before the test. The notice shall be published
- 15 once in accordance with IC 5-3-1-4.
- 16 (g) If a county election board determines that:
- 17 (1) a ballot:
- 18 (A) must be reprinted or corrected as provided by
- 19 IC 3-11-2-16 because of the omission of a candidate, political
- 20 party, or public question from the ballot; or
- 21 (B) is an absentee ballot that a voter is entitled to recast under
- 22 IC 3-11.5-4-2 because the absentee ballot includes a candidate
- 23 for election to office who:
- 24 (i) ceased to be a candidate; and
- 25 (ii) has been succeeded by a candidate selected under
- 26 IC 3-13-1 or IC 3-13-2; and
- 27 (2) ballots used in the test conducted under this section were not
- 28 reprinted or corrected to remove the omission of a candidate,
- 29 political party, or public question, or indicate the name of the
- 30 successor candidate;
- 31 the county election board shall conduct an additional public test
- 32 described in subsection (c) using the reprinted or corrected ballots.
- 33 Notice of the time and place of the additional test shall be given in
- 34 accordance with IC 5-14-1.5, but publication of the notice in
- 35 accordance with IC 5-3-1-4 is not required.
- 36 SECTION 11. IC 3-11-13-31.7, AS AMENDED BY P.L.21-2016,
- 37 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2021]: Sec. 31.7. (a) This section is enacted to comply with
- 39 52 U.S.C. 21081 by establishing uniform and nondiscriminatory
- 40 standards to define what constitutes a vote on an optical scan voting
- 41 system.
- 42 (b) After receiving ballot cards, a voter shall, without leaving the



1 room, go alone into one (1) of the booths or compartments that is
2 unoccupied and indicate:

3 (1) the candidates for whom the voter desires to vote by marking
4 the connectable arrows, circles, ovals, or squares immediately
5 beside:

6 (A) the candidates' names; or

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

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

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

11 (B) the number referring to the word "yes" or "no" on the
12 ballot.

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

16 ~~(1)~~ the circle enclosing the device; or

17 ~~(2)~~ the connectable arrow, circle, oval, or square described in
18 section ~~11~~ of this chapter;

19 that designates the candidates of that political party or independent
20 ticket ~~(described in IC 3-11-2-6)~~. Except as provided by
21 IC 3-11-7-4(b), the voter's vote shall then be counted for all the
22 candidates of that political party or included in the independent ticket
23 ~~(described in IC 3-11-2-6)~~. However, if the voter marks the circle,
24 arrow, oval, or square of an independent ticket ~~(described in~~
25 ~~IC 3-11-2-6)~~, the vote shall not be counted for any other independent
26 candidate on the ballot.

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

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

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

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

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

42 (2) indicating the voter's choices by using a sip puff device that



- 1 enables the voter to indicate a choice by inhaling or exhaling.
- 2 SECTION 12. IC 3-11-14-3.5, AS AMENDED BY P.L.141-2020,
3 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 3.5. (a) Each county election board shall have the
5 names of all candidates for all elected offices, political party offices,
6 and public questions printed on ballot labels for use in an electronic
7 voting system as provided in this chapter.
- 8 (b) The county may:
- 9 (1) print all offices and public questions on a single ballot label;
10 and
11 (2) include a ballot variation code to ensure that the proper
12 version of a ballot label is used within a precinct.
- 13 (c) Each type of ballot label must be of uniform size and of the same
14 quality and color of paper (except as permitted under IC 3-10-1-17).
- 15 (d) The nominees of a political party or an independent candidate
16 or independent ticket (described in IC 3-11-2-6) nominated by
17 petitioners must be listed on the ballot label with the name and device
18 set forth on the certification or petition. The circle containing the
19 device may be of any size that permits a voter to readily identify the
20 device. IC 3-11-2-5 applies if the certification or petition does not
21 include a name or device, or if the same device is selected by two (2)
22 or more parties or petitioners.
- 23 (e) The ballot labels must list the offices and public questions on the
24 general election ballot in the order listed in IC 3-11-2-12,
25 IC 3-11-2-12.4, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),
26 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
27 IC 3-11-2-14(d). Each office and public question may have a separate
28 screen, or the offices and public questions may be listed in a
29 continuous column **or row** either vertically or horizontally.
- 30 (f) The name of each office must be printed in a uniform size in bold
31 type. 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:
- 34 (1) "Vote for one (1) only.", if only one (1) candidate is to be
35 elected to the office.
- 36 (2) "Vote for not more than (insert the number of candidates to be
37 elected) candidate(s) for this office.", ~~To vote for any candidate~~
38 ~~for this office, you must make a voting mark for each candidate~~
39 ~~you wish to vote for. A straight party vote will not count as a vote~~
40 ~~for any candidate for this office."~~; if more than one (1) candidate
41 is to be elected to the office.
- 42 (g) Below the name of the office and the statement required by



1 subsection (f), the names of the candidates for each office must be
2 grouped together in the following order:

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

6 (2) The major political party whose candidate received the second
7 ~~highest~~ **greatest** number of votes in the county for secretary of
8 state **at the most recent election for secretary of state** is listed
9 second.

10 (3) All other political parties listed in the order that the parties'
11 candidates for secretary of state finished in the ~~last most recent~~
12 **election for secretary of state** are listed after the party listed in
13 subdivision (2).

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

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

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

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

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

35 (1) candidate; or

36 (2) ticket of candidates for:

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

38 (B) governor and lieutenant governor;

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

41 (i) All the candidates of the same political party for election to
42 at-large seats on the fiscal or legislative body of a political subdivision



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



1 that voting system to permit a voter to skip a ballot screen) to continue
2 voting."

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

9 (o) The requirements in this section:

10 (1) do not replace; and

11 (2) are in addition to;

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

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

18 SECTION 13. IC 3-11-14-23, AS AMENDED BY P.L.21-2016,
19 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2021]: Sec. 23. (a) This section is enacted to comply with 52
21 U.S.C. 21081 by establishing uniform and nondiscriminatory standards
22 to define what constitutes a vote on an electronic voting system.

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

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

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

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

36 (c) ~~If an election is a general or municipal election and a voter~~
37 ~~desires to vote for all the candidates of one (1) political party or group~~
38 ~~of petitioners, the voter may cast a straight party ticket by touching that~~
39 ~~party's device. Except as provided in IC 3-11-7.5-10(b), the voter's vote~~
40 ~~shall then be counted for all the candidates under that name. However,~~
41 ~~if the voter casts a vote by touching the circle of an independent ticket~~
42 ~~comprised of two (2) candidates, the vote shall not be counted for any~~



1 other independent candidate on the ballot.

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

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

6 (2) provided the opportunity to change the ballot or correct any
7 error in a private and independent manner before the ballot is cast
8 and counted, including the opportunity to receive a replacement
9 ballot if the voter is otherwise unable to change or correct the
10 ballot; and

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

14 SECTION 14. IC 3-11-14.5-1, AS AMENDED BY P.L.135-2020,
15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2021]: Sec. 1. (a) Not later than seventy-four (74) days before
17 election day, for each county planning to use an electronic voting
18 system at the next election, VSTOP shall provide each county election
19 board with a randomly sorted list of unique identification numbers for
20 the inventory of machines in the county maintained under
21 IC 3-11-16-4. Starting at the top of the list, the county election board
22 shall select machines in the list in the order listed so that:

23 (1) if a machine to be selected in the list is not scheduled to be
24 used in the upcoming election, the selection process will move to
25 the next machine in the order listed;

26 (2) each selected machine is scheduled to be used in the
27 upcoming election; and

28 (3) the number of machines selected is not less than five percent
29 (5%) of the machines in the county scheduled by the county
30 election board to be used in the upcoming election.

31 (b) The county election board shall test the machines as described
32 in subsection (a) to ascertain that the machines will correctly count the
33 votes cast ~~for straight party tickets~~; for all candidates (including
34 write-in candidates) and on all public questions. If an individual
35 attending the public test requests that additional electronic voting
36 systems be tested, then the county election board shall select and test
37 additional machines from the list in the manner described in subsection
38 (a).

39 (c) If VSTOP does not provide the lists under subsection (a) not
40 later than sixty (60) days before the election, the county election board
41 shall establish and implement a procedure for random selection of not
42 less than five percent (5%) of the machines in the county. The county



1 election board shall then test the machines selected to be used in the
2 upcoming election as described in subsection (b).

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

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

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

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

10 (B) is an absentee ballot that a voter is entitled to recast under
11 IC 3-11.5-4-2 because the absentee ballot includes a candidate
12 for election to office who:

13 (i) ceased to be a candidate; and

14 (ii) has been succeeded by a candidate selected under
15 IC 3-13-1 or IC 3-13-2; and

16 (2) machines used in the test conducted under this section did not
17 contain a ballot that was reprinted or corrected to remove the
18 omission of a candidate, political party, or public question, or
19 indicate the name of the successor candidate;

20 the county election board shall conduct an additional public test
21 described in subsection (b) using the machines previously tested and
22 containing the reprinted or corrected ballots.

23 SECTION 15. IC 3-12-1-1, AS AMENDED BY P.L.64-2014,
24 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2021]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, 9.5, and 13 of
26 this chapter, the primary factor to be considered in determining a
27 voter's choice on a ballot is the intent of the voter. If the voter's intent
28 can be determined on the ballot or on part of the ballot, the vote shall
29 be counted for the affected candidate or candidates or on the public
30 question. However, if it is impossible to determine a voter's choice of
31 candidates on a part of a ballot or vote on a public question, then the
32 voter's vote concerning those candidates or public questions may not
33 be counted.

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

41 (b) This subsection applies to a ballot card voting system. A voting
42



1 mark made by a voter:
 2 (1) on or in a circle, oval, or square; or
 3 (2) to connect a connectable arrow;
 4 immediately below or beside a candidate's name or political party's
 5 name shall be counted as a vote for the candidate. or candidates of the
 6 political party; except as provided in subsection (d):
 7 (c) This subsection applies to a direct record electronic voting
 8 system. A voting mark made by a voter touching a touch sensitive point
 9 or button below or beside a candidate's name or political party's name
 10 shall be counted as a vote for the candidate. or candidates of the
 11 political party; except as provided in subsection (d):
 12 (d) A voter who wishes to cast a ballot for a candidate for election
 13 to an at-large district to which more than one (1) person may be elected
 14 on a:
 15 (1) county council;
 16 (2) city common council;
 17 (3) town council; or
 18 (4) township board;
 19 must make a voting mark for each individual candidate for whom the
 20 voter wishes to cast a vote. A straight ticket voting mark on a paper
 21 ballot, ballot card voting system; or electronic voting system shall not
 22 be counted as a straight party ticket voting mark as a vote for any
 23 candidate for an office described by this subsection:
 24 SECTION 17. IC 3-12-1-7, AS AMENDED BY P.L.21-2016,
 25 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2021]: Sec. 7. (a) This subsection applies whenever a voter:
 27 (1) votes a straight party ticket; and
 28 (2) votes only for one (1) or more individual candidates who are
 29 all of the same political party as the straight ticket vote.
 30 Except as provided in subsection (d) or (e), the straight ticket vote shall
 31 be counted and the individual candidate votes may not be counted:
 32 (b) This subsection applies whenever:
 33 (1) a voter has voted a straight party ticket for the candidates of
 34 one (1) political party;
 35 (2) only one (1) person may be elected to an office; and
 36 (3) the voter has voted for one (1) individual candidate for the
 37 office described in subdivision (2) who is:
 38 (A) a candidate of a political party other than the party for
 39 which the voter voted a straight ticket; or
 40 (B) an independent candidate or declared write-in candidate
 41 for the office.
 42 If the voter has voted for one (1) individual candidate for the office



1 described in subdivision (2); the individual candidate vote for that
 2 office shall be counted; the straight party ticket vote for that office may
 3 not be counted; and the straight party ticket votes for other offices on
 4 the ballot shall be counted.

5 (c) This subsection applies whenever:

6 (1) a voter has voted a straight party ticket for the candidates of
 7 one (1) political party; and

8 (2) the voter has voted for more individual candidates for the
 9 office than the number of persons to be elected to that office.

10 The individual candidate votes for that office may not be counted; the
 11 straight party ticket vote for that office may not be counted; and the
 12 straight party ticket votes for other offices on the ballot shall be
 13 counted.

14 (d) This subsection applies whenever:

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

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

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

20 (A) independent candidates or declared write-in candidates;

21 (B) candidates of a political party other than the political party
 22 for which the voter cast a straight party ticket under
 23 subdivision (1); or

24 (C) a combination of candidates described in clauses (A) and
 25 (B).

26 The individual votes cast by the voter for the office for the independent
 27 candidates, declared write-in candidates, and the candidates of a
 28 political party other than the political party for which the voter cast a
 29 straight party ticket shall be counted unless the total number of these
 30 individual votes is greater than the number of persons to be elected to
 31 the office. The straight party ticket votes for the office shall not be
 32 counted. The straight party ticket votes for other offices on the voter's
 33 ballot shall be counted.

34 (e) This subsection applies whenever:

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

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

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

40 (A) independent candidates, declared write-in candidates, or
 41 candidates of a political party other than the political party for
 42 which the voter cast a straight party ticket under subdivision



1 (1); and

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

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

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

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

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

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

33 (b) If a voter votes for at least one (1) individual candidate for an
34 office for which at least two (2) people may be elected and also writes
35 in the name of at least one (1) candidate, the vote for that office may
36 not be counted unless the number of individual votes cast for the office,
37 when added to the number of write-in votes cast for that office, is less
38 than or equal to the number of seats available for that office.

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



1 SECTION 19. IC 3-12-1-8 IS REPEALED [EFFECTIVE JULY 1,
2 2021]. Sec. 8: (a) Except as provided in subsection (b), a voting mark
3 made by a voter on or in a circle containing a political party device
4 shall be counted as a vote for each candidate of that political party on
5 that ballot.

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

- 9 (1) county council;
10 (2) city common council;
11 (3) town council; or
12 (4) township board;

13 must make a voting mark for each individual candidate for whom the
14 voter wishes to cast a vote. A voting mark on or in a circle containing
15 a political party device shall not be counted as a straight party ticket
16 voting mark as a vote for any candidate for an office described by this
17 subsection.

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

- 21 (1) cast for President or Vice President of the United States under
22 IC 3-10-4-6. or
23 (2) described by section 15 of this chapter.

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

27 SECTION 21. IC 3-12-1-15 IS REPEALED [EFFECTIVE JULY 1,
28 2021]. Sec. 15: (a) This section does not apply to a candidate for an
29 at-large office of a county council, city common council, town council,
30 or township board, if those offices appear on a ballot.

31 (b) This section applies to a vote cast for one (1) straight party ticket
32 that includes a candidate for election to office who:

- 33 (1) ceases to be a candidate; and
34 (2) is succeeded by a candidate selected under IC 3-13-1 or
35 IC 3-13-2.

36 (c) A vote cast in the election for the original nominee is considered
37 a vote cast for the successor.

