

HOUSE BILL No. 1216

DIGEST OF INTRODUCED BILL

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

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

Effective: July 1, 2021.

Errington

January 14, 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. 1216

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

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

1 SECTION 1. IC 3-5-2-41.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]: **Sec. 41.2. "Rank" has the meaning set forth in**
4 **IC 3-12-0.5-5.**

5 SECTION 2. IC 3-5-2-41.3 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2021]: **Sec. 41.3. "Ranked choice voting" refers to the system of**
8 **voting described in IC 3-12-0.5, whereby a voter may give a rank**
9 **to all the candidates for the same office.**

10 SECTION 3. IC 3-5-2-48.3 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2021]: **Sec. 48.3. "Tabulate" refers to the following:**

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



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

8 SECTION 4. IC 3-10-1-14.1, AS AMENDED BY P.L.76-2014,
 9 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2021]: Sec. 14.1. (a) All the candidates for each office who
 11 have qualified in the manner prescribed by IC 3-8 for placement on the
 12 primary election ballot shall be grouped together under the name of the
 13 office and printed in type with uniform capital letters, with uniform
 14 space between each name.

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

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

22 (1) initials; or

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

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

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

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

32 SECTION 5. IC 3-10-1-14.3 IS ADDED TO THE INDIANA CODE
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2021]: **Sec. 14.3. (a) This section applies to a ballot for candidates**
 35 **whose nomination or election will be determined by ranked choice**
 36 **voting under IC 3-12-0.5.**

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

41 **"You may rank each candidate below as your #1 choice, your**
 42 **#2 choice, your #3 choice, and so on. You may, but are not**



1 **required to, rank all the candidates that appear below.**
 2 **However, you may not give any candidate more than one (1)**
 3 **ranking."**

4 SECTION 6. IC 3-10-1-19, AS AMENDED BY P.L.278-2019,
 5 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 19. (a) The ballot for a primary election shall be
 7 printed in substantially the form described in this section for all the
 8 offices for which candidates have qualified under IC 3-8.

9 (b) The following shall be printed as the heading for the ballot for
 10 a political party:

11 "OFFICIAL PRIMARY BALLOT

12 _____ Party (insert the name of the political party)".

13 (c) The following shall be printed immediately below the heading
 14 required by subsection (b) or be posted in each voting booth as
 15 provided in IC 3-11-2-8(b):

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

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

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

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

28 ~~(d)~~ (c) Local public questions shall be placed on the primary
 29 election ballot after the heading and the voting instructions described
 30 in subsection (c) (if the instructions are printed on the ballot) and
 31 before the offices described in subsection (g).

32 ~~(e)~~ (d) The local public questions described in subsection ~~(d)~~ (c)
 33 shall be placed as follows:

34 (1) In a separate column on the ballot if voting is by paper ballot.

35 (2) After the heading and the voting instructions described in
 36 subsection (c) (if the instructions are printed on the ballot) and
 37 before the offices described in subsection (g), in the form
 38 specified in IC 3-11-13-11 if voting is by ballot card.

39 (3) As provided by either of the following if voting is by an
 40 electronic voting system:

41 (A) On a separate screen for a public question.

42 (B) After the heading and the voting instructions described in



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

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

6 (The explanatory text for the public question,
 7 if required by law.)

8 "Shall (insert public question)?"

9 YES

10 NO

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

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

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

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

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

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

30 (1) Federal and state offices:

31 (A) President of the United States.

32 (B) United States Senator.

33 (C) Governor.

34 (D) United States Representative.

35 (2) Legislative offices:

36 (A) State senator.

37 (B) State representative.

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

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

42 (A) Judge of the circuit court, and unless otherwise specified



- 1 under IC 33, with each division separate if there is more than
 2 one (1) judge of the circuit court.
 3 (B) Judge of the superior court, and unless otherwise specified
 4 under IC 33, with each division separate if there is more than
 5 one (1) judge of the superior court.
 6 (C) Judge of the probate court.
 7 (D) Prosecuting attorney.
 8 (E) Circuit court clerk.
 9 ~~(4)~~ **(2)** County offices:
 10 (A) County auditor.
 11 (B) County recorder.
 12 (C) County treasurer.
 13 (D) County sheriff.
 14 (E) County coroner.
 15 (F) County surveyor.
 16 (G) County assessor.
 17 (H) County commissioner.
 18 (I) County council member.
 19 ~~(5)~~ **(3)** Township offices:
 20 (A) Township assessor (only in a township referred to in
 21 IC 36-6-5-1(d)).
 22 (B) Township trustee.
 23 (C) Township board member.
 24 (D) Judge of the small claims court.
 25 (E) Constable of the small claims court.
 26 ~~(6)~~ **(4)** City offices:
 27 (A) Mayor.
 28 (B) Clerk or clerk-treasurer.
 29 (C) Judge of the city court.
 30 (D) City-county council member or common council member.
 31 ~~(7)~~ **(5)** Town offices:
 32 (A) Clerk-treasurer.
 33 (B) Judge of the town court.
 34 (C) Town council member.
 35 **(i) This subsection applies only if there is at least one (1) group**
 36 **of offices whose candidates for nomination or election are to be**
 37 **determined by ranked choice voting. The following instructions**
 38 **shall be printed immediately before the first group of offices whose**
 39 **candidates for nomination or election are determined by ranked**
 40 **choice voting:**
 41 **(1) For paper ballots, print:**
 42 **"To rank a candidate as your #1 choice, make a voting mark**



- 1 (X or ✓) on or in the #1 box before the candidate's name in
 2 the proper column. Giving a candidate a #1 ranking is an
 3 automatic vote for that candidate."
 4 "To rank a candidate as your #2 choice, make a voting mark
 5 (X or ✓) on or in the #2 box before the candidate's name in
 6 the proper column."
 7 "To rank a candidate as your #3 choice, make a voting mark
 8 (X or ✓) on or in the #3 box before the candidate's name in
 9 the proper column."
 10 "To rank a candidate as a choice lower than your #3 choice,
 11 make a voting mark (X or ✓) on or in the box with the
 12 number that corresponds to the rank you want to give that
 13 candidate before the candidate's name in the proper
 14 column."
 15 (2) For optical scan ballots, print:
 16 "To rank a candidate as your #1 choice, darken or shade in
 17 the #1 (circle, oval, or square, or draw a line to connect the #1
 18 arrow, inserting the appropriate figure that is used on the
 19 ballot) that precedes the candidate's name in the proper
 20 column. Giving a candidate a #1 ranking is an automatic vote
 21 for that candidate."
 22 "To rank a candidate as your #2 choice, darken or shade in
 23 the #2 (circle, oval, or square, or draw a line to connect the #2
 24 arrow, inserting the appropriate figure that is used on the
 25 ballot) that precedes the candidate's name in the proper
 26 column."
 27 "To rank a candidate as your #3 choice, darken or shade in
 28 the #3 (circle, oval, or square, or draw a line to connect the #3
 29 arrow, inserting the appropriate figure that is used on the
 30 ballot) that precedes the candidate's name in the proper
 31 column."
 32 "To rank a candidate as a choice lower than your #3 choice,
 33 darken or shade in the numbered (circle, oval, or square, or
 34 draw a line to connect the numbered arrow, inserting the
 35 appropriate figure that is used on the ballot) that corresponds
 36 to the rank you want to give the candidate that precedes the
 37 candidate's name in the proper column."
 38 (3) For optical scan ballots that do not contain a candidate's
 39 name, print:
 40 "To rank a candidate as your #1 choice, darken or shade in
 41 the #1 oval that precedes the number assigned to the
 42 candidate's name in the proper column. Giving a candidate a



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



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

3 (3) Either:

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

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

7 if voting is by an electronic voting system.

8 SECTION 7. IC 3-10-1-19.5, AS AMENDED BY P.L.21-2016,
 9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2021]: Sec. 19.5. Notwithstanding section 19 of this chapter,
 11 the county election board may alter the prescribed ballot order to place
 12 the names of the candidates for the following offices before the names
 13 of the candidates for county judicial offices:

14 (1) Prosecuting attorney.

15 (2) Clerk of the circuit court.

16 (3) The county offices listed in section ~~19(g)(4)~~ 19(h)(2) of this
 17 chapter.

18 SECTION 8. IC 3-10-1-29 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 29. (a) The canvass of
 20 votes cast in a primary election shall, as far as applicable, be made in
 21 the same manner and by the same officers as the canvass at a general
 22 election.

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

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

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

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

33 (3) **total votes cast** on each public question;

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

37 (d) The board shall set forth in the return **the following**
 38 **information:**

39 (1) Opposite the name of each candidate: ~~and~~

40 (A) **the total of each vote recorded under subsection (c)(1);**
 41 **or**

42 (B) **the total of each ranking recorded under subsection**



- 1 (c)(2).
 2 **(2) Opposite each** public question, the number of votes cast ~~for~~
 3 **the candidate and** for or against ~~each the~~ public question.
 4 **(e)** The tabular statement must contain the following information,
 5 with the names of candidates and public questions arranged in the
 6 order in which they appear upon the official ballot:
 7 (1) The name of the precinct.
 8 (2) The name of the township (or ward).
 9 (3) The name of the county.
 10 (4) The name of the party of the candidates. ~~for Representative in~~
 11 ~~Congress.~~
 12 SECTION 9. IC 3-10-1-32, AS AMENDED BY P.L.179-2011,
 13 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2021]: Sec. 32. **(a)** Primary election returns must contain the
 15 whole number of votes, **subject to IC 3-12-0.1 and as determined**
 16 **under IC 3-12-0.5, if applicable**, cast for each of the following:
 17 (1) Each candidate of each political party.
 18 (2) Each public question voted on at the primary election.
 19 (3) Each candidate for election to a political party office.
 20 **(b) If the nomination or election of candidates for an office is**
 21 **subject to ranked choice voting, the primary election returns must**
 22 **also contain the total of each ranking given to each candidate of**
 23 **each political party.**
 24 SECTION 10. IC 3-10-1-33, AS AMENDED BY P.L.164-2006,
 25 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2021]: Sec. 33. (a) The county election board shall also make
 27 an additional duplicate showing the votes cast **and rankings given (if**
 28 **applicable)** for each candidate required to file a declaration of
 29 candidacy with the ~~election division~~ **secretary of state** under ~~IC 3-8-2-~~
 30 **IC 3-8-2-5.**
 31 (b) The circuit court clerk shall, not later than noon on the second
 32 Monday following the primary election, send to the election division by
 33 certified mail or hand deliver to the election division one (1) complete
 34 copy of all returns for these candidates.
 35 (c) The circuit court clerk may send the document described in
 36 subsection (b) using the computerized list established under
 37 IC 3-7-26.3. A document sent under this subsection complies with any
 38 requirement for the document to be certified or sealed.
 39 SECTION 11. IC 3-10-7-32, AS AMENDED BY P.L.190-2011,
 40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2021]: Sec. 32. (a) A town election board shall determine
 42 what voting method will be used in a municipal election.



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

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

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

15 SECTION 12. IC 3-11-2-10, AS AMENDED BY THE
16 TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL
17 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2021]: Sec. 10. (a) Public questions shall be placed on the
19 general election ballot in the following order after the statement
20 described in section 7 of this chapter, and the instructions described in
21 subsections (d), ~~and (e)~~, **and (f)** and section 8 of this chapter, if
22 instructions are printed on the ballot:

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

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

27 (b) The name or title of the political party or independent ticket
28 described in section 6 of this chapter shall be placed on the general
29 election ballot after the public questions described in subsection (a).
30 The device of the political party or independent ticket shall be placed
31 immediately under the name of the political party or independent ticket.
32 Notwithstanding section 8(b) of this chapter, the instructions for voting
33 a straight party ticket shall be placed to the right of the device on the
34 ballot.

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

- 37 "(1) You are not required to vote a straight party ticket. If you do
38 not wish to vote a straight party ticket, do not make a mark in this
39 section, and proceed to voting the ballot by office.
- 40 (2) To vote a straight (insert political party name) ticket for all
41 (insert political party name) candidates on this ballot, except for
42 candidates described in ~~(2)~~ **(3)** below, make a voting mark on or



1 in this circle and do not make any other marks on this ballot.

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

8 **(4) The following language must be included next, but only if**
9 **ranked choice voting applies to the election of candidates:**

10 **"If you vote a straight (insert political party name) ticket,**
11 **each candidate of that party will be given a #1 ranking, except**
12 **the candidates of the party who are running for an office to**
13 **which more than one (1) candidate can be elected. After you**
14 **vote a straight ticket, you may rank those candidates and**
15 **candidates of other political parties. If you give a candidate of**
16 **another political party a #1 ranking, the candidate of the**
17 **political party for which you voted a straight ticket will be**
18 **given a #2 ranking, and the ranking you give to each other**
19 **candidate will be increased by one (1) rank."**

20 **(4) (5) The following language must be included after the**
21 **language indicated in subdivision (3) or (4), whichever is**
22 **applicable:**

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

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

35 (e) Except as permitted under section 8(b) of this chapter, the ballot
36 must also contain a statement that reads substantially as follows:

37 **(1) If ranked choice voting does not apply to the election of**
38 **candidates to the office, the following:**

39 "A write-in vote will NOT be counted unless the vote is for a
40 DECLARED write-in candidate. To vote for a write-in candidate,
41 you must make a voting mark on or in the square to the left of the
42 name you have written in or your vote will not be counted."



1 **(2) If ranked choice voting applies to the election of**
 2 **candidates to the office, the following:**

3 **"A write-in ranking will NOT be counted unless the ranking**
 4 **is for a DECLARED write-in candidate. To rank a write-in**
 5 **candidate, you must make a voting mark on or in the square**
 6 **that corresponds to the ranking you want to give that**
 7 **candidate to the left of the name you have written in or your**
 8 **ranking will not be counted. Giving a DECLARED write-in**
 9 **candidate a #1 ranking is an automatic vote for that**
 10 **candidate."**

11 **(f) After the instructions described in subsection (e), the ballot**
 12 **must contain substantially the statement described in**
 13 **IC 3-10-1-19(f)(1).**

14 **(g) This subsection applies if ranked choice voting does not**
 15 **apply to the election of candidates to the office.** Subject to section
 16 10.1 of this chapter, the list of candidates of the political party shall be
 17 placed immediately under the instructions for voting a straight party
 18 ticket. The names of the candidates shall be placed three-fourths (3/4)
 19 of an inch apart from center to center of the name. The name of each
 20 candidate must have, immediately on its left, a square three-eighths
 21 (3/8) of an inch on each side.

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

29 **(1) equal in number to the number of candidates on the ballot**
 30 **for each office (including write-in candidates); and**

31 **(2) with each square being three-eighths (3/8) of an inch on**
 32 **each side.**

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

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



1 SECTION 13. IC 3-11-2-12.4, AS ADDED BY P.L.21-2016,
 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2021]: Sec. 12.4. (a) This section applies whenever more than
 4 one (1) candidate may be elected to an office.

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

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

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

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

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

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

24 SECTION 14. IC 3-11-2-12.9, AS AMENDED BY P.L.21-2016,
 25 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2021]: Sec. 12.9. (a) School board offices to be elected at the
 27 general election shall be placed on the general election ballot after the
 28 offices described in section 12.4 of this chapter with each candidate for
 29 the office designated as "nonpartisan".

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

35 SECTION 15. IC 3-11-2-14, AS AMENDED BY P.L.190-2011,
 36 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2021]: Sec. 14. (a) The following offices shall be placed on
 38 the general election ballot in the following order after the offices
 39 described in section 13 of this chapter:

40 (1) Retention of a local judge.

41 (2) Local nonpartisan judicial offices.

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



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

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

9 (1) in alphabetical order according to the surname of the local
 10 judge; and

11 (2) identifying the court (including division or room) in which the
 12 judge serves.

13 SECTION 16. IC 3-11-2-14.5 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14.5. (a) This section
 15 applies to candidates for election to at-large seats on the governing
 16 body of a school corporation.

17 (b) Candidates shall be listed in alphabetical order according to
 18 surname.

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

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

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

25 **(2) If ranked choice voting applies to the election, the**
 26 **following:**

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

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

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

40 SECTION 17. IC 3-11-7-4, AS AMENDED BY P.L.278-2019,
 41 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2021]: Sec. 4. (a) Except as provided in subsection (b), a



1 ballot card voting system must permit a voter to ~~vote~~: **do the**
 2 **following:**

3 (1) Except at a primary election, **vote** a straight party ticket for all
 4 of the candidates of one (1) political party by a single voting mark
 5 on each ballot card. **If the voter makes no other voting marks**
 6 **for candidates on the ballot, the ballot shall be counted as**
 7 **follows:**

8 (A) **For candidates not subject to ranked choice voting, the**
 9 **straight ticket vote shall be counted as a vote for each**
 10 **candidate of the political party indicated by the straight**
 11 **ticket voting mark.**

12 (B) **For candidates subject to ranked choice voting, the**
 13 **straight ticket vote shall be considered a #1 ranking for**
 14 **each candidate of the political party indicated by the**
 15 **straight ticket voting mark.**

16 (2) **For candidates whose election is:**

17 (A) **not subject to ranked choice voting, vote** for one (1) or
 18 more candidates of each political party or independent
 19 candidates or for one (1) or more school board candidates
 20 nominated by petition; **and**

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

23 (3) **For candidates whose election is:**

24 (A) **not subject to ranked choice voting, vote** a split ticket
 25 for the candidates of different political parties and for
 26 independent candidates; ~~or~~ **and**

27 (B) **subject to ranked choice voting, rank each of the**
 28 **candidates.**

29 (4) **Vote** a straight party ticket and then split that ticket by ~~casting~~
 30 **doing the following:**

31 (A) **For candidates whose election is not subject to ranked**
 32 **choice voting, vote for** individual ~~votes~~ for candidates of
 33 another political party or an independent candidate.

34 (B) **For candidates whose election is subject to ranked**
 35 **choice voting, rank:**

36 (i) **the candidates of the party of the straight ticket vote;**

37 (ii) **candidates of other political parties; and**

38 (iii) **independent candidates.**

39 **If the voter gives an independent candidate or the**
 40 **candidate of another political party a #1 ranking, the**
 41 **candidate of the political party for which the voter voted**
 42 **a straight ticket shall be given a #2 ranking, and the**



1 ranking the voter gives to each other candidate shall be
 2 increased by one (1) rank.

3 (b) A ballot card voting system must require that a voter who wishes
 4 to cast a ballot for **This subsection applies to** a candidate for election
 5 to an at-large district to which more than one person may be elected, on
 6 a ~~(1)~~ county council, ~~(2)~~ city common council, ~~(3)~~ town council, or ~~(4)~~
 7 township board as follows:

8 **(1) If the election of candidates to an at-large district is not**
 9 **subject to ranked choice voting, the voting system must**
 10 **require a voter to** make a voting mark for each individual
 11 candidate for whom the voter wishes to cast a vote. The ballot
 12 card voting system may not count any straight party ticket voting
 13 mark as a vote for any candidate for an office described by this
 14 subsection.

15 **(2) If the election of candidates to an at-large district is**
 16 **subject to ranked choice voting, the voting system must**
 17 **permit, but not require, a voter to rank candidates by making**
 18 **voting marks for each individual candidate whom the voter**
 19 **wishes to rank. If the voter votes a straight party ticket, the**
 20 **following apply:**

21 **(A) If the voter does not rank any of the candidates,**
 22 **subsection (a)(1)(B) applies.**

23 **(B) If the voter ranks any of the candidates, the straight**
 24 **party ticket vote for that office shall be disregarded and**
 25 **the voter's rankings shall be tabulated as otherwise**
 26 **provided in this title. The ballot card voting system may**
 27 **not count any straight party ticket voting mark as a**
 28 **ranking for any candidate for an office described by this**
 29 **subsection.**

30 (c) A ballot card voting system must permit a voter to vote:

31 (1) for all candidates for presidential electors and alternate
 32 presidential electors of a political party or an independent ticket
 33 by making a single voting mark; and

34 (2) for or against a public question on which the voter may vote.

35 SECTION 18. IC 3-11-7-5.5 IS ADDED TO THE INDIANA CODE
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 2021]: **Sec. 5.5. A ballot card voting system must be able to**
 38 **tabulate candidate rankings in accordance with IC 3-12-0.5.**

39 SECTION 19. IC 3-11-7.5-10, AS AMENDED BY P.L.278-2019,
 40 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2021]: Sec. 10. (a) Except as provided in subsection (b), an
 42 electronic voting system must permit a voter to ~~vote:~~ **do the following:**



- 1 (1) Except at a primary election, **vote** a straight party ticket for all
 2 the candidates of one (1) political party by touching the device of
 3 that party. **If the voter makes no other voting marks for**
 4 **candidates on the ballot, the ballot shall be counted as follows:**
 5 (A) For candidates not subject to ranked choice voting, the
 6 straight ticket vote shall be counted as a vote for each
 7 candidate of the political party indicated by the straight
 8 ticket voting mark.
 9 (B) For candidates subject to ranked choice voting, the
 10 straight ticket vote shall be considered a #1 ranking for
 11 each candidate of the political party indicated by the
 12 straight ticket voting mark.
 13 (2) For candidates whose election is:
 14 (A) not subject to ranked choice voting, vote for one (1) or
 15 more candidates of each political party or independent
 16 candidates, or for one (1) or more school board candidates
 17 nominated by petition; and
 18 (B) subject to ranked choice voting, rank each of the
 19 candidates.
 20 (3) For candidates whose election is:
 21 (A) not subject to ranked choice voting, vote a split ticket
 22 for the candidates of different political parties and for
 23 independent candidates; ~~or~~ and
 24 (B) subject to ranked choice voting, rank each of the
 25 candidates.
 26 (4) ~~Vote~~ a straight party ticket and then split that ticket by ~~casting~~
 27 ~~doing the following:~~
 28 (A) For candidates whose election is not subject to ranked
 29 choice voting, vote for individual votes for candidates of
 30 another political party or independent candidates.
 31 (B) For candidates whose election is subject to ranked
 32 choice voting, rank:
 33 (i) the candidates of the party of the straight ticket vote;
 34 (ii) candidates of other political parties; and
 35 (iii) independent candidates.
 36 If the voter gives an independent candidate or the
 37 candidate of another political party a #1 ranking, the
 38 candidate of the political party for which the voter voted
 39 a straight ticket shall be given a #2 ranking, and the
 40 ranking the voter gives to each other candidate shall be
 41 increased by one (1) rank.
 42 (b) An electronic voting system must require that a voter who



1 wishes to cast a ballot for **This subsection applies to** a candidate for
 2 election to an at-large district to which more than one **(1)** person may
 3 be elected, on a ~~(1)~~ county council, ~~(2)~~ city common council, ~~(3)~~ town
 4 council, or ~~(4)~~ township board **as follows:**

5 **(1) If the election of candidates to an at-large district is not**
 6 **subject to ranked choice voting, the voting system must**
 7 **require a voter to** make a voting mark for each individual
 8 candidate for whom the voter wishes to cast a vote. The electronic
 9 voting system may not count any straight party ticket voting mark
 10 as a vote for any candidate for an office described by this
 11 subsection.

12 **(2) If the election of candidates to an at-large district is**
 13 **subject to ranked choice voting, the voting system must**
 14 **permit, but not require, a voter to rank candidates by making**
 15 **voting marks for each individual candidate whom the voter**
 16 **wishes to rank. If the voter votes a straight party ticket the**
 17 **following apply:**

18 **(A) If the voter does not rank any of the candidates,**
 19 **subsection (a)(1)(B) applies.**

20 **(B) If the voter ranks any of the candidates, the straight**
 21 **party ticket vote for that office shall be disregarded and**
 22 **the voter's rankings shall be tabulated as otherwise**
 23 **provided in this title. The voting system may not count any**
 24 **straight party ticket voting mark as a ranking for any**
 25 **candidate for an office described by this subsection.**

26 (c) An electronic voting system must permit a voter to vote:
 27 (1) for as many candidates for an office as the voter may vote for,
 28 but no more;
 29 (2) for or against a public question on which the voter may vote,
 30 but no other; and
 31 (3) for all the candidates for presidential electors and alternate
 32 presidential electors of a political party or an independent ticket
 33 by making a single voting mark.

34 SECTION 20. IC 3-11-7.5-13 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. An electronic
 36 voting system must correctly register and accurately ~~count~~ **tabulate:**

37 **(1) all votes cast for each candidate whose election is not subject**
 38 **to ranked choice voting;**
 39 **(2) all candidate rankings for each candidate whose election**
 40 **is subject to ranked choice voting, in accordance with**
 41 **IC 3-12-0.5; and**
 42 **(3) all votes cast for or against each public question.**



1 SECTION 21. IC 3-11-7.5-16 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. An electronic
 3 voting system must have a counting device that records:

- 4 (1) the number of votes cast for each candidate **whose election is**
 5 **not subject to ranked choice voting;**
 6 (2) **the rankings of each candidate whose election is subject to**
 7 **ranked choice voting;** and
 8 (3) **the votes cast** for or against each public question on the
 9 ballot;

10 that cannot be tampered with or altered at any time while votes are
 11 being cast on the system. When the computer memory pack that
 12 permits votes **or rankings** to be recorded on the counting device is
 13 removed, the system must be designed so that it can no longer be
 14 placed into operation.

15 SECTION 22. IC 3-11-11-7, AS AMENDED BY P.L.128-2015,
 16 SECTION 186, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) This section is enacted to
 18 comply with 52 U.S.C. 21081 by establishing uniform and
 19 nondiscriminatory standards to define what constitutes a vote on a
 20 paper ballot.

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

- 24 (1) **For candidates whose election is not subject to ranked**
 25 **choice voting, vote for** the candidates for whom the voter desires
 26 to vote by making a voting mark on or in the **appropriate** squares
 27 immediately before the candidates' names. ~~and~~
 28 (2) **For candidates whose election is subject to ranked choice**
 29 **voting, rank the candidates as the voter desires by making a**
 30 **voting mark on or in the appropriate squares immediately**
 31 **before the candidates' names.**

32 ~~(3)~~ (3) **Indicate** the voter's preference on each public question by
 33 making a voting mark in front of the word "yes" or "no" under the
 34 question.

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

- 36 (1) **For candidates whose election is:**
 37 (A) **not subject to ranked choice voting,** making a voting
 38 mark on or in the square immediately before the space
 39 provided for write-in voting; and
 40 (B) **subject to ranked choice voting, making a voting mark**
 41 **on or in the square indicating the rank the voter wants to**
 42 **give the write-in candidate.**



- 1 (2) Printing the name of the candidate in the space provided for
 2 write-in voting.
- 3 SECTION 23. IC 3-11-13-11, AS AMENDED BY P.L.141-2020,
 4 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2021]: Sec. 11. (a) The ballot information, whether placed on
 6 the ballot card or on the marking device, must be in the order of
 7 arrangement provided for ballots under this section.
- 8 (b) Each county election board shall have the names of all
 9 candidates for all elected offices, political party offices, and public
 10 questions printed on a ballot card as provided in this chapter. The
 11 county may:
- 12 (1) print all offices and questions on a single ballot card; and
 13 (2) include a ballot variation code to ensure that the proper
 14 version of a ballot is used within a precinct.
- 15 (c) Each type of ballot card must be of uniform size and of the same
 16 quality and color of paper (except as permitted under IC 3-10-1-17).
- 17 (d) The nominees of a political party or an independent candidate
 18 or independent ticket (described in IC 3-11-2-6) nominated by
 19 petitioners shall be listed on the ballot with the name and device set
 20 forth on the certification or petition. The circle containing the device
 21 may be of any size that permits a voter to readily identify the device.
 22 IC 3-11-2-5 applies if the certification or petition does not include a
 23 name or device, or if the same device is selected by two (2) or more
 24 parties or petitioners.
- 25 (e) The offices and public questions on the general election ballot
 26 must be placed on the ballot in the order listed in ~~IC 3-11-2-12,~~
 27 ~~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),~~
 28 ~~IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and~~
 29 ~~IC 3-11-2-14(d).~~ **required by IC 3-11-2.** The offices and public
 30 questions may be listed in a continuous column either vertically or
 31 horizontally and on a number of separate pages.
- 32 (f) The name of each office must be printed in a uniform size in bold
 33 type. A statement reading substantially as follows must be placed
 34 immediately below the name of the office and above the name of the
 35 first candidate:
- 36 (1) ~~"Vote for one (1) only."~~; If only one (1) candidate is to be
 37 elected to the office, **the following:**
- 38 **(A) For candidates whose election is not subject to ranked**
 39 **choice voting, "Vote for one (1) only."**
- 40 **(B) For candidates whose election is subject to ranked**
 41 **choice voting, the following:**
 42 **"You may rank one (1) candidate as your #1 choice, one (1)**



- 1 candidate as your #2 choice, and one (1) candidate as your
 2 #3 choice, and so on. You may, but are not required to,
 3 rank all the candidates that appear. However, you may not
 4 give any candidate more than one (1) ranking. Giving a
 5 candidate a #1 ranking is an automatic vote for that
 6 candidate.".
- 7 (2) If more than one (1) candidate is to be elected to the office,
 8 the following:
- 9 (A) For candidates whose election is not subject to ranked
 10 choice voting, the following:
 11 "Vote for not more than (insert the number of candidates to be
 12 elected) candidate(s) for this office. To vote for any candidate
 13 for this office, you must make a voting mark for each
 14 candidate you wish to vote for. A straight party vote will not
 15 count as a vote for any candidate for this office." if more than
 16 one (1) candidate is to be elected to the office.
- 17 (B) For candidates whose election is subject to ranked
 18 choice voting, the following:
 19 "You may rank one (1) candidate as your #1 choice, one (1)
 20 candidate as your #2 choice, and one (1) candidate as your
 21 #3 choice, and so on. You may, but are not required to,
 22 rank all the candidates that appear. However, you may not
 23 give any candidate more than one (1) ranking. Giving a
 24 candidate a #1 ranking is an automatic vote for that
 25 candidate.".
- 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 provided in subsection**
 29 **(f)(2)** must be placed immediately below the name of the office and
 30 above the name of the first candidate. "~~Vote for not more than (insert~~
 31 ~~the number of candidates to be elected) candidate(s) of ANY party for~~
 32 ~~this office.~~".
 33 (j) Candidates for election to at-large seats on the governing body
 34 of a school corporation must be grouped:
 35 (1) under the name of the office that the candidates are seeking;
 36 and
 37 (2) in alphabetical order according to surname.
 38 A statement reading substantially as **follows provided in subsection**
 39 **(f)(2)** must be placed immediately below the name of the office and
 40 above the name of the first candidate. "~~Vote for not more than (insert~~
 41 ~~the number of candidates to be elected) candidate(s) for this office.~~".
 42 (k) The following information must be placed at the top of the ballot



- 1 before the first public question is listed:
- 2 (1) The cautionary statement described in IC 3-11-2-7.
- 3 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
4 and IC 3-11-2-10(e).
- 5 (l) The ballot must include a single connectable arrow, circle, oval,
6 or square, or a voting position for voting a straight party or an
7 independent ticket (described in IC 3-11-2-6) by one (1) mark as
8 required by section 14 of this chapter, and the single connectable
9 arrow, circle, oval, or square, or the voting position for casting a
10 straight party or an independent ticket ballot must be identified by:
- 11 (1) the name of the political party or independent ticket
12 (described in IC 3-11-2-6); and
- 13 (2) immediately below or beside the political party's or
14 independent ticket's name, the device of that party or ticket
15 (described in IC 3-11-2-5).
- 16 The name and device of each political party or independent ticket must
17 be of uniform size and type and arranged in the order established by
18 subsection (g) for listing candidates under each office. The instructions
19 described in IC 3-11-2-10(c) for voting a straight party ticket and the
20 statement concerning presidential electors required under IC 3-10-4-3
21 must be placed on the ballot label. The instructions for voting a straight
22 party ticket must include the statement: "If you do not wish to vote a
23 straight party ticket, do not make a mark in this section and proceed to
24 voting the ballot by office."
- 25 (m) 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 single connectable
27 arrow, a circle, or an oval may be used instead of a square. Except as
28 expressly authorized or required by statute, a county election board
29 may not print a ballot card that contains language concerning the public
30 question other than the language authorized by a statute.
- 31 (n) 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 optical scan ballots.
- 35 (o) The procedure described in IC 3-11-2-16 must be used when a
36 ballot does not comply with the requirements imposed by this title or
37 contains another error or omission that might result in confusion or
38 mistakes by voters.
- 39 (p) This subsection applies to an optical scan ballot that does not
40 list:
- 41 (1) the names of political parties or candidates; or
- 42 (2) the text of public questions;



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

4 SECTION 24. IC 3-11-13-12 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. If ballot labels
 6 consist of a number of separate pages, the office title with a statement
 7 of the number of candidates to be voted for **or ranked** may be printed
 8 above or at the side of the name of each candidate for that office.
 9 Except in a primary election, the political party designation or
 10 independent status of each candidate, which may be abbreviated, shall
 11 be printed following the candidate's name.

12 SECTION 25. IC 3-11-13-13 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. If there are more
 14 candidates for an office than can be printed on one (1) ballot page, the
 15 ballot label shall be clearly marked that the list of candidates is
 16 continued on the following page. Arrows and numbers may be used to
 17 indicate the place to vote for **or rank** each candidate and **vote** on each
 18 public question.

19 SECTION 26. IC 3-11-13-14, AS AMENDED BY P.L.21-2016,
 20 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2021]: Sec. 14. (a) In partisan elections, the ballot labels must
 22 include a voting square or position where a voter may by one (1) voting
 23 mark on each card record a straight party or an independent ticket vote
 24 for all the candidates of one (1) political party or the independent
 25 ticket, except for offices for which the voter:

- 26 (1) is required to cast an individual vote **or ranking** for a
- 27 candidate under IC 3-11-7-4(b); or
- 28 (2) has voted individually for **or given a #1 ranking to a**
- 29 candidate for any other office.

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

33 SECTION 27. IC 3-11-13-18, AS AMENDED BY P.L.278-2019,
 34 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2021]: Sec. 18. (a) Except as provided in
 36 subsection (d), the county election board in a county using a ballot card
 37 voting system shall provide ballot cards to the precinct election board
 38 that permit voters to cast **votes or rank** write-in **votes candidates** for
 39 each officer to be voted for at that election.

- 40 (b) The ballot cards provided under subsection (a) must be:
- 41 (1) designed to be folded; or
- 42 (2) accompanied by a secrecy envelope;



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

3 (c) This subsection is enacted to comply with 52 U.S.C. 21081 by
4 establishing uniform and nondiscriminatory standards to define what
5 constitutes a vote on an optical scan voting system. Except as provided
6 in subsection (d), a write-in vote ~~shall be cast~~ **or a ranking may be**
7 **given to a candidate** by making a voting mark on the appropriate place
8 on the ballot and printing the name of the candidate and the title of the
9 office (if the title of the office is not already printed on the ballot) in the
10 space provided for write-in votes **or rankings** on a ballot card or
11 secrecy envelope.

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

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

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

19 SECTION 28. IC 3-11-13-22, AS AMENDED BY P.L.135-2020,
20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2021]: Sec. 22. (a) This section applies to:

- 22 (1) a ballot card voting system; and
23 (2) a voting system that includes features of a ballot card voting
24 system and a direct record electronic voting system.

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

- 32 (1) if a machine to be selected in the list is not scheduled to be
33 used in the upcoming election, the selection process will move to
34 the next machine in the order listed;
35 (2) each selected machine is scheduled to be used in the
36 upcoming election; and
37 (3) the number of machines selected is not less than five percent
38 (5%) of the machines in the county scheduled by the county
39 election board to be used in the upcoming election.

40 (c) The county election board shall test the machines as described
41 in subsection (b) to ascertain that the machines will correctly ~~count~~
42 **tabulate** the votes cast **and rankings given** for straight party tickets,



1 for all candidates (including write-in candidates), and **the votes cast** on
 2 all public questions. If an individual attending the public test requests
 3 that additional automatic tabulating machines be tested, then the county
 4 election board shall select and test additional machines from the list in
 5 the manner described in subsection (b).

6 (d) If VSTOP does not provide the lists under subsection (b) not
 7 later than sixty (60) days before the election, the county election board
 8 shall establish and implement a procedure for random selection of not
 9 less than five percent (5%) of the machines in the county to be used in
 10 the upcoming election. The county election board shall then test the
 11 machines selected as described in subsection (c).

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

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

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

21 (1) a ballot:

22 (A) must be reprinted or corrected as provided by
 23 IC 3-11-2-16 because of the omission of a candidate, political
 24 party, or public question 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) ballots used in the test conducted under this section were not
 32 reprinted or corrected to remove the omission of a candidate,
 33 political party, or public question, or indicate the name of the
 34 successor candidate;

35 the county election board shall conduct an additional public test
 36 described in subsection (c) using the reprinted or corrected ballots.
 37 Notice of the time and place of the additional test shall be given in
 38 accordance with IC 5-14-1.5, but publication of the notice in
 39 accordance with IC 5-3-1-4 is not required.

40 SECTION 29. IC 3-11-13-24, AS AMENDED BY P.L.169-2015,
 41 SECTION 128, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2021]: Sec. 24. (a) This subsection applies to



1 a ballot card voting system. The test required by section 22 of this
2 chapter must:

3 (1) be conducted by processing a preaudited group of ballot cards
4 marked so as to record a predetermined number of valid votes
5 **and rankings** for each candidate and **for votes cast** on each
6 public question; and

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

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

14 (1) be conducted by the entry of:

15 (A) a preaudited group of ballots; and

16 (B) at least ten (10) ballots cast by using the headphone or a
17 sip/puff device;

18 so as to record a predetermined number of valid votes **and**
19 **rankings** for each candidate and **votes cast** on each public
20 question; and

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

25 SECTION 30. IC 3-11-13-28.7, AS AMENDED BY P.L.128-2015,
26 SECTION 191, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2021]: Sec. 28.7. (a) The two (2) poll clerks of
28 each precinct shall place their initials in ink on the secrecy envelope of
29 a ballot card (or on the fold-over part of a ballot card described in
30 section 18(b)(1) of this chapter) at the time the card is issued to a voter.
31 The initials must be in the poll clerk's ordinary handwriting or printing
32 and without a distinguishing mark of any kind.

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

37 (1) is not valid unless:

38 (A) the secrecy envelope is initialed by both poll clerks; and

39 (B) the vote **or ranking** includes both the name of the write-in
40 candidate and the office for which the write-in vote **or**
41 **ranking** is cast **or given**; and

42 (2) makes the secrecy envelope or fold-over envelope a ballot for



- 1 purposes of this title.
- 2 SECTION 31. IC 3-11-13-31.7, AS AMENDED BY P.L.21-2016,
3 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 31.7. (a) This section is enacted to comply with
5 52 U.S.C. 21081 by establishing uniform and nondiscriminatory
6 standards to define what constitutes a vote on an optical scan voting
7 system.
- 8 (b) After receiving ballot cards, a voter shall, without leaving the
9 room, go alone into one (1) of the booths or compartments that is
10 unoccupied and indicate:
- 11 (1) the candidates for whom the voter desires to vote **or rank** by
12 marking the connectable arrows, circles, ovals, or squares
13 immediately beside:
- 14 (A) the candidates' names; or
15 (B) the numbers referring to the candidates; and
- 16 (2) the voter's preference on each public question by marking the
17 connectable arrow, oval, or square beside:
- 18 (A) the word "yes" or "no" under the question; or
19 (B) the number referring to the word "yes" or "no" on the
20 ballot.
- 21 (c) If an election is a general or municipal election and a voter
22 desires to vote for all the candidates of one (1) political party or
23 independent ticket (described in IC 3-11-2-6), the voter may mark:
- 24 (1) the circle enclosing the device; or
25 (2) the connectable arrow, circle, oval, or square described in
26 section 11 of this chapter;
27 that designates the candidates of that political party or independent
28 ticket (described in IC 3-11-2-6). Except as provided by
29 IC 3-11-7-4(b), the voter's vote shall then be counted for all the
30 candidates of that political party or included in the independent ticket
31 (described in IC 3-11-2-6). However, if the voter marks the circle,
32 arrow, oval, or square of an independent ticket (described in
33 IC 3-11-2-6), the vote shall not be counted for any other independent
34 candidate on the ballot.
- 35 (d) This subsection applies to a voter casting a ballot on a voting
36 system that includes features of both an optical scan ballot card voting
37 system and a direct record electronic voting system. After entering into
38 a booth used with the voting system, the voter shall indicate the
39 candidates for whom the voter desires to vote **or rank** and the voter's
40 preference on each public question by:
- 41 (1) inserting a paper ballot or an optical scan ballot into the voting
42 system; or



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

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

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

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

10 SECTION 32. IC 3-11-13-32.8 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 32.8. If a voter shows
12 the voter's ballot card or a part of the card to another person after the
13 card has been marked so as to disclose any of the candidates voted for
14 **or ranked** or how the voter voted on a public question, the ballot card
15 may not be deposited in a ballot box. A record of the occurrence shall
16 be made on the poll list, and the voter may not vote again at the
17 election.

18 SECTION 33. IC 3-11-14-3.5, AS AMENDED BY P.L.141-2020,
19 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2021]: Sec. 3.5. (a) Each county election board shall have the
21 names of all candidates for all elected offices, political party offices,
22 and public questions printed on ballot labels for use in an electronic
23 voting system as provided in this chapter.

24 (b) The county may:

25 (1) print all offices and public questions on a single ballot label;
26 and

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

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

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

39 (e) The ballot labels must list the offices and public questions on the
40 general election ballot in the order listed in ~~IC 3-11-2-12,~~
41 ~~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),~~
42 ~~IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and~~



1 ~~IC 3-11-2-14(d)~~. **required by IC 3-11-2.** Each office and public
 2 question may have a separate screen, or the offices and public
 3 questions may be listed in a continuous column either vertically or
 4 horizontally.

5 (f) The name of each office must be printed in a uniform size in bold
 6 type. 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:

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

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

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

15 **"You may rank one (1) candidate as your #1 choice, one (1)**
 16 **candidate as your #2 choice, and one (1) candidate as your**
 17 **#3 choice, and so on. You may, but are not required to,**
 18 **rank all the candidates that appear. However, you may not**
 19 **give any candidate more than one (1) ranking. Giving a**
 20 **candidate a #1 ranking is an automatic vote for that**
 21 **candidate."**

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

24 **(A) For candidates whose election is not subject to ranked**
 25 **choice voting, the following:**

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

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

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

41 (g) Below the name of the office and the statement required by
 42 subsection (f), the names of the candidates for each office must be



1 grouped together in the following order:

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

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

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

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

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

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

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

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

34 (1) candidate; or

35 (2) ticket of candidates for:

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

37 (B) governor and lieutenant governor;

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

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



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

5 A statement reading substantially as follows **provided in subsection**
 6 **(f)(2)** must be placed immediately below the name of the office and
 7 above the name of the first candidate. "~~Vote for not more than (insert~~
 8 ~~the number of candidates to be elected) candidate(s) of ANY party for~~
 9 ~~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 **provided in subsection**
 16 **(f)(2)** must be placed immediately below the name of the office and
 17 above the name of the first candidate. "~~Vote for not more than (insert~~
 18 ~~the number of 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) 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 34. 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~~ **indicate** the voter's ~~vote~~ **choices** in secret by ~~indicating~~: **doing**
27 **the following:**

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

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

33 (2) (B) If the voter intends to cast a write-in vote, **indicate** a
34 write-in vote by touching a device on or in the square
35 immediately below the candidates' names and printing the
36 name of the candidate in the window provided for write-in
37 voting. ~~and~~

38 (2) **If the election of candidates is subject to ranked choice**
39 **voting, do the following:**

40 (A) **Indicate the rankings of the candidates by touching the**
41 **device to indicate the voter's rank of each candidate.**

42 (B) **If the voter intends to rank a write-in candidate,**



- 1 **indicate the ranking of the candidate by touching the**
 2 **device to indicate the rank of the write-in candidate and**
 3 **printing the name of the candidate in the window provided**
 4 **for write-in voting.**
- 5 (3) **Indicate** the voter's preference on each public question by
 6 touching a device above the word "yes" or "no" under the
 7 question.
- 8 (c) If an election is a general or municipal election and a voter
 9 desires to vote for all the candidates of one (1) political party or group
 10 of petitioners, the voter may cast a straight party ticket by touching that
 11 party's device. Except as provided in IC 3-11-7.5-10(b), the voter's vote
 12 shall then be counted for all the candidates under that name. However,
 13 if the voter casts a vote by touching the circle of an independent ticket
 14 comprised of two (2) candidates, the vote shall not be counted for any
 15 other independent candidate on the ballot.
- 16 (d) As provided by 52 U.S.C. 21081, a voter casting a ballot on an
 17 electronic voting system must be:
- 18 (1) permitted to verify in a private and independent manner the
 19 votes selected by the voter before the ballot is cast and counted;
 20 (2) provided the opportunity to change the ballot or correct any
 21 error in a private and independent manner before the ballot is cast
 22 and counted, including the opportunity to receive a replacement
 23 ballot if the voter is otherwise unable to change or correct the
 24 ballot; and
- 25 (3) notified before the ballot is cast regarding the effect of casting
 26 multiple votes for the office and provided an opportunity to
 27 correct the ballot before the ballot is cast and counted.
- 28 SECTION 35. IC 3-11-14-29 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 29. If a voter shows or
 30 discloses to another person the candidates voted for **or ranked** or how
 31 the voter voted on a public question before the vote **or ranking** is
 32 registered, the vote **or ranking** may not be registered on the electronic
 33 voting system. A record of the occurrence shall be made on the poll
 34 list, and the voter may not vote again at the election.
- 35 SECTION 36. IC 3-11-14-30 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 30. Subject to
 37 IC 3-12-2-5, as soon as the polls are closed, the inspector, in the
 38 presence of the judges and poll clerks, immediately shall secure each
 39 electronic voting system against voting **and ranking** and obtain at least
 40 one (1) paper printout of the total votes cast **and rankings given** for
 41 each candidate and **the votes cast** on each public question in that
 42 precinct.



1 SECTION 37. IC 3-11-14-31 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 31. As soon as the
 3 paper printouts of the ~~vote count counts~~ are obtained **under section 30**
 4 **of this chapter**, the inspector shall close the system and remove the
 5 computer memory pack from the system. The inspector and the judge
 6 of the opposite political party shall then transport the computer memory
 7 packs and each electronic voting system to the county election board.

8 SECTION 38. IC 3-11-14-32, AS AMENDED BY P.L.278-2019,
 9 SECTION 112, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2021]: Sec. 32. The certificates of the **total**
 11 number of votes cast **and rankings given** for each ~~person~~ **candidate**
 12 shall be made and signed as required by IC 3-12, and the precinct
 13 election officers shall make and sign the statement of the number of
 14 votes **and rankings** required under section 30 of this chapter. The
 15 inspector is only required to provide duplicate copies of the statement
 16 to another precinct election officer or a watcher, upon request. The
 17 certificates and other papers shall be returned to the circuit court clerk
 18 in the same manner and with the same penalties that are prescribed in
 19 IC 3-12 for election returns from precincts in which electronic voting
 20 systems are not used.

21 SECTION 39. IC 3-11-14.5-1, AS AMENDED BY P.L.135-2020,
 22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2021]: Sec. 1. (a) Not later than seventy-four (74) days before
 24 election day, for each county planning to use an electronic voting
 25 system at the next election, VSTOP shall provide each county election
 26 board with a randomly sorted list of unique identification numbers for
 27 the inventory of machines in the county maintained under
 28 IC 3-11-16-4. Starting at the top of the list, the county election board
 29 shall select machines in the list in the order listed so that:

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

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

35 (3) the number of machines selected is not less than five percent
 36 (5%) of the machines in the county scheduled by the county
 37 election board to be used in the upcoming election.

38 (b) The county election board shall test the machines as described
 39 in subsection (a) to ascertain that the machines will correctly count the
 40 votes cast **and rankings given** for straight party tickets, for all
 41 candidates (including write-in candidates), and **votes cast** on all public
 42 questions. If an individual attending the public test requests that



1 additional electronic voting systems be tested, then the county election
 2 board shall select and test additional machines from the list in the
 3 manner described in subsection (a).

4 (c) If VSTOP does not provide the lists under subsection (a) not
 5 later than sixty (60) days before the election, the county election board
 6 shall establish and implement a procedure for random selection of not
 7 less than five percent (5%) of the machines in the county. The county
 8 election board shall then test the machines selected to be used in the
 9 upcoming election as described in subsection (b).

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

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

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

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

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

20 (i) ceased to be a candidate; and

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

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

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

30 SECTION 40. IC 3-11-14.5-5, AS ADDED BY P.L.221-2005,
 31 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2021]: Sec. 5. The test required by this chapter must include
 33 the following:

34 (1) The visual inspection of the voting system and ballot labels.

35 (2) The manual entry of a preaudited group of ballots marked so
 36 as to record a predetermined number of valid votes **and rankings**
 37 for each candidate and **votes** on each public question.

38 (3) At least one (1) ballot for each office that has votes **and**
 39 **rankings** in excess of the number allowed by law in order to test
 40 the ability of the electronic voting system to reject the overvotes.

41 SECTION 41. IC 3-11-14.5-8, AS ADDED BY P.L.221-2005,
 42 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 8. Immediately following the completion of the
 2 voting system test under section 5 of this chapter, the county election
 3 board shall enter the ~~vote~~ totals from the voting systems tested under
 4 this chapter into the component of the voting system used by the county
 5 election board to tabulate election results under IC 3-12-3.5. The board
 6 shall determine whether this component of the voting system properly
 7 tabulates the votes cast **and rankings given** in each of the precincts
 8 tested under this chapter.

9 SECTION 42. IC 3-11-15-13.7 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13.7. (a) If a voting
 11 system has any of the following functions, the functions must be
 12 operable in the voting system's equipment actually in use in a precinct:

13 (1) The voting system can demonstrate to the voter that the voter
 14 has:

- 15 (A) cast votes for too many candidates for an office; **or**
- 16 (B) **given rankings not permitted by this title.**

17 (2) The voting system can demonstrate to the voter that the voter
 18 has cast votes both in favor of and in opposition to a public
 19 question.

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

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

27 SECTION 43. IC 3-11-15-20, AS AMENDED BY P.L.100-2018,
 28 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2021]: Sec. 20. (a) A voting system must be able to record
 30 accurately each vote **cast and candidate ranking given** and be able to
 31 produce an accurate report of all votes cast **and rankings given**.

32 (b) As used in this subsection, "error rate" refers to the error rate of
 33 the voting system in counting ballots (determined by taking into
 34 account only those errors that are attributable to the voting system and
 35 not attributable to an act of the voter). As required by 52 U.S.C. 21081,
 36 a voting system must comply with the error rate standards established
 37 under section 4.1.1 of the Voluntary Voting System Guidelines adopted
 38 by the United States Election Assistance Commission, as amended on
 39 March 31, 2015.

40 (c) The inclusion of control logic and data processing methods
 41 incorporating parity and check-sums (or equivalent error detection and
 42 correction methods) must demonstrate that the system has been



1 designed for accuracy.

2 SECTION 44. IC 3-11-18.1-14, AS AMENDED BY P.L.278-2019,
3 SECTION 119, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) The precinct election board
5 administering an election at a vote center shall keep the ballots cast in
6 each precinct separate from the ballots cast in any other precinct whose
7 election is administered at the vote center, so that the votes cast **and**
8 **rankings given** for each candidate and **the votes cast** on each public
9 question in each of the precincts administered by the board may be
10 determined and included on the statement required by IC 3-12-4-9.

11 (b) This subsection applies to a county having a consolidated city,
12 if either of the following applies to the county:

13 (1) The county has adopted an order under IC 3-7-29-6(a)(1) to
14 use an electronic poll book.

15 (2) The county is a vote center county under IC 3-11-18.1.

16 The precinct election board administering an election at a vote center
17 shall keep the ballots secure so that the votes cast **and rankings given**
18 for each candidate and **the votes cast** on each public question in each
19 of the precincts administered by the board may be determined and
20 included on the statement required by IC 3-12-4-9. The county election
21 board shall separate the ballots by precinct if a recount is requested.

22 (c) This subsection applies:

23 (1) to a county described under section 12 of this chapter on and
24 after the date absentee ballots are first transmitted to voters; and

25 (2) to any anomaly or problem, whether due to a technical reason
26 or due to human error with electronic poll book use.

27 A person that receives a certification for an electronic poll book shall
28 file not later than forty-eight (48) hours after the discovery of an
29 anomaly or problem with the poll book a written report in accordance
30 with IC 3-11-17-7.

31 SECTION 45. IC 3-12-0.1 IS ADDED TO THE INDIANA CODE
32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2021]:

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

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

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

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

42 **(1) The county election board for candidates for a local or a**



1 school board office.

2 (2) The election division for candidates for federal, state, and
3 legislative offices.

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

6 (b) A precinct election board shall determine and report to its
7 county election board the following:

8 (1) The total vote for each candidate whose election is not
9 subject to ranked choice voting.

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

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

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

19 SECTION 46. IC 3-12-0.5 IS ADDED TO THE INDIANA CODE
20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2021]:

22 **Chapter 0.5. Ranked Choice Voting**

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

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

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

29 (2) The election of candidates to all local offices elected in a
30 municipality, only if the municipal legislative body adopts an
31 ordinance making this chapter applicable to elections to
32 municipal offices of the municipality.

33 (3) The election of candidates to be members of the governing
34 body of a school corporation, only if the governing body of the
35 school corporation adopts a resolution making this chapter
36 applicable to elections of the members of the governing body.

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

38 (1) A county adopts ranked choice voting for all local offices
39 elected in the county.

40 (2) A municipality or school corporation located in a county
41 described in subdivision (1) also has territory located in a
42 county that has not adopted ranked choice voting for all local



1 offices and school corporations elected in that county.

2 An election for a municipal office of a municipality described in
3 subdivision (2) shall be conducted according to ranked choice
4 voting in the part of the municipality located in the county that has
5 adopted ranked choice voting and as otherwise provided in this
6 title in that part of the municipality located in a county that has not
7 adopted ranked choice voting.

8 (c) An ordinance or resolution adopted under this section must
9 be adopted not later than January 1 of the year in which an
10 election in which ranked choice voting is to be used is held. An
11 ordinance or resolution adopted under this section may not be
12 repealed until at least ten (10) years after the date the ordinance or
13 resolution was adopted.

14 (d) An ordinance or resolution adopted under this section must
15 be filed with the circuit court clerk of the county not later than
16 January 15 after the ordinance or resolution is adopted.

17 Sec. 3. As used in this chapter, "exhausted ballot" means a
18 ballot on which all available rankings have been used as provided
19 in this chapter.

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

23 (b) Two (2) or more candidates both become "last place
24 candidates" if the sum of the number of each of their votes is less
25 than the number of votes for the candidate who has the next
26 greatest number of votes.

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

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

31 (1) A voter's first choice is referred to as the voter's "#1
32 ranking".

33 (2) A voter's second choice is referred to as the voter's "#2
34 ranking".

35 (3) A voter's third choice is referred to as the voter's "#3
36 ranking".

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

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

42 Sec. 7. As used in this chapter, "stage" means a step in



1 determining and counting votes for a particular office during
 2 which votes for all remaining candidates are counted to determine
 3 whether a candidate has achieved a majority of the votes, and if
 4 not, which candidates are eliminated.

5 Sec. 8. (a) As used in this chapter, "vote" means a ballot ranking
 6 that is counted toward nomination or election of a candidate. All
 7 #1 rankings are votes. Lower rankings are potential votes that, as
 8 provided in this chapter, may be credited to a candidate as a vote
 9 for that candidate at a subsequent stage.

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

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

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

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

- 23 (1) Nomination of candidates by a convention.
- 24 (2) Selection of an individual to fill a candidate vacancy.
- 25 (3) Selection of an individual to fill a vacancy in an office.

26 Sec. 10. (a) The following generally apply to counting ballots
 27 under this chapter:

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

41 (b) Counting ballots in an election using ranked choice voting
 42 shall be done in the following manner:



1 (1) All #1 rankings are counted first. If a candidate has a
 2 majority of the #1 rankings, that candidate is nominated or
 3 elected and the counting ends.

4 (2) If a candidate does not have a majority of the votes under
 5 subdivision (1) (first stage), second stage counting begins by
 6 eliminating the last place candidate from among the
 7 remaining candidates. The following then apply:

8 (A) The #2 rankings made on ballots of the eliminated
 9 candidate become #1 rankings for the #2 choice candidate
 10 indicated on the eliminated candidate's ballots.

11 (B) The #3 rankings made on ballots of the eliminated
 12 candidate become #2 rankings for the #3 choice candidate
 13 indicated on the eliminated candidate's ballots.

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

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

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

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

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

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

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

42 Sec. 13. (a) This section applies only to a candidate who is a



1 declared write-in candidate.

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

5 Sec. 14. If ballots do not contain sufficient effective choices for
6 a particular office, so that at the end of the counting a candidate
7 has not received a majority of the votes, the candidate who receives
8 the most votes is nominated or elected.

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

12 SECTION 47. IC 3-12-1-1, AS AMENDED BY P.L.64-2014,
13 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2021]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, 9.5, and 13 of
15 this chapter, the primary factor to be considered in determining a
16 voter's choice on a ballot is the intent of the voter. If the voter's intent
17 can be determined on the ballot or on part of the ballot, the vote **or**
18 **ranking** shall be counted for the affected candidate or candidates or on
19 the public question. However, if it is impossible to determine a voter's
20 **choice vote or ranking** of candidates on a part of a ballot or vote on a
21 public question, then the voter's vote **or ranking** concerning those
22 candidates or public questions may not be counted.

23 SECTION 48. IC 3-12-1-1.7 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.7. (a) The following
25 provisions govern the counting of **votes or rankings for write-in votes:**
26 **candidates:**

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

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

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

41 (4) An abbreviation, a misspelling, or other minor variation in the
42 form of the name of a candidate or an office shall be disregarded



1 in determining the validity of the ballot if the intention of the
 2 voter can be ascertained.

3 (5) ~~Write-in~~ **Votes or rankings** for each write-in candidate shall
 4 be counted separately using the tally sheets provided by the
 5 county election board.

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

12 SECTION 49. IC 3-12-1-5, AS AMENDED BY P.L.278-2019,
 13 SECTION 137, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) This subsection does not
 15 apply to a ballot card voting system or an electronic voting system.
 16 Except as provided in subsection (d), a voting mark made by a voter on
 17 or in a voting square at the left of a candidate's name or political party's
 18 name shall be counted as a **vote or ranking** for the candidate or **votes**
 19 **for each of the** candidates of the political party.

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

22 (1) on or in a circle, oval, or square; or
 23 (2) to connect a connectable arrow;
 24 immediately below or beside a candidate's name or political party's
 25 name shall be counted as a **vote or ranking** for the candidate or **votes**
 26 **for each of the** candidates of the political party, except as provided in
 27 subsection (d).

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

34 (d) A voter who wishes to ~~cast a ballot vote~~ for **or rank** a candidate
 35 for election to an at-large district to which more than one (1) person
 36 may be elected on a:

37 (1) county council;
 38 (2) city common council;
 39 (3) town council; or
 40 (4) township board;
 41 must make a voting mark for **or rank** each individual candidate for
 42 whom the voter wishes to ~~cast a vote~~ **or rank**. A straight ticket voting



1 mark on a paper ballot, ballot card voting system, or electronic voting
 2 system shall not be counted as a straight party ticket voting mark as a
 3 vote for any candidate for an office described by this subsection.

4 SECTION 50. IC 3-12-1-7.5, AS AMENDED BY P.L.21-2016,
 5 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 7.5. (a) If a voter votes for one (1) individual
 7 candidate for an office for which only one (1) person may be elected
 8 and also writes in the name of another candidate **and votes for or gives**
 9 **that candidate a #1 ranking** for the same office, **neither a vote or**
 10 **ranking may not** be counted.

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

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

22 SECTION 51. IC 3-12-1-16, AS AMENDED BY P.L.219-2013,
 23 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2021]: Sec. 16. (a) This section applies when:

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

29 (b) A vote cast **or ranking given** on the ballot where the statement
 30 "NO CANDIDATE" or "CANDIDATE DECEASED" appears is
 31 considered a vote cast **or the same ranking given** for the successor
 32 candidate.

33 SECTION 52. IC 3-12-1-18, AS ADDED BY P.L.66-2010,
 34 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: Sec. 18. (a) This section applies to a federal write-in
 36 absentee ballot cast in a primary election as provided in
 37 IC 3-11-4-12.5(b)(1) by an absent uniformed services voter or overseas
 38 voter.

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

- 41 (1) The voter votes for **or gives** more than one (1) candidate **a #1**
 42 **ranking**, and the candidates are not on the official primary ballot



1 of the same political party.

2 (2) The voter votes for **or gives a #1 ranking to** a candidate who
3 is not on the official primary ballot of any political party.

4 (3) The voter votes for **or gives a #1 ranking to** a candidate who
5 is on the official primary ballot of a political party, but the voter
6 does not indicate the office for which the candidate seeks to be
7 nominated.

8 (c) If the voter votes for a political party, but the voter does not vote
9 for any individual candidates who are on that political party's official
10 primary ballot, the voter's vote is void.

11 SECTION 53. IC 3-12-2-1, AS AMENDED BY P.L.278-2019,
12 SECTION 141, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) This chapter:

14 (1) is enacted to comply with 52 U.S.C. 21081 by establishing
15 uniform and nondiscriminatory standards to define what will be
16 counted as a vote on a paper ballot; and

17 (2) applies to each precinct where voting is by paper ballot.

18 (b) After the polls have closed, each precinct election board shall
19 ~~count~~ **tabulate** the paper ballot votes **and rankings** for each candidate
20 for each office and **the votes cast** on each public question. The ballots
21 shall be counted by laying each ballot upon a table in the order in
22 which it is taken from the ballot box.

23 (c) If a precinct election board administers more than one (1)
24 precinct, the board shall keep the ballots cast in each precinct separate
25 from ballots cast in any other precinct, so that the votes cast **and**
26 **rankings given** for each candidate and **the votes cast** on each public
27 question in each of the precincts administered by the board may be
28 determined.

29 SECTION 54. IC 3-12-2-2 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. During the ~~counting~~
31 **tabulation** of the ~~votes, ballots,~~ the inspector and the judge of the
32 opposite political party from the inspector shall view the ballots as the
33 names of the candidates ~~voted for~~ **and their respective votes or**
34 **rankings** are read from the ballots.

35 SECTION 55. IC 3-12-2-3 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. During the ~~counting~~
37 **tabulation** of the ~~votes, ballots,~~ any member of the precinct election
38 board may protest the ~~counting~~ **tabulation** of any ballot or any part of
39 a ballot.

40 SECTION 56. IC 3-12-2-5 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. Except as provided
42 in section 1(c) of this chapter, if the polls for more than one (1)



1 precinct are located in the same room, the inspector of a precinct using
 2 the room may not begin the ~~vote count~~ **ballot tabulation** procedure
 3 until all the polls in the room are officially closed and no more persons
 4 are waiting in line to vote.

5 SECTION 57. IC 3-12-2-6, AS AMENDED BY P.L.221-2005,
 6 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) When all ~~votes~~ **ballots** have
 8 been ~~counted~~, **tabulated**, the precinct election board shall prepare a
 9 certificate stating the **following**:

10 (1) **The total number of votes (if ranked choice voting does not**
 11 **apply to the election for office) or each ranking (if ranked**
 12 **choice voting applies to the election for office) that each**
 13 **candidate received for each office. and**

14 (2) **The total number of votes cast on each public question.**

15 The number of **votes or each ranking that each candidate received**
 16 **and the** votes that each ~~candidate~~ **and** public question received shall be
 17 written in words and numbers.

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

22 SECTION 58. IC 3-12-2-7.5, AS AMENDED BY P.L.278-2019,
 23 SECTION 142, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2021]: Sec. 7.5. (a) This section applies to the
 25 counting of federal write-in absentee ballots described in
 26 IC 3-11-4-12.5.

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

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

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

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

38 the vote for President or Vice President is void. The remaining votes
 39 **and rankings** on the ballot may be ~~counted~~: **tabulated**.

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



- 1 absentee ballot.
- 2 (e) IC 3-12-1-7 applies to a ballot subject to this section.
- 3 (f) As required by 52 U.S.C. 20303(b), a ballot subject to this
4 section may not be ~~counted~~ **tabulated** if **any of the following apply to**
5 **the ballot:**
- 6 (1) The ballot was submitted:
- 7 (A) by an overseas voter who is not an absent uniformed
8 services voter; and
9 (B) from within the United States.
- 10 (2) The overseas voter's application for a regular absentee ballot
11 was received by the county election board after the applicable
12 absentee ballot application deadline set forth in IC 3-11-4-3.
- 13 (3) The voter's completed regular state absentee ballot was
14 received by the county election board by the deadline for
15 receiving absentee ballots under IC 3-11.5-4-10 or IC 3-12-1-17.
16 ~~or~~
- 17 (4) The ballot subject to this section was not received by the
18 county election board by the deadline for receiving absentee
19 ballots under IC 3-11.5-4-10 or IC 3-12-1-17.
- 20 (g) If a federal write-in absentee ballot is received by the county
21 election board in an envelope that does not indicate that the envelope
22 contains the ballot, and the envelope is opened by the county election
23 board, the absentee ballot shall nevertheless be ~~counted~~ **tabulated** if
24 otherwise valid. The county election board shall:
- 25 (1) immediately seal the absentee ballot and the envelope in
26 which the ballot was received in a carrier envelope indicating that
27 a voted absentee ballot is enclosed; and
28 (2) document the date the absentee ballot was sealed within the
29 carrier envelope, attested to by the signature of each member of
30 the county election board.
- 31 SECTION 59. IC 3-12-2-8 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. As soon as the
33 ballots have been ~~counted~~; **tabulated**, the inspector shall, in the
34 presence of the judges and poll clerks:
- 35 (1) place in a strong and stout paper envelope or bag:
- 36 (A) all ballots, voted and not voted, together with all protested,
37 disputed, and ~~uncounted~~ **untabulated** ballots;
38 (B) the seals of the ballot packages; and
39 (C) one (1) copy of each of the certificates, list of voters, and
40 tally papers;
- 41 (2) securely seal the envelope or bag;
- 42 (3) have both clerks initial the envelope or bag; and



- 1 (4) plainly mark on the outside of the envelope or bag, in ink, the
 2 precinct where the ballots were cast.
- 3 SECTION 60. IC 3-12-2-9 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. The inspector and
 5 the judge of the opposite political party shall deliver the envelope or
 6 bag prepared under section 8 of this chapter to the circuit court clerk
 7 immediately upon tabulation of the ~~votes~~ **ballots**. The inspector shall
 8 notify the clerk of the number of ballots placed in the envelope or bag
 9 and the condition of the seals of the ballot packages.
- 10 SECTION 61. IC 3-12-2-15 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. Immediately upon
 12 completion of the ~~vote count~~, **ballot tabulation**, each precinct election
 13 board shall make and sign a certificate for the news media showing the
 14 total number of votes **or each ranking** received by each candidate and
 15 **the number of votes** on each public question in the precinct. The
 16 inspector and judge of the opposite political party shall deliver the
 17 certificate to the circuit court clerk at the same time that the
 18 certificates, lists of voters, and tally papers are delivered under section
 19 7 of this chapter. The circuit court clerk immediately shall deliver the
 20 certificate made for the news media to any person designated to receive
 21 the certificate by the editors of the newspapers published in the county
 22 or by the managers of the radio and television stations operating in the
 23 county. The county election board shall furnish each precinct election
 24 board with the forms on which the certificates are to be prepared.
- 25 SECTION 62. IC 3-12-3-1.2 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.2. This section
 27 applies to a precinct where votes have been cast on a ballot card system
 28 that is designed to allow the counting and tabulation of ~~votes~~ **ballots** by
 29 the precinct election board. Except as provided in section 14 of this
 30 chapter, if the polls for more than one (1) precinct are located in the
 31 same room, the inspector of a precinct using the room may not begin
 32 the ~~vote counting~~ **ballot tabulation** procedure until all the polls in the
 33 room are officially closed and no more persons are waiting in line to
 34 vote.
- 35 SECTION 63. IC 3-12-3-1.5 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.5. (a) During the
 37 tabulation of the ~~votes~~, **ballots**, any member of the precinct election
 38 board in a precinct where votes have been cast on a ballot card system
 39 that is designed to allow the counting and tabulation of ~~votes~~ **ballots** by
 40 the precinct election board may protest the counting of any ballot or
 41 any part of a ballot cast in that precinct.
- 42 (b) During the tabulation of ~~votes~~ **ballots** at a central counting



1 location under section 3 of this chapter:
 2 (1) a member of the precinct election board in a precinct where
 3 votes were cast on a ballot card system; or
 4 (2) a member of the county election board, if a member of the
 5 precinct election board is not present during the tabulation of the
 6 ~~votes ballots~~ of the precinct;
 7 may protest the counting of any ballot or part of a ballot cast in that
 8 precinct.

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

16 SECTION 64. IC 3-12-3-2 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) After the ballot
 18 cards have been ~~counted tabulated~~ under section 1 of this chapter, the
 19 precinct election board shall comply with this section.

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

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

33 (1) process the ballot cards with the automatic tabulating machine
 34 provided to the precinct, if the ~~vote ballot~~ is not automatically
 35 registered by the ballot card voting system;
 36 (2) take the ~~vote and rankings~~ as tabulated under subdivision (1)
 37 or as automatically registered by the ballot card voting system;
 38 and
 39 (3) certify the totals and the ballot count as required under section
 40 1 of this chapter on forms supplied to the precinct for that
 41 purpose.

42 Copies of the totals shall be delivered to each member of the precinct



1 election board. One (1) copy of the ~~vote~~ totals shall be prepared and
 2 signed for the news media on the form furnished by the county election
 3 board.

4 SECTION 65. IC 3-12-3-5, AS AMENDED BY P.L.194-2013,
 5 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 5. (a) If a ballot card is damaged or defective so
 7 that it cannot properly be ~~counted~~ **tabulated** by the automatic
 8 tabulating machines, then a remake team composed of one (1) person
 9 from each of the major political parties of the county shall have the
 10 card prepared for processing so as to record accurately the intention of
 11 the voter insofar as it can be ascertained.

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

19 (c) If necessary, a true, duplicate copy shall be made of the damaged
 20 ballot card in the presence of witnesses and substituted for the damaged
 21 card. Similarly, a duplicate ballot card shall be made of a defective
 22 card, not including the ~~uncounted~~ **untabulated** votes.

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

36 (e) If an automatic tabulating machine fails during the ~~counting and~~
 37 tabulation of votes following the close of the polls, the county election
 38 board shall immediately arrange for the repair and proper functioning
 39 of the system. The county election board may, by unanimous vote of its
 40 entire membership, authorize the ~~counting and~~ tabulation of votes for
 41 this election on an automatic tabulating machine approved for use in
 42 Indiana by the commission:



- 1 (1) until the repair and retesting of the malfunctioning machine;
 2 and
 3 (2) whether or not the machine was tested under IC 3-11-13-22.
- 4 SECTION 66. IC 3-12-3-7 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. Each duplicate ballot
 6 card shall be ~~counted~~ **tabulated** instead of the damaged or defective
 7 card.
- 8 SECTION 67. IC 3-12-3-8, AS AMENDED BY P.L.85-2017,
 9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2021]: Sec. 8. If a test of automatic tabulating machines
 11 required by IC 3-11-13-22 is not conducted for a particular office or
 12 public question, the votes **or rankings** for that office or **the votes for**
 13 **that** question shall be ~~counted~~ **tabulated** manually. If for any reason
 14 it becomes impracticable to ~~count~~ **tabulate** all or some of the ballot
 15 cards with automatic tabulating machines:
- 16 (1) the precinct election board in which the machine is located, if
 17 the ballot card voting system is designed to allow the ~~counting~~
 18 ~~and~~ tabulation of ~~votes~~ **ballots** by the precinct election board; or
 19 (2) the county election board, if the ballot card voting system is
 20 not designed to allow the ~~counting~~ ~~and~~ tabulation of ~~votes~~ **ballots**
 21 by the precinct election board;
 22 may direct that they be ~~counted~~ **tabulated** manually.
- 23 SECTION 68. IC 3-12-3-9 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. If ballot cards are
 25 ~~counted~~ **tabulated** manually, the tabulation of ~~votes~~ **ballots** must
 26 comply with the standards prescribed by IC 3-11-7.
- 27 SECTION 69. IC 3-12-3-10 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) After the ~~voting~~
 29 ~~totals~~ **ballots** have been ~~taken~~ **tabulated** and certified by a precinct
 30 election board under section 2(c) of this chapter, the inspector shall:
- 31 (1) seal each automatic tabulating machine used in the precinct;
 32 (2) place all ballot cards that have been ~~counted~~ **tabulated** in the
 33 container provided for that purpose; and
 34 (3) seal the container into which the ballot cards have been
 35 placed;
 36 in the presence of the precinct election board. The automatic tabulating
 37 machine may not be moved from the polls after the polls are closed
 38 until collected.
- 39 (b) The inspector and judge of the opposite political party shall
 40 deliver:
- 41 (1) the certification of the ~~vote totals~~ **tabulation** and one (1) copy
 42 of the certificate prepared under section 2(c) of this chapter for



- 1 the circuit court clerk;
- 2 (2) the certificate of the ~~vote totals~~ **tabulation** prepared under
- 3 section 2(c) of this chapter for the news media;
- 4 (3) the container in which ballot cards have been placed under
- 5 subsection (a); and
- 6 (4) the unused, ~~uncounted~~, **untabulated**, and defective ballot
- 7 cards and returns;
- 8 to the circuit court clerk.
- 9 (c) The inspector and judge of the opposite political party shall
- 10 deliver the certificates and the list of voters to the county election board
- 11 by midnight on election day. However, if:
- 12 (1) a ballot card voting system failed;
- 13 (2) the failure of the system was reported as required by this title;
- 14 (3) paper ballots were used in place of the system; and
- 15 (4) the use of the paper ballots caused a substantial delay in the
- 16 ~~vote counting~~ **tabulation** process;
- 17 then the certificates, the list of voters, and the tally papers shall be
- 18 delivered as soon as possible.
- 19 (d) Upon delivery of the container to the circuit court clerk under
- 20 subsection (c), the inspector shall take and subscribe an oath before the
- 21 clerk stating that the inspector:
- 22 (1) closed and sealed the container in the presence of the judges
- 23 and poll clerks;
- 24 (2) securely kept the ballot cards in the container;
- 25 (3) did not permit any person to open the container or to otherwise
- 26 touch or tamper with the ballot cards; and
- 27 (4) has no knowledge of any other person opening the container.
- 28 (e) Each oath taken under subsection (d) shall be filed in the circuit
- 29 court clerk's office with other election papers.
- 30 (f) Upon completion of the ~~counting~~ **tabulation** of the ~~votes~~ **ballots**
- 31 by a precinct election board under section 2(c) of this chapter or at a
- 32 central location, all ballot cards shall be arranged by precincts and kept
- 33 by the circuit court clerk for the period required by IC 3-10-1-31 or
- 34 IC 3-10-1-31.1. The clerk shall determine the final disposition of all
- 35 ~~voted~~ ballot cards.
- 36 SECTION 70. IC 3-12-3-11, AS AMENDED BY P.L.230-2005,
- 37 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2021]: Sec. 11. (a) The return printed by the automatic
- 39 tabulating machines, along with the return of ~~votes~~ **by** absentee and
- 40 provisional voters, constitutes the official return of each precinct. Upon
- 41 completion of the count, the return is open to the public.
- 42 (b) This subsection applies if ~~the votes~~ **ballots** have been cast on a



1 ballot card voting system that is not designed to allow the ~~counting and~~
 2 tabulation of ~~votes ballots~~ by the precinct election board. The circuit
 3 court clerk shall, upon request, furnish to the media in the area the
 4 results of the tabulation.

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

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

19 SECTION 71. IC 3-12-3-12 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. ~~Votes by~~ Absentee
 21 voters may ~~be~~ cast ~~ballots~~ on paper ballots or ballot cards, or both
 22 methods may be used. The ballots may be ~~counted~~ ~~tabulated~~ by an
 23 automatic tabulating machine or by special canvassing boards
 24 appointed by and under the direction of the county election board. A
 25 true copy of each paper absentee ballot may be made on a ballot card,
 26 which, after being verified in the presence of witnesses, shall be
 27 ~~counted~~ ~~tabulated~~ in the same manner as other ballot cards.

28 SECTION 72. IC 3-12-3-12.5 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12.5. To minimize the
 30 delay in the ~~counting tabulation~~ of the vote, the ~~count~~ ~~tabulation~~ must
 31 begin immediately upon delivery of the cards to the central counting
 32 location under section 2(b) of this chapter or upon the closing of the
 33 polls under section 2(c) of this chapter. The tabulation must continue
 34 without interruption until all ~~votes ballots~~ are canvassed and all
 35 certificates of the ~~vote~~ totals required under section 10(b) of this
 36 chapter or totals required under section 11(b) of this chapter are
 37 completed and delivered to the persons entitled to receive the
 38 certificates or totals.

39 SECTION 73. IC 3-12-3-13 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. In case of a recount,
 41 all ballot cards shall be ~~recounted~~ ~~retabulated~~ in the manner
 42 prescribed by this chapter unless:



- 1 (1) the court ordering the ~~recount~~ **retabulation** or the state
 2 recount commission directs that they be ~~counted~~ **tabulated**
 3 manually; or
 4 (2) a request for a manual ~~recount~~ **retabulation** is made under
 5 IC 3-12-6 or IC 3-12-11.

6 SECTION 74. IC 3-12-3-14 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) The precinct
 8 election board may ~~count~~ **tabulate** absentee ballots before the polls
 9 have closed.

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

- 15 (1) **number of votes or rankings** a candidate received for an
 16 office; or
 17 (2) **number of votes** cast to approve or reject a public question;
 18 on absentee ballots ~~counted~~ **tabulated** under this section.

19 SECTION 75. IC 3-12-3.5-1.5 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.5. Except as provided
 21 in section 7 of this chapter, if the polls for more than one (1) precinct
 22 are located in the same room, the inspector of a precinct using the room
 23 may not begin the ~~vote counting~~ **ballot tabulation** procedure until all
 24 the polls in the room are officially closed and no more persons are
 25 waiting in line to vote.

26 SECTION 76. IC 3-12-3.5-2, AS AMENDED BY P.L.221-2005,
 27 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2021]: Sec. 2. After each electronic voting
 29 system has been secured and the paper vote ~~and ranking~~ total printouts
 30 obtained, the inspector shall announce in a distinct tone of voice that
 31 the printouts are available for inspection by the members of the
 32 precinct election board and any watchers present within the polls. The
 33 members and watchers are entitled to inspect and copy the printouts to
 34 document the: ~~votes cast for~~:

- 35 (1) **votes cast for or rankings given to** each candidate on each
 36 system; and
 37 (2) **votes cast for** each public question on each system.

38 SECTION 77. IC 3-12-3.5-3, AS AMENDED BY P.L.135-2020,
 39 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2021]: Sec. 3. (a) When paper ~~vote~~ total printouts have been
 41 obtained, the precinct election board shall prepare certificates stating
 42 the **total** number of:



- 1 **(1) votes or each ranking** that each candidate received for each
 2 office; and ~~the~~
 3 **(2) votes** on each public question;
 4 by attaching the paper ~~vote~~ total printouts to certificate forms supplied
 5 by the county election board.
- 6 (b) Each member of the board shall be given a copy of the
 7 certificate.
- 8 (c) If a precinct election board administers more than one (1)
 9 precinct, the board shall keep the ballots cast in each precinct separate
 10 from ballots cast in any other precinct, so that the:
 11 **(1) votes cast for or rankings given to** each candidate; and
 12 **(2) votes cast** on each public question;
 13 in each of the precincts administered by the board may be determined.
- 14 (d) If a precinct or vote center uses a direct record electronic voting
 15 system that contains a voter verifiable paper audit trail, the election
 16 board is not required to print out the paper audit trail in preparing the
 17 certificates setting forth the number of votes prepared under subsection
 18 (a).
- 19 (e) The certificates prepared under subsection (a) **must** set forth the
 20 official:
 21 **(1) votes cast or rankings given** by the voters for a candidate; or
 22 **(2) the votes cast** on a public question by the voters of the
 23 precinct.
- 24 (f) However, in a recount or contest proceeding under IC 3-12-6,
 25 IC 3-12-8, IC 3-12-11, or IC 3-12-12, the information set forth on the
 26 voter verifiable paper audit trail may be used as evidence for a recount
 27 commission or a court to determine:
 28 **(1) the votes cast or rankings given** for a candidate; or
 29 **(2) the votes cast** on a public question in the precinct.
- 30 SECTION 78. IC 3-12-3.5-4 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. The inspector and
 32 judge of the opposite political party shall deliver the certificates
 33 prepared under section 3 of this chapter and the list of voters to the
 34 county election board **by not later than midnight on after the** election.
 35 ~~day.~~ However, if:
 36 (1) an electronic voting system failed;
 37 (2) the failure of the system was reported as required by this title;
 38 (3) paper ballots were used in place of the system; and
 39 (4) the use of the paper ballots caused a substantial delay in the
 40 ~~vote counting~~ **ballot tabulating** process;
 41 then the certificates, the list of voters, and the tally papers shall be
 42 delivered as soon as possible.



1 SECTION 79. IC 3-12-3.5-5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. Immediately upon
 3 completion of the ~~vote count~~, **ballot tabulation**, each precinct election
 4 board shall make and sign a certificate for the news media showing the
 5 total number of votes received by **or rankings given to** each candidate
 6 in the precinct. The inspector and judge of the opposite political party
 7 shall deliver the certificate to the circuit court clerk at the same time
 8 that the certificates, the list of voters, and the tally papers are delivered
 9 under section 4 of this chapter. The circuit court clerk immediately
 10 shall deliver the certificate made for the news media to any person
 11 designated to receive the certificate by the editors of the newspapers
 12 published in the county or by the managers of the radio and television
 13 stations operating in the county. The county election board shall furnish
 14 each precinct election board with the forms on which the certificates
 15 are to be prepared.

16 SECTION 80. IC 3-12-3.5-6 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. To minimize the
 18 delay in the ~~counting~~ **tabulation** of the ~~vote~~, **ballots**, canvassing must
 19 begin immediately upon the closing of the polls and continue without
 20 interruption until all the ~~votes~~ **ballots** are canvassed and all certificates
 21 ~~of the vote~~ required under section 3 of this chapter are completed and
 22 delivered to the persons entitled to receive the certificates.

23 SECTION 81. IC 3-12-3.5-7 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The precinct
 25 election board may ~~count~~ **tabulate** absentee ballots before the polls
 26 have closed.

27 (b) If the precinct election board ~~counts~~ **tabulates** absentee ballots
 28 under this section, a member of the precinct election board may not,
 29 before the polls have closed, provide any person other than a member
 30 of the precinct election board with information concerning the: ~~number~~
 31 ~~of votes~~:

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

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

36 SECTION 82. IC 3-12-3.5-8, AS AMENDED BY P.L.210-2018,
 37 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2021]: Sec. 8. (a) As used in this section, "audit threshold
 39 number" refers to the following number:

40 (1) One (1), if the total number of ~~votes~~ **ballots** cast, as
 41 determined under subsection (c), is not more than twenty (20).

42 (2) Two (2), if the total number of ~~votes~~ **ballots** cast, as



- 1 determined under subsection (c), is:
 2 (A) more than twenty (20); but
 3 (B) not more than forty (40).
 4 (3) Three (3), if the total number of **votes ballots** cast, as
 5 determined under subsection (c), is:
 6 (A) more than forty (40); but
 7 (B) not more than sixty (60).
 8 (4) Four (4), if the total number of **votes ballots** cast, as
 9 determined under subsection (c), is:
 10 (A) more than sixty (60); but
 11 (B) not more than eighty (80).
 12 (5) Five percent (5%) of the total number of **votes ballots** cast,
 13 rounded up to the nearest whole number, if the total number of
 14 votes cast, as determined under subsection (c), is:
 15 (A) more than eighty (80); but
 16 (B) not more than five hundred (500).
 17 (6) Twenty-five (25), if the total number of **votes ballots** cast, as
 18 determined under subsection (c) is more than five hundred (500).
 19 (b) As used in this section, "judge" refers only to the judge who is
 20 a member of a political party other than the political party of the
 21 inspector.
 22 (c) After each electronic voting system has been secured and the
 23 paper vote total printouts obtained, the inspector and judge shall record
 24 the total number of:
 25 (1) votes cast on all electronic voting systems located within the
 26 precinct; and
 27 (2) voters who have received a ballot by signing in at the polls
 28 according to the poll lists for each precinct;
 29 to determine if the total number of **votes ballots** cast on the electronic
 30 voting systems differs from the number of voters shown to have
 31 received a ballot at the polls according to the poll lists.
 32 (d) The inspector and judge shall record the information set forth in
 33 subsection (c) on a form prescribed under IC 3-5-4-8 and provided to
 34 each precinct and vote center under IC 3-11-3-10 by the county
 35 election board. The inspector and judge shall sign the form before
 36 delivering the certificates in accordance with section 4 of this chapter
 37 and return the form with the certificates.
 38 (e) If the number of ballots received at the polls differs from the
 39 total number of voters shown on the poll lists, the inspector and judge
 40 shall report this fact in writing to the county election board together
 41 with the reasons for the discrepancy, if known, at the time that the
 42 inspector and judge return the precinct poll list to the board on the form



- 1 required under subsection (d).
- 2 (f) The county election board shall compile the following
- 3 information into a single document listing for each precinct:
- 4 (1) The number of ~~votes~~ **ballots** cast on the electronic voting
- 5 systems in the precinct, as shown on the form required for the
- 6 precinct under subsection (d).
- 7 (2) The number of voters who cast ballots on the electronic voting
- 8 systems as shown on the form required for the precinct under
- 9 subsection (d).
- 10 (3) The number of absentee ballots returned by voters of the
- 11 precinct.
- 12 (4) The number of absentee ballots described in subdivision (3)
- 13 that were counted.
- 14 (5) The difference between the number in subdivision (1) and the
- 15 number in subdivision (2).
- 16 Not later than noon on the second Friday following the election, the
- 17 county election board shall discuss and publish the document described
- 18 in this subsection at a public hearing and immediately make the
- 19 document available for inspection and copying by any voter of the
- 20 county.
- 21 (g) If the number determined under subsection (f)(5) is greater than
- 22 or equal to the audit threshold number, then the county election board
- 23 or the secretary of state may order an audit of all the ~~votes~~ **ballots** cast
- 24 in that precinct under this section. Before ordering an audit, the county
- 25 election board shall recheck the computations reported by the inspector
- 26 and judge under subsection (c).
- 27 (h) The county election board shall confirm that the ~~votes~~ **ballots**
- 28 cast in an election:
- 29 (1) for each candidate and each public question; and
- 30 (2) on a direct record electronic voting system in the precinct;
- 31 were correctly ~~counted~~ **tabulated**.
- 32 (i) The county election board shall conduct an audit by means of
- 33 tests and procedures that are approved by the commission and
- 34 independent of the provider of the direct record electronic voting
- 35 system being audited.
- 36 (j) The county election board shall certify the results of the audit not
- 37 later than noon thirty (30) days after the election. The certification must
- 38 be on the form prescribed by the election division. One (1) copy shall
- 39 be filed with the election returns, and one (1) copy must be delivered
- 40 to the election division.
- 41 (k) Public notice of the time and place of an audit shall be given at
- 42 least forty-eight (48) hours before the audit. The notice shall be



1 published once in accordance with IC 5-3-1-4. However, if publication
 2 in accordance with IC 5-3-1-4 will not allow the county election board
 3 to certify the results of the audit within thirty (30) days after the
 4 election, notice shall be given by posting at or near the office of the
 5 county election board.

6 (l) Not later than ninety (90) days after each election in which an
 7 audit is conducted under this section, the secretary of state shall publish
 8 a report stating whether the results of each audit indicate that the
 9 discrepancy was the result of human error, intentional violations of
 10 election laws, unknown causes, or a combination of these factors.

11 SECTION 83. IC 3-12-4-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. The members of
 13 each county election board shall canvass the ~~votes~~ **ballots** cast in the
 14 county.

15 SECTION 84. IC 3-12-4-4, AS AMENDED BY P.L.2-2007,
 16 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2021]: Sec. 4. (a) Each county election board may employ
 18 clerical assistants if necessary for the proper canvassing and tabulating
 19 of the vote. However, except as provided in subsection (d), not more
 20 than one-half (1/2) of the assistants employed by the board may be
 21 members of the same political party.

22 (b) The county election board shall appoint the number of two (2)
 23 member write-in teams that are necessary to examine and ~~count~~
 24 **tabulate** write-in votes cast on ballot card voting systems on election
 25 night. The county chairmen of the two (2) major political parties of a
 26 county shall each designate one (1) member of each write-in team. The
 27 write-in teams are considered employees of the county canvassing
 28 board and must meet the qualifications of canvassing board employees.

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

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

- 36 (1) enrolled at a postsecondary educational institution (including
- 37 a community college); and
- 38 (2) a registered voter of the county.

39 A student appointed under this subsection must serve the board in a
 40 nonpartisan manner.

41 SECTION 85. IC 3-12-4-10 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) The statement



1 prepared under section 9 of this chapter must contain **the following**
 2 **information:**

- 3 (1) The name of each candidate.
 4 (2) The elected offices.
 5 (3) The **total number of votes received by following for each**
 6 **candidate:**

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

9 (B) **For offices subject to ranked choice voting, the**
 10 **following:**

11 (i) **The total of each ranking.**

12 (ii) **The total number of votes received by each candidate**
 13 **as determined under IC 3-12-0.5.**

- 14 (4) **The total number of votes received by each candidate and**
 15 **following for each precinct:**

16 (A) **For each candidate, the information described in**
 17 **subdivision (3).**

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

- 20 (5) The total number of **votes ballots** cast at the election.

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

24 SECTION 86. IC 3-12-4-13 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. After the county
 26 election board has tabulated the ~~vote~~ **ballots:**

- 27 (1) the canvass sheets used by the board; and
 28 (2) the certificates, poll lists, and tally papers returned by each
 29 inspector in the county;

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

33 SECTION 87. IC 3-12-4-16, AS AMENDED BY P.L.84-2016,
 34 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: Sec. 16. If there is a disagreement between the
 36 members of a county election board as to how the ~~vote~~ **ballots** of a
 37 precinct should be ~~counted~~, **tabulated**, the board shall:

- 38 (1) immediately report the matter in dispute to the judge of the
 39 circuit court, superior court, or probate court; and
 40 (2) provide the judge with a written brief stating the grounds of
 41 the disagreement and all papers concerning the matter.

42 SECTION 88. IC 3-12-4-17, AS AMENDED BY P.L.84-2016,



1 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 17. The judge of the circuit court, superior court,
3 or probate court shall summarily determine a dispute presented under
4 section 16 of this chapter and direct the county election board how to
5 ~~count~~ **tabulate** the ~~vote~~ **ballots**. The judge's determination is final with
6 respect to the action of the board.

7 SECTION 89. IC 3-12-4-18, AS AMENDED BY P.L.194-2013,
8 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2021]: Sec. 18. If electronic voting systems are used in a
10 precinct, the county election board may, upon the adoption of an order
11 by unanimous vote of the entire membership of the board, inspect the
12 registering counter or other recording device on any electronic voting
13 system showing the number of votes cast **or rankings given** for any
14 candidate or public question. The board may conduct an inspection,
15 after filing notice of the order authorizing the inspection with the
16 secretary of state, either before the board proceeds to ~~count and~~
17 ~~tabulate the~~ **vote ballots** or within one (1) day after the ~~count and~~
18 ~~tabulation are~~ **is** finished.

19 SECTION 90. IC 3-12-4-20, AS AMENDED BY P.L.221-2005,
20 SECTION 107, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2021]: Sec. 20. When making an inspection
22 under section 18 of this chapter, a county election board shall compare
23 the ~~number of votes~~ **numbers** registered on the counter or other
24 recording device on the electronic voting systems with the returns
25 made by the precinct election board of the precinct in which the
26 electronic voting system was used.

27 SECTION 91. IC 3-12-4-21, AS AMENDED BY P.L.221-2005,
28 SECTION 108, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2021]: Sec. 21. If there is a discrepancy
30 between the ~~number of votes~~ **numbers** registered on an electronic
31 voting system and the returns made by the precinct election board, the
32 county election board shall correct the returns made by the precinct
33 election board so that the returns conform to the ~~vote~~ **numbers**
34 registered on the electronic voting system. The corrected returns shall
35 be considered the true and correct returns of the number of votes cast
36 **or rankings given** for each candidate ~~or and the number of votes cast~~
37 on each public question in the precinct.

38 SECTION 92. IC 3-12-4-22, AS AMENDED BY P.L.221-2005,
39 SECTION 109, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2021]: Sec. 22. If a nomination or election is
41 contested or a recount is conducted, the returns of each precinct
42 election board, as corrected by the county election board under section



1 21 of this chapter, constitute prima facie evidence of the ~~vote~~ **votes** cast
 2 **or rankings given** for each candidate and **the votes cast** on each
 3 public question to the same extent as the tabulation and return of the
 4 vote in a precinct where electronic voting systems are not used.

5 SECTION 93. IC 3-12-4-23 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 23. The county election
 7 board shall have tally papers printed for use in tabulating the vote at
 8 each election held under its jurisdiction. The tally papers must:

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

16 SECTION 94. IC 3-12-5-2 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Whenever a
 18 candidate is elected:

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

24 the circuit court clerk shall, when permitted under section 16 of this
 25 chapter, prepare and deliver to the candidate on demand a certificate
 26 of the candidate's election.

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

- 35 (1) Obtain the certified statement of:
 36 (A) the votes cast **or rankings given to each candidate** for
 37 that office; or
 38 (B) **the votes cast** on that question;
 39 that was prepared under IC 3-12-4-9 from the circuit court clerk
 40 in each other county in which the election district is located.
 41 (2) Tabulate:
 42 (A) the total votes cast **or each ranking given to each**



1 **candidate for that office and determine which candidate has**
 2 **been elected to that office as provided in this title; or**
 3 **(B) the total votes cast** on that question;
 4 as shown on the certified statement of each county in the election
 5 district. ~~and~~
 6 (3) Issue a certificate:
 7 **(A)** of election to the candidate when permitted under section
 8 16 of this chapter; or ~~a certificate~~
 9 **(B)** declaring the local public question approved or rejected.

10 SECTION 95. IC 3-12-5-6, AS AMENDED BY P.L.278-2019,
 11 SECTION 146, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) Not later than noon on the
 13 second Monday following an election, each circuit court clerk shall
 14 prepare a certified statement under the clerk's seal of the **total** number
 15 of votes **or each ranking** received by each candidate for:
 16 (1) federal office;
 17 (2) state office;
 18 (3) legislative office; and
 19 (4) a local office for which a declaration of candidacy must be
 20 filed with the election division under IC 3-8-2.

21 (b) The clerk shall transmit the statements to the election division
 22 in accordance with section 1.5 of this chapter.

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

25 SECTION 96. IC 3-12-5-7, AS AMENDED BY P.L.201-2017,
 26 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2021]: Sec. 7. Upon receipt of the certified statements from
 28 the circuit court clerks under section 6 of this chapter and not later than
 29 noon of the last Tuesday in November, the election division shall
 30 tabulate the number of votes **as provided in this title** cast for each
 31 candidate for:
 32 (1) presidential electors and alternate presidential electors;
 33 (2) a state office other than governor and lieutenant governor; and
 34 (3) a local office for which a declaration of candidacy must be
 35 filed with the election division under IC 3-8-2.

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

39 SECTION 97. IC 3-12-5-8 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) If, not later than
 41 the final date and hour for filing a recount or contest petition under
 42 ~~IC 3-12;~~ **this article,** a circuit court clerk files a correction with the



1 election division that amends a certified statement under section 6 of
 2 this chapter and the amendment results in a different candidate
 3 receiving the highest number of votes for an office, the election
 4 division shall immediately notify the governor and the office of the
 5 amendment.

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

11 (c) Immediately upon preparing the commissions under subsection
 12 (b), the governor shall deliver the commissions to the election division.
 13 Not later than the second Tuesday in December, the election division
 14 shall transmit the commission to each candidate at the address set forth
 15 in the declaration of candidacy filed with the division, or to any more
 16 recent address furnished to the division by the candidate.

17 SECTION 98. IC 3-12-6-3 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. Each petition filed
 19 under section 2 of this chapter must state the following:

- 20 (1) The office for which the petitioner desires a recount.
- 21 (2) The precincts within the county in which the petitioner desires
 22 a recount.
- 23 (3) That the petitioner is entitled to a recount under section 1 of
 24 this chapter.
- 25 (4) That the nomination or office was voted upon in the precincts
 26 specified.
- 27 (5) The name of each candidate for the nomination or office as set
 28 forth on the ballot for the election and the address of each
 29 candidate for nomination or election to the office as set forth in
 30 the records of the county election board or election division.
- 31 (6) That the petitioner in good faith believes that the votes cast for
 32 nomination or election to the office at the election in the precincts
 33 were not correctly **tabulated**, counted, and returned.
- 34 (7) That the petitioner desires a recount of all of the votes cast for
 35 nomination or election to the office in the precincts specified.

36 SECTION 99. IC 3-12-6-6 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. Each cross-petition
 38 filed under section 4 of this chapter must state the following:

- 39 (1) The office for which the cross-petitioner desires a recount.
- 40 (2) The precincts within the county in which the cross-petitioner
 41 desires a recount.
- 42 (3) That the cross-petitioner was a candidate at the election for



1 nomination or election to the office and that the nomination or
2 office was voted upon in the precincts specified.

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

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

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

11 SECTION 100. IC 3-12-6-22 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 22. (a) When a recount
13 is completed by a commission appointed under this chapter, the
14 commission shall **do the following**:

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

18 (2) State in its certificate the candidate who received the highest
19 number of votes **or the rankings given** in the precincts for
20 nomination or election to the office **as determined under this**
21 **title** and by what plurality. **and**

22 (3) File its certificate with the circuit court clerk.

23 (b) The circuit court clerk shall:

24 (1) enter the certificate in the order book of the court;

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

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

32 (c) If a certificate is filed with the election division under subsection
33 (b), the election division shall provide a copy of the certificate to the
34 office.

35 SECTION 101. IC 3-12-6-27 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 27. If a recount is made
37 under this chapter for nomination or election to an office for which
38 votes were cast in more than one (1) county, each circuit court clerk
39 where the recount was made shall determine whether the votes **or**
40 **rankings** in the precincts shown by the recount certificate differ from
41 the votes **or rankings** that were tabulated by the county election board.
42 If a circuit court clerk finds that there is a difference between the votes



1 **or rankings** shown by the recount certificate and the votes **or**
 2 **rankings** tabulated by the county election board, the clerk shall prepare
 3 a certificate showing the total vote **or each ranking** in the county for
 4 each candidate for nomination or election to the office as corrected in
 5 accordance with the recount certificate.

6 SECTION 102. IC 3-12-6-28 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28. (a) A circuit court
 8 clerk shall immediately transmit a certificate prepared under section 27
 9 of this chapter showing the votes cast **or rankings given** for
 10 nomination or election to an office to the election division if the
 11 recount concerned an office for which a declaration of candidacy must
 12 be filed with the election division under IC 3-8-2.

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

15 SECTION 103. IC 3-12-6-29 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 29. Upon receipt of a
 17 circuit court clerk's certificate under section 28 of this chapter, the
 18 election division shall tabulate the vote **or ranking** from the county for
 19 the office in accordance with the certificate. If the election division
 20 previously included in a tabulation the votes cast **or rankings given** for
 21 the office as returned by the county election board, the election division
 22 shall correct the tabulation in accordance with the certificate.

23 SECTION 104. IC 3-12-11-3, AS AMENDED BY P.L.221-2005,
 24 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) Each petition for a recount
 26 filed under section 2 of this chapter must state the following:

- 27 (1) The office for which the petitioner desires a recount.
- 28 (2) The precincts in which the petitioner desires a recount.
- 29 (3) That the individual is entitled to a recount under this chapter
 30 and that the nomination or election to office at issue was voted
 31 upon in the precincts specified.
- 32 (4) The name of the candidates as set forth on the ballot for the
 33 election and address of the candidates as set forth in the records
 34 of the election division.
- 35 (5) That the petitioner in good faith believes that the votes cast for
 36 nomination or election to the office at the election in the precincts
 37 were not correctly **tabulated**, counted, and returned.
- 38 (6) That the petitioner desires a recount of all of the votes cast for
 39 nomination or election to the office in the precincts specified.

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

- 42 (1) The nomination or election to office that the petitioner



- 1 contests.
- 2 (2) That the individual is entitled to contest an election or a
- 3 nomination to office under this chapter.
- 4 (3) The name of the candidates as set forth on the ballot for the
- 5 election and address of each of the candidates as set forth in the
- 6 records of the election division.
- 7 (4) That the petitioner in good faith believes that one (1) or more
- 8 of the following occurred:
- 9 (A) The person declared nominated or elected does not comply
- 10 with a specific constitutional or statutory requirement set forth
- 11 in the petition that is applicable to a candidate for the office.
- 12 (B) A mistake was made in the printing or distribution of
- 13 ballots used in the election that makes it impossible to
- 14 determine which candidate received the highest number of
- 15 votes cast in the election.
- 16 (C) A mistake occurred in the programming of an electronic
- 17 voting system, making it impossible to determine the
- 18 candidate who received the highest number of votes.
- 19 (D) An electronic voting system malfunctioned, making it
- 20 impossible to determine the candidate who received the
- 21 highest number of votes.
- 22 (E) A deliberate act or series of actions occurred making it
- 23 impossible to determine the candidate who received the
- 24 highest number of votes cast in the election.
- 25 (c) A petition stating that the petitioner believes that a mistake
- 26 described in subsection (b)(4)(B), (b)(4)(C), or (b)(4)(D) has occurred
- 27 must identify each precinct in which:
- 28 (1) ballots:
- 29 (A) containing the printing mistake; or
- 30 (B) distributed by mistake;
- 31 were cast;
- 32 (2) a mistake occurred in the programming of an electronic voting
- 33 system; or
- 34 (3) an electronic voting system malfunctioned.
- 35 (d) A petition stating that the petitioner believes that an act or series
- 36 of actions described in subsection (b)(4)(E) occurred must identify
- 37 each precinct or other location in which the act or series of actions
- 38 occurred to the extent known to the petitioner.
- 39 SECTION 105. IC 3-12-11-6 IS AMENDED TO READ AS
- 40 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. Each cross-petition
- 41 filed under section 4 of this chapter must state the following:
- 42 (1) The office for which the cross-petitioner desires a recount.



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

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

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

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

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

13 SECTION 106. IC 3-12-11-18, AS AMENDED BY P.L.221-2005,
14 SECTION 130, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2021]: Sec. 18. (a) When a recount is
16 completed by the state recount commission or its designee, the
17 commission shall **do the following**:

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

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

25 (3) File its certificate with the election division.

26 (b) When a contest proceeding in which a candidate is alleged to be
27 ineligible is completed by the state recount commission or its designee,
28 the commission shall make a final determination concerning the
29 eligibility of the candidate for nomination or election to the office.

30 (c) If the state recount commission or its designee determines that:

31 (1) a mistake was made in the printing or distribution of ballots
32 used in the election;

33 (2) a mistake was made in the programming of an electronic
34 voting system;

35 (3) an electronic voting system malfunctioned; or

36 (4) a deliberate act or series of actions occurred;

37 that makes it impossible to determine which candidate received the
38 highest number of votes cast, the commission shall order that a special
39 election be conducted under IC 3-10-8.

40 (d) The special election ordered under subsection (c) shall be held
41 in the precincts identified in the petition in which the commission
42 determines that:



- 1 (1) ballots containing the printing mistake or distributed by
 2 mistake were cast;
 3 (2) a mistake occurred in the programming of an electronic voting
 4 system;
 5 (3) an electronic voting system malfunctioned; or
 6 (4) a deliberate act or series of actions occurred.

7 SECTION 107. IC 3-12-11-19 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. Except in recount
 9 proceedings for an election to the offices of governor and lieutenant
 10 governor and legislative offices, a recount certificate made under
 11 section 18 of this chapter supersedes all previous returns made in any
 12 form of the recounted votes. A certified copy of a recount certificate
 13 constitutes prima facie evidence of the votes cast **or rankings given** for
 14 nomination or election to the office in the precincts in any proceeding
 15 in which there is an issue as to the votes cast at the election for the
 16 nomination or election to office.

17 SECTION 108. IC 3-14-4-10, AS AMENDED BY P.L.158-2013,
 18 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2021]: Sec. 10. **A person who knowingly violates: (a) As used**
 20 **in this section, "applicable statute" refers to any of the following:**

- 21 (1) IC 3-11.5-5.
 22 (2) IC 3-11.5-6.
 23 (3) IC 3-12-2-1.
 24 (4) IC 3-12-3-14. **or**
 25 (5) IC 3-12-3.5-7.

26 **(b) A person who knowingly violates an applicable statute by**
 27 **providing any other person with information concerning:**

28 **(1) the:**

29 **(A) number of votes; or**

30 **(B) rankings;**

31 a candidate received for an office; or

32 **(2) the number of votes** cast to approve or reject a public
 33 question;

34 on absentee ballots counted under IC 3-11.5-5, IC 3-11.5-6, or IC 3-12
 35 before the closing of the polls commits a Level 6 felony.

