

# HOUSE BILL No. 1472

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-10; IC 3-11; IC 3-12-1; IC 3-13.

**Synopsis:** Various election law issues. Removes a voter's option to vote for all candidates of a political party or an independent ticket at one time (straight ticket voting) in a general or municipal election, except for candidates for presidential electors. Provides that the adoption, rescission, or amendment of a vote center plan may be taken by a majority vote of all members of a county election board. (Current law requires such action to be taken by the unanimous vote of a county election board.) Provides that a special election is held to fill a legislative vacancy that occurs at any time other than during the last year of the legislative term. Provides that a legislative vacancy that occurs during the last year of the legislative term is filled by a caucus of the precinct committeemen from the legislative district of the political party of the individual who last held the vacant legislative office (as is the case under current law). Provides that the caucus of precinct committeemen may determine not to fill the vacancy. Makes conforming changes. Repeals superseded statutes relating to straight ticket voting.

**Effective:** July 1, 2017.

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January 18, 2017, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1472

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

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

1 SECTION 1. IC 3-10-7-32, AS AMENDED BY P.L.190-2011,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2017]: Sec. 32. (a) A town election board shall determine  
4 what voting method will be used in a municipal election.  
5 (b) The town election board and its precinct election officers shall  
6 perform the duties of the county election board and its precinct election  
7 officers under IC 3-11 for each voting method used.  
8 (c) The town election board shall prepare the ballots in the form  
9 prescribed by IC 3-11 and distribute them to the precincts in the town.  
10 (d) This subsection applies only to paper ballots. Notwithstanding  
11 subsection (c), the town election board, by unanimous consent of the  
12 board's entire membership, may authorize the printing or reproduction  
13 of ballots on equipment under the control of the town clerk-treasurer.  
14 If the town election board acts under this subsection, the ballots are not  
15 required to conform to the precise dimensions concerning the size of  
16 political party devices under IC 3-11-2-9 or the placement of a  
17 candidate's name under ~~IC 3-11-2-10(f)~~ **IC 3-11-2-10(d)**. However,



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

2 SECTION 2. IC 3-10-8-1, AS AMENDED BY P.L.219-2013,  
3 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2017]: Sec. 1. A special election shall be held in the following  
5 cases:

6 (1) Whenever two (2) or more candidates for a federal, state,  
7 legislative, circuit, or school board office receive the highest and  
8 an equal number of votes for the office, except as provided in  
9 Article 5, Section 5 of the Constitution of the State of Indiana or  
10 in IC 20.

11 (2) Whenever a vacancy occurs in the office of United States  
12 Senator, as provided in IC 3-13-3-1.

13 (3) Whenever a vacancy occurs in the office of United States  
14 Representative unless the vacancy occurs less than seventy-four  
15 (74) days before a general election.

16 (4) Whenever a vacancy occurs in any local office the filling of  
17 which is not otherwise provided by law.

18 (5) Whenever required by law for a public question.

19 (6) Whenever ordered by a court under IC 3-12-8-17 or the state  
20 recount commission under IC 3-12-11-18.

21 (7) Whenever required under ~~IC 3-13-5~~ **IC 3-13-5.5** to fill a  
22 vacancy in a legislative office unless the vacancy occurs less than  
23 seventy-four (74) days before a general election.

24 SECTION 3. IC 3-11-2-10, AS AMENDED BY P.L.21-2016,  
25 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2017]: Sec. 10. (a) Public questions shall be placed on the  
27 general election ballot in the following order after the statement  
28 described in section 7 of this chapter, and the instructions described in  
29 ~~subsections (d) and (e)~~ **subsection (c)** and section 8 of this chapter, if  
30 instructions are printed on the ballot:

31 (1) Ratification of a state constitutional amendment.

32 (2) Local public questions.

33 Each public question shall be placed in a separate column on the ballot.

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

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



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

5           (2) To vote for any candidate for an at-large office (insert county  
6           council; city common council; town council; or township board if  
7           those offices appear on this ballot); you must make another voting  
8           mark for each candidate you wish to vote for. Your straight party  
9           vote will not count as a vote for any candidate for that office.

10          (3) If you wish to vote for a candidate seeking a nonpartisan office  
11          or on a public question, you must make another voting mark on  
12          the appropriate place on this ballot."

13          (d) Except as permitted under section 8(b) of this chapter, if the  
14          ballot contains an independent ticket described in section 6 of this  
15          chapter and at least one (1) other independent candidate, the ballot  
16          must also contain a statement that reads substantially as follows: "A  
17          vote cast for an independent ticket will only be counted for the  
18          candidates for President and Vice President or governor and lieutenant  
19          governor comprising that independent ticket. This vote will NOT be  
20          counted for any OTHER independent candidate appearing on the  
21          ballot."

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

28          (f) (d) The list of candidates of the political party shall be placed  
29          immediately under the instructions for voting a straight party ticket:  
30          **device of the political party.** The names of the candidates shall be  
31          placed three-fourths (3/4) of an inch apart from center to center of the  
32          name. The name of each candidate must have, immediately on its left,  
33          a square three-eighths (3/8) of an inch on each side.

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

37          SECTION 4. IC 3-11-2-12, AS AMENDED BY P.L.21-2016,  
38          SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39          JULY 1, 2017]: Sec. 12. The following offices shall be placed on the  
40          general election ballot in the following order after the public questions  
41          described in section 10(a) of this chapter:

42                 (1) Federal and state offices:



- 1 (A) President and Vice President of the United States.  
 2 (B) United States Senator.  
 3 (C) Governor and lieutenant governor.  
 4 (D) Secretary of state.  
 5 (E) Auditor of state.  
 6 (F) Treasurer of state.  
 7 (G) Attorney general.  
 8 (H) Superintendent of public instruction.  
 9 (I) United States Representative.  
 10 (2) Legislative offices:  
 11 (A) State senator.  
 12 (B) State representative.  
 13 (3) Circuit offices and county judicial offices:  
 14 (A) Judge of the circuit court, and unless otherwise specified  
 15 under IC 33, with each division separate if there is more than  
 16 one (1) judge of the circuit court.  
 17 (B) Judge of the superior court, and unless otherwise specified  
 18 under IC 33, with each division separate if there is more than  
 19 one (1) judge of the superior court.  
 20 (C) Judge of the probate court.  
 21 (D) Prosecuting attorney.  
 22 (E) Clerk of the circuit court.  
 23 (4) County offices:  
 24 (A) County auditor.  
 25 (B) County recorder.  
 26 (C) County treasurer.  
 27 (D) County sheriff.  
 28 (E) County coroner.  
 29 (F) County surveyor.  
 30 (G) County assessor.  
 31 (H) County commissioner. This clause applies only to a county  
 32 that is not subject to IC 36-2-2.5.  
 33 (I) Single county executive. This clause applies only to a  
 34 county that is subject to IC 36-2-2.5.  
 35 (J) County council member. ~~except as provided in section 12.4~~  
 36 ~~of this chapter.~~  
 37 (5) Township offices:  
 38 (A) Township assessor (only in a township referred to in  
 39 IC 36-6-5-1(d)).  
 40 (B) Township trustee.  
 41 (C) Township board member. ~~except as provided in section~~  
 42 ~~12.4 of this chapter.~~



- 1 (D) Judge of the small claims court.  
 2 (E) Constable of the small claims court.  
 3 (6) City offices:  
 4 (A) Mayor.  
 5 (B) Clerk or clerk-treasurer.  
 6 (C) Judge of the city court.  
 7 (D) City-county council member or common council member.  
 8 ~~except as provided in section 12.4 of this chapter.~~  
 9 (7) Town offices:  
 10 (A) Clerk-treasurer.  
 11 (B) Judge of the town court.  
 12 (C) Town council member. ~~except as provided in section 12.4~~  
 13 ~~of this chapter.~~  
 14 SECTION 5. IC 3-11-2-12.4 IS REPEALED [EFFECTIVE JULY  
 15 1, 2017]. ~~Sec. 12.4: (a) This section applies whenever more than one~~  
 16 ~~(1) candidate may be elected to an office.~~  
 17 (b) ~~The office shall be placed on the general election ballot after the~~  
 18 ~~offices described in section 12 of this chapter and before the offices~~  
 19 ~~described in section 12.9 of this chapter.~~  
 20 (c) ~~The ballot shall contain a statement reading substantially as~~  
 21 ~~follows above the name of the first candidate: "To vote for any~~  
 22 ~~candidate for this office, you must make a voting mark for each~~  
 23 ~~candidate you wish to vote for. A straight party vote will not count as~~  
 24 ~~a vote for any candidate for this office."~~  
 25 SECTION 6. IC 3-11-2-12.9, AS AMENDED BY P.L.21-2016,  
 26 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2017]: Sec. 12.9. (a) School board offices to be elected at the  
 28 general election shall be placed on the general election ballot after the  
 29 offices described in section ~~12.4~~ **12** of this chapter with each candidate  
 30 for the office designated as "nonpartisan".  
 31 (b) If the ballot contains a candidate for a school board office, the  
 32 ballot must also contain a statement that reads substantially as follows:  
 33 "To vote for a candidate for this office, make a voting mark on or in the  
 34 square to the left of the candidate's name."  
 35 SECTION 7. IC 3-11-7-4, AS AMENDED BY P.L.21-2016,  
 36 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2017]: Sec. 4. (a) Except as provided in subsection (b), a  
 38 ballot card voting system must permit a voter to vote  
 39 (1) ~~except at a primary election, a straight party ticket for all of~~  
 40 ~~the candidates of one (1) political party by a single voting mark~~  
 41 ~~on each ballot card;~~  
 42 (2) for one (1) or more candidates of each political party or



1 independent candidates, or for one (1) or more school board  
2 candidates nominated by petition.

3 (3) a split ticket for the candidates of different political parties  
4 and for independent candidates; or

5 (4) a straight party ticket and then split that ticket by casting  
6 individual votes for candidates of another political party or  
7 independent candidate.

8 (b) A ballot card voting system must require that a voter who wishes  
9 to cast a ballot for a candidate for election to an at-large district on a:

10 (1) county council;

11 (2) city common council;

12 (3) town council; or

13 (4) township board;

14 make a voting mark for each individual candidate for whom the voter  
15 wishes to cast a vote. The ballot card voting system may not count any  
16 straight party ticket voting mark as a vote for any candidate for an  
17 office described by this subsection.

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

19 (1) for all candidates for presidential electors of a political party  
20 or an independent ticket by making a single voting mark; and

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

22 SECTION 8. IC 3-11-7-6 IS REPEALED [EFFECTIVE JULY 1,  
23 2017]. Sec. 6. A ballot card voting system must count a ballot in  
24 accordance with IC 3-12-1-7 when a voter votes a straight ticket vote  
25 and votes for individual candidates as described by IC 3-12-1-7.

26 SECTION 9. IC 3-11-7.5-10, AS AMENDED BY P.L.21-2016,  
27 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2017]: Sec. 10. (a) Except as provided in subsection (b), an  
29 electronic voting system must permit a voter to vote

30 (1) except at a primary election; a straight party ticket for all the  
31 candidates of one (1) political party by touching the device of that  
32 party;

33 (2) for one (1) or more candidates of each political party or  
34 independent candidates, or for one (1) or more school board  
35 candidates nominated by petition.

36 (3) a split ticket for the candidates of different political parties  
37 and for independent candidates; or

38 (4) a straight party ticket and then split that ticket by casting  
39 individual votes for candidates of another political party or  
40 independent candidates.

41 (b) An electronic voting system must require that a voter who  
42 wishes to cast a ballot for a candidate for election to an at-large district



- 1 on a:
- 2 (1) county council;
- 3 (2) city common council;
- 4 (3) town council; or
- 5 (4) township board;
- 6 make a voting mark for each individual candidate for whom the voter
- 7 wishes to cast a vote. The electronic voting system may not count any
- 8 straight party ticket voting mark as a vote for any candidate for an
- 9 office described by this subsection.
- 10 (e) (b) An electronic voting system must permit a voter to vote:
- 11 (1) for as many candidates for an office as the voter may vote for,
- 12 but no more;
- 13 (2) for or against a public question on which the voter may vote,
- 14 but no other; and
- 15 (3) for all the candidates for presidential electors of a political
- 16 party or an independent ticket by making a single voting mark.
- 17 SECTION 10. IC 3-11-11-10 IS REPEALED [EFFECTIVE JULY
- 18 1, 2017]. ~~Sec. 10. If an election is a general or municipal election and~~
- 19 ~~a voter desires to vote for all the candidates of one (1) political party or~~
- 20 ~~group of petitioners, the voter may make a voting mark on or in a large~~
- 21 ~~circle enclosing the device and before the name under which the~~
- 22 ~~candidates of the party or group of petitioners are printed. The voter's~~
- 23 ~~vote shall then be counted for all the candidates under that party name~~
- 24 ~~or for the two (2) candidates comprising an independent ticket.~~
- 25 SECTION 11. IC 3-11-13-11, AS AMENDED BY P.L.21-2016,
- 26 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2017]: Sec. 11. (a) The ballot information, whether placed on
- 28 the ballot card or on the marking device, must be in the order of
- 29 arrangement provided for ballots under this section.
- 30 (b) Each county election board shall have the names of all
- 31 candidates for all elected offices, political party offices, and public
- 32 questions printed on a ballot card as provided in this chapter. The
- 33 county may:
- 34 (1) print all offices and questions on a single ballot card; and
- 35 (2) include a ballot variation code to ensure that the proper
- 36 version of a ballot is used within a precinct.
- 37 (c) Each type of ballot card must be of uniform size and of the same
- 38 quality and color of paper (except as permitted under IC 3-10-1-17).
- 39 (d) The nominees of a political party or an independent candidate
- 40 or independent ticket (described in IC 3-11-2-6) nominated by
- 41 petitioners shall be listed on the ballot with the name and device set
- 42 forth on the certification or petition. The circle containing the device





1 may be of any size that permits a voter to readily identify the device.  
 2 IC 3-11-2-5 applies if the certification or petition does not include a  
 3 name or device, or if the same device is selected by two (2) or more  
 4 parties or petitioners.

5 (e) The offices and public questions on the general election ballot  
 6 must be placed on the ballot in the order listed in IC 3-11-2-12,  
 7 IC 3-11-2-12.2, ~~IC 3-11-2-12.4~~, IC 3-11-2-12.5, IC 3-11-2-12.7(b),  
 8 IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c),  
 9 IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions  
 10 may be listed in a continuous column either vertically or horizontally  
 11 and on a number of separate pages.

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

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

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

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

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

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

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

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

41 (5) If more than one (1) political party or independent candidate  
 42 or ticket described in subdivision (4) qualifies to be on the ballot,



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



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

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

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

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

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

25 (n) The requirements in this section:

26 (1) do not replace; and

27 (2) are in addition to;

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

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

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

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

36 (2) the text of public questions;

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

40 SECTION 12. IC 3-11-13-14 IS REPEALED [EFFECTIVE JULY  
 41 1, 2017]. ~~Sec. 14. (a) In partisan elections, the ballot labels must~~  
 42 ~~include a voting square or position where a voter may by one (1) voting~~



1 mark on each card record a straight party or an independent ticket vote  
 2 for all the candidates of one (1) political party or the independent  
 3 ticket, except for offices for which the voter:

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

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

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

10 SECTION 13. IC 3-11-13-31.7, AS AMENDED BY P.L.21-2016,  
 11 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2017]: Sec. 31.7. (a) This section is enacted to comply with  
 13 52 U.S.C. 21081 by establishing uniform and nondiscriminatory  
 14 standards to define what constitutes a vote on an optical scan voting  
 15 system.

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

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

22 (A) the candidates' names; or

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

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

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

27 (B) the number referring to the word "yes" or "no" on the  
 28 ballot.

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

32 (1) the circle enclosing the device; or

33 (2) the connectable arrow, circle, oval, or square described in  
 34 section 11 of this chapter;

35 that designates the candidates of that political party or independent  
 36 ticket (described in IC 3-11-2-6). Except as provided by  
 37 IC 3-11-7-4(b); the voter's vote shall then be counted for all the  
 38 candidates of that political party or included in the independent ticket  
 39 (described in IC 3-11-2-6). However, if the voter marks the circle,  
 40 arrow, oval, or square of an independent ticket (described in  
 41 IC 3-11-2-6); the vote shall not be counted for any other independent  
 42 candidate on the ballot.



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

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

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

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

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

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

18           SECTION 14. IC 3-11-14-3.5, AS AMENDED BY P.L.21-2016,  
 19 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2017]: 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 3-11-2-12.2, ~~IC 3-11-2-12.4~~, IC 3-11-2-12.5, IC 3-11-2-12.7(b),  
 42 IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c),



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

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

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

10 (2) "Vote for not more than (insert the number of candidates to be  
 11 elected) candidate(s) for this office.", ~~To vote for any candidate~~  
 12 ~~for this office; you must make a voting mark for each candidate~~  
 13 ~~you wish to vote for. A straight party vote will not count as a vote~~  
 14 ~~for any candidate for this office.~~"; if more than one (1) candidate  
 15 is to be elected to the office.

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

19 (1) The major political party whose candidate received the **highest**  
 20 **greatest** number of votes in the county for secretary of state at the  
 21 last election is listed first.

22 (2) The major political party whose candidate received the second  
 23 **highest greatest** number of votes in the county for secretary of  
 24 state is listed second.

25 (3) All other political parties listed in the order that the parties'  
 26 candidates for secretary of state finished in the last election are  
 27 listed after the party listed in subdivision (2).

28 (4) If a political party did not have a candidate for secretary of  
 29 state in the last election or a nominee is an independent candidate  
 30 or independent ticket (described in IC 3-11-2-6), the party or  
 31 candidate is listed after the parties described in subdivisions (1),  
 32 (2), and (3).

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

37 (6) A space for write-in voting is placed after the candidates listed  
 38 in subdivisions (1) through (5), if required by law. A space for  
 39 write-in voting for an office is not required if there are no  
 40 declared write-in candidates for that office. However, procedures  
 41 must be implemented to permit write-in voting for candidates for  
 42 federal offices.



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



1 ~~IC 3-11-2-6~~ by one (1) touch, and the touch sensitive point or button  
2 must be identified by:

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

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

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

20 (o) The requirements in this section:

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

23 any other requirements in this title that apply to ballots for electronic  
24 voting systems.

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

29 SECTION 15. IC 3-11-14-23, AS AMENDED BY P.L.21-2016,  
30 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2017]: Sec. 23. (a) This section is enacted to comply with 52  
32 U.S.C. 21081 by establishing uniform and nondiscriminatory standards  
33 to define what constitutes a vote on an electronic voting system.

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

- 38 (1) the candidates for whom the voter desires to vote by touching  
39 a device on or in the squares immediately above the candidates'  
40 names;  
41 (2) if the voter intends to cast a write-in vote, a write-in vote by  
42 touching a device on or in the square immediately below the





1 candidates' names and printing the name of the candidate in the  
2 window provided for write-in voting; and

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

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

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

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

17 (2) provided the opportunity to change the ballot or correct any  
18 error in a private and independent manner before the ballot is cast  
19 and counted, including the opportunity to receive a replacement  
20 ballot if the voter is otherwise unable to change or correct the  
21 ballot; and

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

25 SECTION 16. IC 3-11-18.1-3, AS ADDED BY P.L.1-2011,  
26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2017]: Sec. 3. (a) A county must comply with this section to  
28 become a vote center county.

29 (b) As used in this section, "board" refers to any of the following:

30 (1) The county election board.

31 (2) The board of elections and registration established under  
32 IC 3-6-5.2 or IC 3-6-5.4.

33 (c) The board shall hold a public hearing to present a draft plan for  
34 administration of vote centers in the county.

35 (d) After presentation of the draft plan under subsection (c), the  
36 board shall accept written public comments on the draft plan.

37 (e) At least thirty (30) days after the hearing held under subsection  
38 (c), the board shall hold a public hearing to consider the following:

39 (1) The draft plan.

40 (2) The written public comments.

41 (3) Any other public comment that the board may permit on the  
42 draft plan.



1 (f) After consideration of the draft plan and the public comments,  
2 the board may do the following:

- 3 (1) Adopt an order approving the draft plan.  
4 (2) Amend the draft plan and adopt an order approving the  
5 amended draft plan.

6 The board may adopt the order to approve a plan only by ~~unanimous a~~  
7 **majority** vote of the entire membership of the board.

8 ~~(g) All members of the board must sign the order adopting the plan.~~

9 ~~(h)~~ (g) The order and the adopted plan must be filed with the  
10 election division and must include a copy of:

- 11 (1) a resolution adopted by the county executive; and  
12 (2) a resolution adopted by the county fiscal body;

13 approving the designation of the county as a vote center county.

14 SECTION 17. IC 3-11-18.1-8, AS AMENDED BY P.L.258-2013,  
15 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2017]: Sec. 8. (a) Except as provided in subsection (b), the  
17 designation of a county as a vote center county takes effect  
18 immediately upon the filing of the order with the election division,  
19 unless otherwise specified by the county election board.

20 (b) An order filed with the election division during the final sixty  
21 (60) days before an election becomes effective on the day following the  
22 election.

23 (c) The designation of a county as a vote center county remains in  
24 effect until the county election board, by ~~unanimous a majority~~ vote  
25 of its entire membership:

- 26 (1) rescinds the order designating the county as a vote center  
27 county; and  
28 (2) files a copy of the document rescinding the order with the  
29 election division.

30 SECTION 18. IC 3-11-18.1-15, AS ADDED BY P.L.225-2011,  
31 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2017]: Sec. 15. (a) A county may amend a plan adopted with  
33 a county election board's order under section 3 of this chapter.

34 (b) For a county to amend its plan:

- 35 (1) the county election board (or board of elections and  
36 registration established under IC 3-6-5.2 or IC 3-6-5.4), by  
37 ~~unanimous a majority~~ vote of the entire membership of the  
38 board, must approve the plan amendment; **and**  
39 ~~(2) all members of the board must sign the amendment; and~~  
40 ~~(3)~~ (2) the amendment must be filed with the election division.

41 (c) A plan amendment takes effect immediately upon filing with the  
42 election division, unless otherwise specified by the county election



1 board.

2 SECTION 19. IC 3-12-1-1, AS AMENDED BY P.L.64-2014,  
3 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2017]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, 9.5, and 13 of  
5 this chapter, the primary factor to be considered in determining a  
6 voter's choice on a ballot is the intent of the voter. If the voter's intent  
7 can be determined on the ballot or on part of the ballot, the vote shall  
8 be counted for the affected candidate or candidates or on the public  
9 question. However, if it is impossible to determine a voter's choice of  
10 candidates on a part of a ballot or vote on a public question, then the  
11 voter's vote concerning those candidates or public questions may not  
12 be counted.

13 SECTION 20. IC 3-12-1-7, AS AMENDED BY P.L.21-2016,  
14 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2017]: Sec. 7. (a) This subsection applies whenever a voter:

- 16 (1) votes a straight party ticket; and
- 17 (2) votes only for one (1) or more individual candidates who are
- 18 all of the same political party as the straight ticket vote.

19 Except as provided in subsection (d) or (e), the straight ticket vote shall  
20 be counted and the individual candidate votes may not be counted:

- 21 (b) This subsection applies whenever:
  - 22 (1) a voter has voted a straight party ticket for the candidates of
  - 23 one (1) political party;
  - 24 (2) only one (1) person may be elected to an office; and
  - 25 (3) the voter has voted for one (1) individual candidate for the
  - 26 office described in subdivision (2) who is:
    - 27 (A) a candidate of a political party other than the party for
    - 28 which the voter voted a straight ticket; or
    - 29 (B) an independent candidate or declared write-in candidate
    - 30 for the office.

31 If the voter has voted for one (1) individual candidate for the office  
32 described in subdivision (2), the individual candidate vote for that  
33 office shall be counted; the straight party ticket vote for that office may  
34 not be counted; and the straight party ticket votes for other offices on  
35 the ballot shall be counted:

- 36 (c) This subsection applies whenever:
  - 37 (1) a voter has voted a straight party ticket for the candidates of
  - 38 one (1) political party; and
  - 39 (2) the voter has voted for more individual candidates for the
  - 40 office than the number of persons to be elected to that office.

41 The individual candidate votes for that office may not be counted; the  
42 straight party ticket vote for that office may not be counted; and the



1 straight party ticket votes for other offices on the ballot shall be  
2 counted:

3 (d) This subsection applies whenever:

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

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

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

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

10 (B) candidates of a political party other than the political party  
11 for which the voter cast a straight party ticket under  
12 subdivision (1); or

13 (C) a combination of candidates described in clauses (A) and  
14 (B):

15 The individual votes cast by the voter for the office for the independent  
16 candidates, declared write-in candidates, and the candidates of a  
17 political party other than the political party for which the voter cast a  
18 straight party ticket shall be counted unless the total number of these  
19 individual votes is greater than the number of persons to be elected to  
20 the office. The straight party ticket votes for the office shall not be  
21 counted. The straight party ticket votes for other offices on the voter's  
22 ballot shall be counted.

23 (e) This subsection applies whenever:

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

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

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

29 (A) independent candidates, declared write-in candidates, or  
30 candidates of a political party other than the political party for  
31 which the voter cast a straight party ticket under subdivision  
32 (1); and

33 (B) candidates of the same political party for which the voter  
34 cast a straight party ticket under subdivision (1):

35 The individual votes cast by the voter for the office for the independent  
36 candidates, the declared write-in candidates, and the candidates of a  
37 political party other than the political party for which the voter cast a  
38 straight party ticket, and the candidates of the political party for which  
39 the voter cast a straight party ticket shall be counted unless the total  
40 number of these individual votes is greater than the number of persons  
41 to be elected to the office. The straight party ticket votes for the office  
42 shall not be counted. The straight party ticket votes for other offices on



1 the voter's ballot shall be counted:

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

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

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

16 SECTION 21. IC 3-12-1-7.5, AS AMENDED BY P.L.21-2016,  
17 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2017]: Sec. 7.5. (a) If a voter votes for one (1) individual  
19 candidate for an office for which only one (1) person may be elected  
20 and also writes in the name of another candidate for the same office,  
21 neither vote may be counted.

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

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

32 SECTION 22. IC 3-12-1-8 IS REPEALED [EFFECTIVE JULY 1,  
33 2017]. Sec. 8: (a) Except as provided in subsection (b), a voting mark  
34 made by a voter on or in a circle containing a political party device  
35 shall be counted as a vote for each candidate of that political party on  
36 that ballot.

37 (b) A voter who wishes to cast a ballot for a candidate for election  
38 to an at-large district on a:

- 39 (1) county council;  
40 (2) city common council;  
41 (3) town council; or  
42 (4) township board;



1 must make a voting mark for each individual candidate for whom the  
 2 voter wishes to cast a vote. A voting mark on or in a circle containing  
 3 a political party device shall not be counted as a straight party ticket  
 4 voting mark as a vote for any candidate for an office described by this  
 5 subsection:

6 SECTION 23. IC 3-12-1-14 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 14. (a) This section  
 8 does not apply to a vote

9 ~~(1) cast for President or Vice President of the United States under~~  
 10 ~~IC 3-10-4-6. or~~

11 ~~(2) described by section 15 of this chapter.~~

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

15 SECTION 24. IC 3-12-1-15 IS REPEALED [EFFECTIVE JULY 1,  
 16 2017]. Sec. ~~15~~: (a) This section applies to a vote cast for one ~~(1)~~  
 17 straight party ticket that includes a candidate for election to office who:

18 ~~(1) ceases to be a candidate; and~~

19 ~~(2) is succeeded by a candidate selected under IC 3-13-1 or~~  
 20 ~~IC 3-13-2.~~

21 ~~(b) A vote cast in the election for the original nominee is considered~~  
 22 ~~a vote cast for the successor.~~

23 SECTION 25. IC 3-13-5-0.1, AS ADDED BY P.L.164-2006,  
 24 SECTION 130, IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2017]: Sec. 0.1. (a) This chapter applies ~~only~~  
 26 to a vacancy in a legislative office that was last held by a person elected  
 27 or selected as a candidate of a major political party of the state:

28 (b) A vacancy in a legislative office that was last held by a person  
 29 elected or selected as a candidate of a political party described by  
 30 ~~IC 3-8-4-10~~ shall be filled by the state committee of the political party.  
 31 The state chairman of the party shall certify the selection of an  
 32 individual to fill the vacancy in the manner prescribed under section 6  
 33 of this chapter:

34 (c) A vacancy in a legislative office that was last held by a person  
 35 not described in subsection (a) or (b) shall be filled by a special  
 36 election held as provided in ~~IC 3-10-8~~: **only if IC 3-13-5.5 provides**  
 37 **for the vacancy to be filled under this chapter.**

38 SECTION 26. IC 3-13-5-1, AS AMENDED BY P.L.119-2005,  
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2017]: Sec. 1. (a) A vacancy in a legislative office ~~shall~~ **may**  
 41 be filled by a caucus comprised of the precinct committeemen from the  
 42 senate or house district where the vacancy exists who represent the



1 same political party that elected or selected the person who held the  
2 vacated seat.

3 (b) Not later than thirty (30) days after the vacancy occurs (or as  
4 provided in subsections (c) and (d)), the caucus shall meet and:

5 (1) ~~select a person~~ **select an individual** to fill the vacancy; **or**

6 (2) **determine not to fill the vacancy.**

7 **An action described by this subsection must be taken** by a majority  
8 vote of those casting a vote, ~~for a candidate~~, including vice  
9 committeemen eligible to vote as a proxy under section 5 of this  
10 chapter.

11 (c) A state chairman may give notice of a caucus before the time  
12 specified under subsection (b) if a vacancy will exist because the  
13 official has:

14 (1) submitted a written resignation under IC 5-8-3.5 that has not  
15 yet taken effect; or

16 (2) been elected to another office.

17 (d) If a vacancy in a legislative office exists because of the death of  
18 the legislator, the caucus shall meet and ~~select a person to fill the~~  
19 **vacancy act under this chapter** not later than thirty (30) days after the  
20 state chairman receives notice of the death of the legislator from the  
21 secretary of state under IC 5-8-6.

22 (e) Notwithstanding IC 5-8-4, a ~~person may not withdraw the~~  
23 ~~person's resignation~~ **may not be withdrawn** after the resignation has  
24 been accepted by the person authorized to accept the resignation less  
25 than seventy-two (72) hours before the announced starting time of the  
26 caucus under this chapter.

27 (f) The ~~person~~ **individual** selected **to fill the vacancy** must reside  
28 in the district where the vacancy occurred.

29 SECTION 27. IC 3-13-5-3, AS AMENDED BY P.L.123-2015,  
30 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2017]: Sec. 3. (a) The state chairman or a person designated  
32 by the state chairman shall preside over a caucus meeting held under  
33 this chapter.

34 (b) A person who desires to be a candidate to fill a vacancy under  
35 this chapter must file:

36 (1) a declaration of candidacy with the chairman of the caucus;  
37 and

38 (2) a statement of economic interests under IC 2-2.2-2 with the  
39 secretary of the senate or principal clerk of the house of  
40 representatives;

41 at least seventy-two (72) hours before the time fixed for the caucus.

42 (c) In addition to the procedures prescribed by this chapter, the



1 chairman and precinct committeemen may adopt rules of procedure  
2 that are necessary to conduct business.

3 **(d) After adoption of any rules of procedure, the caucus shall**  
4 **determine whether to fill the vacancy in the legislative office. A**  
5 **determination by the caucus not to fill the vacancy is final and**  
6 **conclusive.**

7 SECTION 28. IC 3-13-5-5 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) Except as  
9 provided in this section, voting by proxy is not allowed in a caucus held  
10 under this chapter.

11 (b) A precinct vice committeeman is entitled to participate in a  
12 caucus held under this chapter and vote as a proxy for the vice  
13 committeeman's precinct committeeman if all of the following apply:

14 (1) The vice committeeman's precinct committeeman is otherwise  
15 eligible to participate in the caucus under this chapter. This  
16 subdivision is satisfied if the vacancy to be filled under this  
17 chapter resulted from the death of an individual holding a  
18 legislative office who also served as a precinct committeeman.

19 (2) The vice committeeman's precinct committeeman is not  
20 present at the caucus.

21 (3) The vice committeeman is eligible under this section.

22 (c) The vice committeeman of an elected precinct committeeman is  
23 eligible to participate in a caucus held under this chapter and vote the  
24 precinct committeeman's proxy, regardless of when the ~~ballot~~ vacancy  
25 occurred, if the vice committeeman was the vice committeeman five  
26 (5) days before the date of the caucus.

27 (d) If a vice committeeman is not eligible under subsection (c), the  
28 vice committeeman is eligible to participate in a caucus held under this  
29 chapter and vote the precinct committeeman's proxy only if the vice  
30 committeeman was the vice committeeman thirty (30) days before the  
31 ~~ballot~~ vacancy occurred.

32 (e) Voting shall be conducted by secret ballot, and IC 5-14-1.5-3(b)  
33 does not apply to this chapter.

34 SECTION 29. IC 3-13-5-6 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. **(a) As used in this**  
36 **section, "presiding officer" refers to the following:**

37 **(1) With respect to a vacancy in the house of representatives**  
38 **of the general assembly, the speaker of the house.**

39 **(2) With respect to a vacancy in the senate of the general**  
40 **assembly, the president pro tempore of the senate.**

41 **(b) The state chairman shall certify the following to the presiding**  
42 **officer:**





1           **(1) If the caucus determined to fill the vacancy**, the name of the  
 2           **person individual** selected under ~~section 6~~ of this chapter. ~~to the~~  
 3           **president pro tempore of the senate or the speaker of the house of**  
 4           **representatives, as appropriate, who**

5           **(2) If the caucus determined not to fill the vacancy, that fact.**

6           **(c) The presiding officer** shall acknowledge receipt of the  
 7           certification **and** submit a copy of the certificate to be included in the  
 8           journal of the house or senate:

9           (1) of the day when the individual is seated, **if:**

10           **(A) the caucus filled the vacancy; and**

11           **(B) the general assembly is in session on that day; or**

12           (2) if the certificate is received after the adjournment sine die of  
 13           the general assembly, of the first day that the chamber is in  
 14           session following receipt of the certificate **and if subdivision (1)**  
 15           **does not apply.**

16           **(d) The presiding officer shall then** immediately forward the  
 17           certificate to the secretary of state.

18           SECTION 30. IC 3-13-5-7 IS AMENDED TO READ AS  
 19           FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. The secretary of state  
 20           shall, within fourteen (14) days after receipt of the certification under  
 21           section 6 of this chapter, certify:

22           **(1) the person individual** selected to fill the vacated seat; **or**

23           **(2) that the vacancy was not to be filled.**

24           SECTION 31. IC 3-13-5-9 IS REPEALED [EFFECTIVE JULY 1,  
 25           2017]. Sec. 9: If a house of the general assembly determines that a  
 26           person should not be seated as a member of that house because that  
 27           person was ineligible to hold the seat for which a certificate of election  
 28           has been issued by the secretary of state, the seat shall be filled under  
 29           this chapter. A person selected to fill a vacant seat under this section  
 30           must meet all requirements set forth in Article 4, Section 7 of the  
 31           Constitution of the State of Indiana as of the date of the general  
 32           election for which the ineligible person who was not seated received a  
 33           certificate of election:

34           SECTION 32. IC 3-13-5-10 IS REPEALED [EFFECTIVE JULY 1,  
 35           2017]. Sec. 10: The person who last held a vacated legislative office  
 36           may not be a candidate for selection to fill a vacancy in that office  
 37           under this chapter for the remainder of the term:

38           SECTION 33. IC 3-13-5.5 IS ADDED TO THE INDIANA CODE  
 39           AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 40           JULY 1, 2017]:

41           **Chapter 5.5. Vacancies in Legislative Offices**

42           **Sec. 1. This chapter applies only to a vacancy in a legislative**



1 office.

2 **Sec. 2. As used in this chapter, "end of the legislative term"**  
3 **refers to the period in the term of a legislative office:**

4 (1) beginning three hundred sixty-five (365) days before the  
5 next election for the legislative office; and

6 (2) ending on election day of the next election for the  
7 legislative office.

8 **Sec. 3. (a) This section applies only if a vacancy in a legislative**  
9 **office does not occur during the end of the legislative term.**

10 (b) The vacancy in the legislative office shall be filled by a  
11 special election held as provided in IC 3-10-8.

12 **Sec. 4. (a) This section applies only if a vacancy in a legislative**  
13 **office occurs during the end of the legislative term.**

14 (b) If the vacancy is in a legislative office that was last held by  
15 an individual elected or selected as a candidate of a major political  
16 party of the state, the vacancy may be filled as provided in  
17 IC 3-13-5. However, the caucus meeting under IC 3-13-5 may, in  
18 its discretion, determine not to fill the vacancy for the remainder  
19 of the term.

20 (c) If the vacancy is in a legislative office that was last held by a  
21 person elected or selected as a candidate of a political party  
22 described by IC 3-8-4-10, the vacancy must be filled by the state  
23 committee of the political party. However, the state committee of  
24 the political party may, in its discretion, determine not to fill the  
25 vacancy for the remainder of the term. In either case, the state  
26 chairman of the party shall certify the:

27 (1) selection of an individual to fill the vacancy; or

28 (2) decision not to fill the vacancy;

29 in the manner prescribed under IC 3-13-5-6.

30 (d) If the vacancy is in a legislative office last held by an  
31 individual not described in subsection (b) or (c), the vacancy shall  
32 not be filled for the remainder of the term.

33 **Sec. 5. (a) If a house of the general assembly determines that an**  
34 **individual should not be seated as a member of that house because**  
35 **that individual was ineligible to hold the seat for which a certificate**  
36 **of election has been issued by the secretary of state, the seat shall**  
37 **be filled as provided in this chapter.**

38 (b) An individual selected to fill a vacant seat under this section  
39 must meet all requirements set forth in Article 4, Section 7 of the  
40 Constitution of the State of Indiana as of the date of the general  
41 election for which the ineligible individual who was not seated  
42 received a certificate of election.



1           **Sec. 6. The individual who last held a vacated legislative office**  
2           **may not be a candidate to fill a vacancy in that office under this**  
3           **chapter for the remainder of the term.**

