



January 20, 2016

SENATE BILL No. 61

DIGEST OF SB 61 (Updated January 19, 2016 9:54 am - DI ck)

Citations Affected: IC 3-11; IC 3-12.

Synopsis: Voting matters. Provides that when a voter casts a straight party ticket in a general or municipal election, the voter is casting a ballot for all candidates of that party whose names appear on the ballot, except candidates for offices in a county or municipality for which more than one individual can be elected (county council member at large; city common council member at large; town council member at large). Requires a voter to cast an individual vote for each candidate for such offices for whom the voter wishes to vote. Revises ballot instructions to reflect the change in voting procedures. Repeals a superseded provision related to split-ticket votes for declared write-in candidates. Specifies how voting systems required to make alterations to system firmware or software as a result of this amended procedure are to be tested and certified by the Indiana election commission for use in elections conducted after July 1, 2016. Updates references to incorporate amendments to the Voluntary Voting System Guidelines. Permits counties to continue to use certain voting systems whose certifications have expired if the voting system was: (1) approved by the Indiana election commission before October 1, 2017; (2) acquired by the county before October 1, 2017; and (3) otherwise complies with Indiana election law and the federal Help America Vote Act.

Effective: Upon passage.

Walker

January 5, 2016, read first time and referred to Committee on Rules & Legislative Procedure.

January 19, 2016, amended; reassigned to Committee on Elections.

SB 61—LS 6150/DI 13



January 20, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE BILL No. 61

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 3-11-2-10, AS AMENDED BY P.L.219-2013,
2 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 10. (a) Public questions shall be placed on the
4 general election ballot in the following order after the statement
5 described in section 7 of this chapter, and the instructions described in
6 subsections (d) and (e) and section 8 of this chapter:
7 (1) Ratification of a state constitutional amendment.
8 (2) Local public questions.
9 Each public question shall be placed in a separate column on the ballot.
10 (b) The name or title of the political party or independent ticket
11 described in section 6 of this chapter shall be placed on the general
12 election ballot after the public questions described in subsection (a).
13 The device of the political party or independent ticket shall be placed
14 immediately under the name of the political party or independent ticket.
15 The instructions for voting a straight party ticket shall be placed to the
16 right of the device.
17 (c) The instructions for voting a straight party ticket must conform

SB 61—LS 6150/DI 13



1 as nearly as possible to the following:

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

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

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

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

23 (e) The ballot must also contain a statement that reads substantially
 24 as follows: "A write-in vote will NOT be counted unless the vote is for
 25 a 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) The list of candidates of the political party shall be placed
 29 immediately under the instructions for voting a straight party ticket.
 30 The names of the candidates shall be placed three-fourths (3/4) of an
 31 inch apart from center to center of the name. The name of each
 32 candidate must have, immediately on its left, a square three-eighths
 33 (3/8) of an inch on each side.

34 (g) 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 2. IC 3-11-7-4, AS AMENDED BY P.L.219-2013,
 38 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 4. (a) **Except as provided in subsection (b)**,
 40 a ballot card voting system must permit a voter to vote:

41 (1) except at a primary election, a straight party ticket for all of
 42 the candidates of one (1) political party by a single **voting** mark



1 on each ballot card;

2 (2) for one (1) or more candidates of each political party or
3 independent candidates, or for one (1) or more school board
4 candidates nominated by petition;

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

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

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

13 **(1) county council;**

14 **(2) city common council; or**

15 **(3) town council;**

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

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

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

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

24 SECTION 3. IC 3-11-7-11.5 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. A ballot card
26 voting system must permit the counting of write-in votes in accordance
27 with **IC 3-12-1-7 and IC 3-12-1-7.5.**

28 SECTION 4. IC 3-11-7-12, AS AMENDED BY P.L.128-2015,
29 SECTION 170, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The commission shall:

31 (1) require the vendor to have tests conducted concerning the
32 compliance of a ballot card voting system with HAVA and the
33 standards set forth in this chapter and IC 3-11-15; and

34 (2) have the results of the tests evaluated by the person designated
35 under IC 3-11-16;

36 before determining whether to approve the application for certification
37 of a ballot card voting system.

38 (b) **Except as provided in subsection (c),** the tests required under
39 this section must be performed by an independent laboratory accredited
40 under 52 U.S.C. 20971. The vendor shall pay any testing expenses
41 incurred under this section.

42 (c) **If the commission determines that it is impossible or**



1 **impractical to have an independent laboratory conduct tests on a**
 2 **ballot card voting system, the commission may direct that the tests**
 3 **be conducted by any other entity approved by the commission.**

4 ~~(c)~~ (d) A ballot card voting system may not be marketed, sold,
 5 leased, installed, or implemented in Indiana before the application for
 6 certification of the system is approved by the commission.

7 ~~(d)~~ (e) An approval of a ballot card voting system under this chapter
 8 expires on the date specified in section 19(a) of this chapter.

9 SECTION 5. IC 3-11-7-15, AS AMENDED BY P.L.169-2015,
 10 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A vendor may apply for
 12 approval of a proposed improvement or change to a ballot card voting
 13 system that is currently certified by the commission. A proposed
 14 improvement or change may not be marketed, sold, leased, installed,
 15 or implemented in Indiana before the application for the improvement
 16 or change is approved by the commission.

17 (b) An application for approval of an improvement or change must
 18 be in the form prescribed by the election division.

19 (c) The vendor applying for approval of an improvement or a
 20 change must have the improvement or change to the voting system
 21 tested by an independent laboratory accredited under 52 U.S.C. 20971.
 22 **However, if the commission determines that it is impossible or**
 23 **impractical to have an independent laboratory conduct tests on a**
 24 **proposed improvement or change to a ballot card voting system,**
 25 **the commission may direct that the tests be conducted by any other**
 26 **entity approved by the commission.** The vendor shall pay any testing
 27 expenses incurred under this subsection.

28 (d) The election division (or the person designated under
 29 IC 3-11-16) shall review the proposed improvement or change to the
 30 voting system and the results of the testing by the independent
 31 laboratory under subsection (c) and report the results of the review to
 32 the commission. The review must indicate:

33 (1) whether the proposed improvement or change has been
 34 approved by an independent laboratory accredited under 52
 35 U.S.C. 20971 **or as directed by the commission under**
 36 **subsection (c);**

37 (2) whether the proposed improvement is a de minimis change or
 38 a modification;

39 (3) if the proposed improvement or change is a modification,
 40 whether the modification may be installed and implemented
 41 without any significant likelihood that the voting system would be
 42 configured or perform its functions in violation of HAVA or this



1 title; and

2 (4) whether the proposed improvement or change would comply
3 with HAVA and the standards set forth in this chapter and
4 IC 3-11-15.

5 (e) After the commission has approved the application for an
6 improvement or change (including a de minimis change) to a ballot
7 card voting system, the improvement or change may be marketed, sold,
8 leased, installed, or implemented in Indiana.

9 (f) An approval of an application under this section expires on the
10 date specified under section 19(a) of this chapter.

11 SECTION 6. IC 3-11-7.5-4, AS AMENDED BY P.L.128-2015,
12 SECTION 172, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The commission shall:

14 (1) require the vendor to have tests conducted concerning the
15 compliance of an electronic voting system with HAVA and the
16 standards set forth in this chapter and IC 3-11-15; and

17 (2) have the results of the tests evaluated by the person designated
18 under IC 3-11-16;

19 before determining whether to approve the application for certification
20 of an electronic voting system.

21 (b) The tests required under this section must be performed by an
22 independent laboratory accredited under 52 U.S.C. 20971. **However,**
23 **if the commission determines that it is impossible or impractical to**
24 **have an independent laboratory conduct tests on an electronic**
25 **voting system, the commission may direct that the tests be**
26 **conducted by any other entity approved by the commission.** The
27 vendor shall pay any testing expenses under this section.

28 (c) If the commission finds that an electronic voting system
29 complies with this article, the commission may approve the system.
30 The approved system then may be adopted for use at an election.

31 (d) An electronic voting system may not be marketed, sold, leased,
32 installed, or implemented in Indiana before the application for
33 certification of the system is approved by the commission.

34 (e) An approval of an electronic voting system under this chapter
35 expires on the date specified by section 28(a) of this chapter.

36 SECTION 7. IC 3-11-7.5-5, AS AMENDED BY P.L.169-2015,
37 SECTION 107, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A vendor may apply for

39 approval of a proposed improvement or change to an electronic voting
40 system that is currently certified by the commission. A proposed
41 improvement or change may not be marketed, sold, leased, installed,
42 or implemented in Indiana before the application for the improvement



1 or change is approved by the commission.

2 (b) An application for approval of an improvement or a change must
3 be in the form prescribed by the election division.

4 (c) The vendor applying for approval of an improvement or a
5 change must have the improvement or change to the voting system
6 tested by an independent laboratory accredited under 52 U.S.C. 20971.
7 **However, if the commission determines that it is impossible or**
8 **impractical to have an independent laboratory conduct tests on a**
9 **proposed improvement or change to an electronic voting system,**
10 **the commission may direct that the tests be conducted by any other**
11 **entity approved by the commission.** The vendor shall pay any testing
12 expenses incurred under this subsection.

13 (d) The election division (or the person designated under
14 IC 3-11-16) shall review the improvement or change to the voting
15 system in accordance with procedures approved by the commission and
16 the results of the testing ~~by the independent laboratory~~ **required** under
17 subsection (c) and report the results of the review to the commission.
18 The review must indicate:

19 (1) whether the proposed improvement or change has been
20 approved by an independent laboratory accredited under 52
21 U.S.C. 20971;

22 (2) whether the proposed improvement or change is a de minimis
23 change or a modification as indicated by a report from an
24 independent laboratory **or by the entity designated by the**
25 **commission under subsection (c);**

26 (3) if the proposed improvement or change is a modification,
27 whether the modification may be installed and implemented
28 without any significant likelihood that the voting system would be
29 configured or perform its functions in violation of HAVA or this
30 title as indicated by a report from an independent laboratory; and

31 (4) whether the proposed improvement or change would comply
32 with HAVA and the standards set forth in this chapter and
33 IC 3-11-15.

34 (e) After the commission has examined and approved the
35 application for an improvement or change to an electronic voting
36 system (including a de minimis change), the improvement or change
37 may be marketed, sold, leased, installed, or implemented in Indiana.

38 (f) An approval of an application under this section expires on the
39 date specified by section 28(a) of this chapter.

40 SECTION 8. IC 3-11-7.5-10, AS AMENDED BY P.L.219-2013,
41 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 UPON PASSAGE]: Sec. 10. (a) **Except as provided in subsection (b),**



1 an electronic voting system must permit a voter to vote:

2 (1) except at a primary election, a straight party ticket for all the
3 candidates of one (1) political party by touching the device of that
4 party;

5 (2) for one (1) or more candidates of each political party or
6 independent candidates, or for one (1) or more school board
7 candidates nominated by petition;

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

10 (4) a straight party ticket and then split that ticket by casting
11 individual votes for candidates of another political party or
12 independent candidates.

13 **(b) An electronic voting system must require that a voter who
14 wishes to cast a ballot for a candidate for election to an at-large
15 district on a:**

16 **(1) county council;**

17 **(2) city common council; or**

18 **(3) town council;**

19 **make a voting mark for each individual candidate for whom the
20 voter wishes to cast a vote. The ballot card voting system may not
21 count any straight party ticket voting mark as a vote for any
22 candidate for an office described by this subsection.**

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

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

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

28 (3) for all the candidates for presidential electors of a political
29 party or an independent ticket by making a single voting mark.

30 SECTION 9. IC 3-11-13-14, AS AMENDED BY P.L.221-2005,
31 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 14. **(a)** In partisan elections, the ballot labels
33 must include a voting square or position where a voter may by one (1)
34 **voting** mark on each card record a straight party or an independent
35 ticket vote for all the candidates of one (1) political party or the
36 independent ticket, except for offices for which the voter:

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

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

40 **(b)** If the voter records a vote for the two (2) candidates comprising
41 an independent ticket, the vote must not count for any other
42 independent candidate on the ballot.



1 SECTION 10. IC 3-11-13-31.7, AS AMENDED BY P.L.128-2015,
 2 SECTION 193, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: Sec. 31.7. (a) This section is enacted
 4 to comply with 52 U.S.C. 21081 by establishing uniform and
 5 nondiscriminatory standards to define what constitutes a vote on an
 6 optical scan voting system.

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

10 (1) the candidates for whom the voter desires to vote by marking
 11 the connectable arrows, circles, ovals, or squares immediately
 12 beside:

13 (A) the candidates' names; or

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

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

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

18 (B) the number referring to the word "yes" or "no" on the
 19 ballot.

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

23 (1) the circle enclosing the device; or

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

26 that designates the candidates of that political party or independent
 27 ticket (described in IC 3-11-2-6). **Except as provided by**
 28 **IC 3-11-7-4(b)**, the voter's vote shall then be counted for all the
 29 candidates of that political party or included in the independent ticket
 30 (described in IC 3-11-2-6). However, if the voter marks the circle,
 31 arrow, oval, or square of an independent ticket (described in
 32 IC 3-11-2-6), the vote shall not be counted for any other independent
 33 candidate on the ballot.

34 (d) This subsection applies to a voter casting a ballot on a voting
 35 system that includes features of both an optical scan ballot card voting
 36 system and a direct record electronic voting system. After entering into
 37 a booth used with the voting system, the voter shall indicate the
 38 candidates for whom the voter desires to vote and the voter's preference
 39 on each public question by:

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

42 (2) using headphones to listen to a recorded list of political



1 parties, candidates, and public questions.

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

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

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

9 SECTION 11. IC 3-11-14-23, AS AMENDED BY P.L.128-2015,
10 SECTION 194, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) This section is enacted
12 to comply with 52 U.S.C. 21081 by establishing uniform and
13 nondiscriminatory standards to define what constitutes a vote on an
14 electronic voting system.

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

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

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

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

28 (c) If an election is a general or municipal election and a voter
29 desires to vote for all the candidates of one (1) political party or group
30 of petitioners, the voter may cast a straight party ticket by touching that
31 party's device. **Except as provided in IC 3-11-7.5.10(b)**, the voter's
32 vote shall then be counted for all the candidates under that name.
33 However, if the voter casts a vote by touching the circle of an
34 independent ticket comprised of two (2) candidates, the vote shall not
35 be counted for any other independent candidate on the ballot.

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

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

40 (2) provided the opportunity to change the ballot or correct any
41 error in a private and independent manner before the ballot is cast
42 and counted, including the opportunity to receive a replacement



1 ballot if the voter is otherwise unable to change or correct the
2 ballot; and

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

6 SECTION 12. IC 3-11-15-13.3, AS AMENDED BY P.L.128-2015,
7 SECTION 195, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE UPON PASSAGE]: Sec. 13.3. (a) To be approved by the
9 commission for use in Indiana, a voting system must meet **one (1) of**
10 **the following:**

11 (1) The Voting System Standards adopted by the Federal Election
12 Commission on April 30, 2002. ~~or~~

13 (2) The Voluntary Voting System Guidelines adopted by the
14 United States Election Assistance Commission on December 13,
15 2005.

16 **(3) The Voluntary Voting System Guidelines adopted by the**
17 **United States Election Assistance Commission, as amended on**
18 **March 31, 2015.**

19 (b) A county may continue to use an optical scan ballot card voting
20 system or an electronic voting system whose approval or certification
21 expired on or before October 1, ~~2013~~; **2017**, if the voting system:

22 (1) was:

23 (A) approved by the commission for use in elections in Indiana
24 before October 1, ~~2013~~; **2017**; and

25 (B) purchased ~~or leased~~ by the county before October 1, ~~2013~~;
26 **2017**; and

27 (2) otherwise complies with the applicable provisions of HAVA
28 and this article.

29 However, a voting system vendor may not market, sell, lease, or install
30 a voting system described in this subsection.

31 (c) As provided by 52 U.S.C. 21081, to be used in an election in
32 Indiana, a voting system must be accessible for individuals with
33 disabilities, including nonvisual accessibility for the blind and visually
34 impaired, in a manner that provides the same opportunity for access
35 and participation (including privacy and independence) as for other
36 voters.

37 (d) As provided by 52 U.S.C. 21081, an election board conducting
38 an election satisfies the requirements of subsection (c) if the election
39 board provides at least one (1) electronic voting system or other voting
40 system equipped for individuals with disabilities at each polling place.

41 (e) If a voter who is otherwise qualified to cast a ballot in a precinct
42 chooses to cast the voter's ballot on the voting system provided under



1 subsection (d), the voter must be allowed to cast the voter's ballot on
 2 that voting system, whether or not the voter is an individual with
 3 disabilities.

4 SECTION 13. IC 3-12-1-5, AS AMENDED BY P.L.219-2013,
 5 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 5. (a) This subsection does not apply to a
 7 ballot card voting system or an electronic voting system. **Except as**
 8 **provided in subsection (d)**, a voting mark made by a voter on or in a
 9 voting square at the left of a candidate's name or political party's name
 10 shall be counted as a vote for the candidate or candidates of the
 11 political party.

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

14 (1) on or in a circle, oval, or square; or

15 (2) to connect a connectable arrow;

16 immediately below or beside a candidate's name or political party's
 17 name shall be counted as a vote for the candidate or candidates of the
 18 political party, **except as provided in subsection (d)**.

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

24 (d) **A voter who wishes to cast a ballot for a candidate for**
 25 **election to an at-large district on a:**

26 (1) **county council;**

27 (2) **city common council; or**

28 (3) **town council;**

29 **must make a voting mark for each individual candidate for whom**
 30 **the voter wishes to cast a vote. A straight ticket voting mark on a**
 31 **paper ballot, ballot card voting system, or electronic voting system**
 32 **shall not be counted as a straight party ticket voting mark as a vote**
 33 **for any candidate for an office described by this subsection.**

34 SECTION 14. IC 3-12-1-7, AS AMENDED BY P.L.164-2006,
 35 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This subsection applies
 37 whenever a voter:

38 (1) votes a straight party ticket; and

39 (2) votes only for one (1) or more individual candidates who are
 40 all of the same political party as the straight ticket vote.

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



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



1 number of votes cast for the office by the voter; when adding the voter's
 2 votes for the individual candidates for the office and the voter's straight
 3 party ticket votes for the office; is greater than the number of persons
 4 to be elected to the office. If the total number of votes cast for the office
 5 is greater than the number of persons to be elected to the office; the
 6 straight party ticket votes for the office may not be counted. The
 7 straight party ticket votes for other offices on the voter's ballot shall be
 8 counted.

9 (e) This subsection applies whenever:

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

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

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

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

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

21 The individual votes cast by the voter for the office for the independent
 22 candidates, **the declared write-in candidates**, and the candidates of
 23 a political party other than the political party for which the voter cast
 24 a straight party ticket, **and the candidates of the political party for
 25 which the voter cast a straight party ticket** shall be counted. ~~The~~
 26 ~~individual votes cast by the voter for the office for the candidates of the~~
 27 ~~same political party for which the voter cast a straight party ticket may~~
 28 ~~not be counted. The straight party ticket vote cast by that voter for that~~
 29 ~~office shall be counted unless the total number of votes cast for the~~
 30 ~~office by the voter; when adding the voter's votes for the individual~~
 31 ~~candidates for the office and the voter's straight party ticket vote for the~~
 32 ~~office is greater than the number of persons to be elected to the office.~~
 33 ~~If the total number of votes cast for the office is greater than the~~
 34 ~~number of persons to be elected to the office; the straight party ticket~~
 35 ~~votes for that office may not be counted. **unless the total number of**~~
 36 ~~**these individual votes is greater than the number of persons to be**~~
 37 ~~**elected to the office.**~~ The straight party ticket votes for other offices on
 38 the voter's ballot shall be counted.

39 (f) If a voter votes a straight party ticket for more than one (1)
 40 political party, the whole ballot is void with regard to all candidates
 41 nominated by a political party, **declared write-in candidates**, or
 42 **candidates** designated as independent candidates on the ballot.



1 However, the voter's vote for a school board candidate or on a public
2 question shall be counted if otherwise valid under this chapter.

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

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

10 SECTION 15. IC 3-12-1-7.5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) If a voter
12 votes a straight party ticket for at least one (1) office for which only one
13 (1) person may be elected and writes in the name of a candidate, the
14 straight party ticket vote shall be counted for all offices except the
15 offices for which a write-in vote was cast. The write-in vote shall be
16 counted if the voter's intent can be determined.

17 (b) If a voter votes a straight party ticket for an office for which at
18 least two (2) people may be elected and writes in the name of a
19 candidate, the straight party vote for that office may not be counted
20 unless:

21 (1) fewer candidates appear on the party's ticket than may be
22 elected; and

23 (2) the voter has not written in a number of names that, when
24 added to the straight party candidate's name, would be greater
25 than the number of seats available for that office.

26 (c) If a voter votes for one (1) individual candidate for an office for
27 which only one (1) person may be elected and also writes in the name
28 of another candidate for the same office, neither vote may be counted.

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

35 (e) If a voter votes an individual or a straight party vote for a
36 candidate for an office and also writes in the name of the same
37 candidate for the same office, only one (1) vote for that candidate may
38 be counted.

39 SECTION 16. IC 3-12-1-8 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **Except as**
41 **provided in subsection (b)**, a voting mark made by a voter on or in a
42 circle containing a political party device shall be counted as a vote for



1 each candidate of that political party on that ballot.
2 **(b) A voter who wishes to cast a ballot for a candidate for**
3 **election to an at-large district on a:**
4 **(1) county council;**
5 **(2) city common council; or**
6 **(3) town council;**
7 **must make a voting mark for each individual candidate for whom**
8 **the voter wishes to cast a vote. A voting mark on or in a circle**
9 **containing a political party device shall not be counted as a straight**
10 **party ticket voting mark as a vote for any candidate for an office**
11 **described by this subsection.**
12 SECTION 17. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 61, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Elections.

(Reference is to SB 61 as introduced.)

LONG, Chairperson

