

HOUSE BILL No. 1008

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8; IC 3-10-7-32; IC 3-11; IC 3-12-1; IC 3-13-1-2.

Synopsis: Various election law matters. Provides that an individual who wishes to withdraw as a candidate must withdraw not later than noon September 1 before the election. (Under current law, a candidate must withdraw not later than noon July 15 before the election.) Provides that a candidate vacancy resulting from a vacancy on a primary election ballot must be filled not later than noon September 1 before the election. (Under current law, such a vacancy must be filled not later than June 30 before election day.) Removes a voter's option to vote for all candidates of a political party or an independent ticket at one time (straight ticket voting) in a general or municipal election, except for candidates for presidential electors. Repeals superseded statutes relating to straight ticket voting. Provides that a vote center plan or an amendment to a vote center plan may be adopted by a majority vote of the entire membership of the county election board or board of elections and registration ("board"). (Under current law, a vote center plan, or an amendment of a vote center plan, may be adopted only by unanimous vote of the entire membership of the board.)

Effective: July 1, 2015.

Ober, Richardson, Smith M

January 15, 2015, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1008



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 3-8-2-2.7, AS AMENDED BY P.L.219-2013,
2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 2.7. (a) A candidate may withdraw a declaration
4 of intent to be a write-in candidate not later than noon ~~July 15~~
5 **September 1** before a general or municipal election.

6 (b) This subsection applies to a candidate who filed a declaration of
7 intent to be a write-in candidate with the election division. The election
8 division shall issue a corrected certification of write-in candidates
9 under IC 3-8-7-30 as soon as practicable after a declaration is
10 withdrawn under this section.

11 SECTION 2. IC 3-8-6-13.5, AS AMENDED BY P.L.219-2013,
12 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2015]: Sec. 13.5. A candidate may withdraw a petition of
14 nomination by noon:

15 (1) ~~July 15~~ **September 1** before a general or municipal election;



1 or

2 (2) seventy-one (71) days before a special election.

3 SECTION 3. IC 3-8-7-28, AS AMENDED BY P.L.194-2013,
4 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2015]: Sec. 28. (a) Except as provided in subsections (b) and
6 (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or
7 IC 3-10-1 desires to withdraw as the nominee, the nominee must file a
8 notice of withdrawal in writing with the public official with whom the
9 certificate of nomination was filed by noon:

10 (1) ~~July 15~~ **September 1** before a general or municipal election;

11 (2) August 1 before a municipal election in a town subject to
12 IC 3-8-5-10;

13 (3) on the date specified for town convention nominees under
14 IC 3-8-5-14.5;

15 (4) on the date specified for declared write-in candidates under
16 IC 3-8-2-2.7;

17 (5) on the date specified for a school board candidate under
18 IC 3-8-2.5-4; or

19 (6) forty-five (45) days before a special election.

20 (b) A candidate who is disqualified from being a candidate under
21 IC 3-8-1-5 must file a notice of withdrawal immediately upon
22 becoming disqualified. The filing requirements of subsection (a) do not
23 apply to a notice of withdrawal filed under this subsection.

24 (c) A candidate who has moved from the election district the
25 candidate sought to represent must file a notice of withdrawal
26 immediately after changing the candidate's residence. The filing
27 requirements of subsection (a) do not apply to a notice of withdrawal
28 filed under this subsection.

29 SECTION 4. IC 3-10-7-32, AS AMENDED BY P.L.190-2011,
30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2015]: Sec. 32. (a) A town election board shall determine
32 what voting method will be used in a municipal election.

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

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

38 (d) This subsection applies only to paper ballots. Notwithstanding
39 subsection (c), the town election board, by unanimous consent of the
40 board's entire membership, may authorize the printing or reproduction
41 of ballots on equipment under the control of the town clerk-treasurer.
42 If the town election board acts under this subsection, the ballots are not



1 required to conform to the precise dimensions concerning the size of
 2 political party devices under IC 3-11-2-9 or the placement of a
 3 candidate's name under ~~IC 3-11-2-10(f)~~: **IC 3-11-2-10(d)**. However,
 4 the ballots must otherwise substantially conform with IC 3-11-2.

5 SECTION 5. IC 3-11-2-10, AS AMENDED BY P.L.219-2013,
 6 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2015]: Sec. 10. (a) Public questions shall be placed on the
 8 general election ballot in the following order after the statement
 9 described in section 7 of this chapter, and the instructions described in
 10 subsections ~~(d)~~ and ~~(e)~~ subsection (c) and section 8 of this chapter:

11 (1) Ratification of a state constitutional amendment.

12 (2) Local public questions.

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

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

21 (c) The instructions for voting a straight party ticket must conform
 22 as nearly as possible to the following: "To vote a straight (insert
 23 political party name) ticket for all (insert political party name)
 24 candidates on this ballot, make a voting mark on or in this circle and do
 25 not make any other marks on this ballot. If you wish to vote for a
 26 candidate seeking a nonpartisan office or on a public question, you
 27 must make another voting mark on the appropriate place on this
 28 ballot."

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

37 (e) (c) The ballot must also contain a statement that reads
 38 substantially as follows: "A write-in vote will NOT be counted unless
 39 the vote is for a DECLARED write-in candidate. To vote for a write-in
 40 candidate, you must make a voting mark on or in the square to the left
 41 of the name you have written in or your vote will not be counted."

42 (f) (d) The list of candidates of the political party shall be placed



1 immediately under the ~~instructions for voting a straight party ticket.~~
 2 **device of the political party.** The names of the candidates shall be
 3 placed three-fourths (3/4) of an inch apart from center to center of the
 4 name. The name of each candidate must have, immediately on its left,
 5 a square three-eighths (3/8) of an inch on each side.

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

9 SECTION 6. IC 3-11-7-4, AS AMENDED BY P.L.219-2013,
 10 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2015]: Sec. 4. (a) A ballot card voting system must permit a
 12 voter to vote

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

16 ~~(2) for one (1) or more candidates of each political party or~~
 17 ~~independent candidates, or for one (1) or more school board~~
 18 ~~candidates nominated by petition.~~

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

21 ~~(4) a straight party ticket and then split that ticket by casting~~
 22 ~~individual votes for candidates of another political party or~~
 23 ~~independent candidate.~~

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

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

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

28 SECTION 7. IC 3-11-7-6 IS REPEALED [EFFECTIVE JULY 1,
 29 2015]. Sec. 6: A ballot card voting system must count a ballot in
 30 accordance with IC 3-12-1-7 when a voter votes a straight ticket vote
 31 and votes for individual candidates as described by IC 3-12-1-7.

32 SECTION 8. IC 3-11-7.5-10, AS AMENDED BY P.L.219-2013,
 33 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2015]: Sec. 10. (a) An electronic voting system must permit
 35 a voter to vote

36 ~~(1) except at a primary election, a straight party ticket for all the~~
 37 ~~candidates of one (1) political party by touching the device of that~~
 38 ~~party;~~

39 ~~(2) for one (1) or more candidates of each political party or~~
 40 ~~independent candidates, or for one (1) or more school board~~
 41 ~~candidates nominated by petition.~~

42 ~~(3) a split ticket for the candidates of different political parties~~



- 1 and for independent candidates; or
 2 ~~(4) a straight party ticket and then split that ticket by casting~~
 3 ~~individual votes for candidates of another political party or~~
 4 ~~independent candidates.~~
- 5 (b) An electronic voting system must permit a voter to vote:
 6 (1) for as many candidates for an office as the voter may vote for,
 7 but no more;
 8 (2) for or against a public question on which the voter may vote,
 9 but no other; and
 10 (3) for all the candidates for presidential electors of a political
 11 party or an independent ticket by making a single voting mark.
- 12 SECTION 9. IC 3-11-11-10 IS REPEALED [EFFECTIVE JULY 1,
 13 2015]. ~~Sec. 10: If an election is a general or municipal election and a~~
 14 ~~voter desires to vote for all the candidates of one (1) political party or~~
 15 ~~group of petitioners, the voter may make a voting mark on or in a large~~
 16 ~~circle enclosing the device and before the name under which the~~
 17 ~~candidates of the party or group of petitioners are printed. The voter's~~
 18 ~~vote shall then be counted for all the candidates under that party name~~
 19 ~~or for the two (2) candidates comprising an independent ticket.~~
- 20 SECTION 10. IC 3-11-13-11, AS AMENDED BY P.L.194-2013,
 21 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2015]: Sec. 11. (a) The ballot information, whether placed on
 23 the ballot card or on the marking device, must be in the order of
 24 arrangement provided for ballots under this section.
- 25 (b) Each county election board shall have the names of all
 26 candidates for all elected offices, political party offices, and public
 27 questions printed on a ballot card as provided in this chapter. The
 28 county may:
 29 (1) print all offices and questions on a single ballot card; and
 30 (2) include a ballot variation code to ensure that the proper
 31 version of a ballot is used within a precinct.
- 32 (c) Each type of ballot card must be of uniform size and of the same
 33 quality and color of paper (except as permitted under IC 3-10-1-17).
- 34 (d) The nominees of a political party or an independent candidate
 35 or independent ticket (described in IC 3-11-2-6) nominated by
 36 petitioners shall be listed on the ballot with the name and device set
 37 forth on the certification or petition. The circle containing the device
 38 may be of any size that permits a voter to readily identify the device.
 39 IC 3-11-2-5 applies if the certification or petition does not include a
 40 name or device, or if the same device is selected by two (2) or more
 41 parties or petitioners.
- 42 (e) The offices and public questions on the general election ballot



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

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

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

13 (2) "Vote for not more than (insert the number of candidates to be
 14 elected) candidate(s) for this office.", if more than one (1)
 15 candidate 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 number of votes in the county for secretary of state at the last
 21 election is listed first.

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

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

41 (h) The names of the candidates grouped in the order established by
 42 subsection (g) must be printed in type with uniform capital letters and



1 have a uniform space between each name. The name of the candidate's
2 political party, or the word "Independent" if the:

3 (1) candidate; or

4 (2) ticket of candidates for:

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

6 (B) governor and lieutenant governor;

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

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

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

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

14 (3) within the political party, in alphabetical order according to
15 surname.

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

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

22 (1) under the name of the office that the candidates are seeking;
23 and

24 (2) in alphabetical order according to surname.

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

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

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

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

34 (l) The ballot must include: a ~~single connectable arrow, circle, oval,~~
35 ~~or square, or a voting position for voting a straight party or an~~
36 ~~independent ticket (described in IC 3-11-2-6) by one (1) mark as~~
37 ~~required by section 14 of this chapter, and the single connectable~~
38 ~~arrow, circle, oval, or square, or the voting position for casting a~~
39 ~~straight party or an independent ticket ballot must be identified by:~~

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

42 (2) immediately below or beside the political party's or



1 independent ticket's name, the device of that party or ticket
 2 (described in IC 3-11-2-5).
 3 The name and device of each political party or independent ticket must
 4 be of uniform size and type and arranged in the order established by
 5 subsection (g) for listing candidates under each office. ~~The instructions~~
 6 ~~described in IC 3-11-2-10(c) for voting a straight party ticket and~~ The
 7 statement concerning presidential electors required under IC 3-10-4-3
 8 may be placed on the ballot beside or above the names and devices
 9 within the voting booth in a location that permits the voter to easily
 10 read the instructions.

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

17 (n) The requirements in this section:

- 18 (1) do not replace; and
 19 (2) are in addition to;

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

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

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

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

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

32 SECTION 11. IC 3-11-13-14 IS REPEALED [EFFECTIVE JULY
 33 1, 2015]. ~~Sec. 14. In partisan elections, the ballot labels must include~~
 34 ~~a voting square or position where a voter may by one (1) mark on each~~
 35 ~~card record a straight party or an independent ticket vote for all the~~
 36 ~~candidates of one (1) political party or the independent ticket, except~~
 37 ~~for offices for which the voter has voted individually for a candidate.~~
 38 ~~If the voter records a vote for the two (2) candidates comprising an~~
 39 ~~independent ticket, the vote must not count for any other independent~~
 40 ~~candidate on the ballot.~~

41 SECTION 12. IC 3-11-13-31.7, AS AMENDED BY P.L.76-2014,
 42 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 31.7. (a) This section is enacted to comply with
 2 42 U.S.C. 15481 by establishing uniform and nondiscriminatory
 3 standards to define what constitutes a vote on an optical scan voting
 4 system.

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

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

11 (A) the candidates' names; or

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

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

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

16 (B) the number referring to the word "yes" or "no" on the
 17 ballot.

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

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

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

24 ~~that designates the candidates of that political party or independent~~
 25 ~~ticket (described in IC 3-11-2-6). The voter's vote shall then be counted~~
 26 ~~for all the candidates of that political party or included in the~~
 27 ~~independent ticket (described in IC 3-11-2-6). However, if the voter~~
 28 ~~marks the circle, arrow, oval, or square of an independent ticket~~
 29 ~~(described in IC 3-11-2-6), the vote shall not be counted for any other~~
 30 ~~independent candidate on the ballot.~~

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

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

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

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



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

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

6 SECTION 13. IC 3-11-14-3.5, AS AMENDED BY P.L.76-2014,
 7 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2015]: Sec. 3.5. (a) Each county election board shall have the
 9 names of all candidates for all elected offices, political party offices,
 10 and public questions printed on ballot labels for use in an electronic
 11 voting system as provided in this chapter.

12 (b) The county may:

13 (1) print all offices and public questions on a single ballot label;
 14 and

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

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

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

27 (e) The ballot labels must list the offices and public questions on the
 28 general election ballot in the order listed in IC 3-11-2-12,
 29 IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),
 30 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
 31 IC 3-11-2-14(d). Each office and public question may have a separate
 32 screen, or the offices and public questions may be listed in a
 33 continuous column either vertically or horizontally.

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

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

40 (2) "Vote for not more than (insert the number of candidates to be
 41 elected) candidate(s) for this office.", if more than one (1)
 42 candidate is to be elected to the office.



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

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

7 (2) The major political party whose candidate received the second
 8 highest number of votes in the county for secretary of state is
 9 listed second.

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

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

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

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

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

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

34 (1) candidate; or

35 (2) ticket of candidates for:

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

37 (B) governor and lieutenant governor;

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

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



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

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

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

- 11 (1) under the name of the office that the candidates are seeking;
 12 and
 13 (2) in alphabetical order according to surname.

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

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

21 (l) The instructions described in IC 3-11-2-8, ~~IC 3-11-2-10(d)~~, and
 22 ~~IC 3-11-2-10(e)~~ **IC 3-11-2-10(c)** may be:

- 23 (1) placed on the ballot label; or
 24 (2) posted in a location within the voting booth that permits the
 25 voter to easily read the instructions.

26 (m) The ballot label must include: ~~a touch sensitive point or button~~
 27 ~~for voting a straight political party or independent ticket (described in~~
 28 ~~IC 3-11-2-6) by one (1) touch; and the touch sensitive point or button~~
 29 ~~must be identified by:~~

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

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

41 (n) A public question must be in the form described in
 42 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive



1 point or button must be used instead of a square. Except as expressly
 2 authorized or required by statute, a county election board may not print
 3 a ballot label that contains language concerning the public question
 4 other than the language authorized by a statute.

5 (o) The requirements in this section:

6 (1) do not replace; and

7 (2) are in addition to;

8 any other requirements in this title that apply to ballots for electronic
 9 voting systems.

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

14 SECTION 14. IC 3-11-14-23, AS AMENDED BY P.L.164-2006,
 15 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2015]: Sec. 23. (a) This section is enacted to
 17 comply with 42 U.S.C. 15481 by establishing uniform and
 18 nondiscriminatory standards to define what constitutes a vote on an
 19 electronic voting system.

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

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

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

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

33 ~~(c) If an election is a general or municipal election and a voter
 34 desires to vote for all the candidates of one (1) political party or group
 35 of petitioners, the voter may cast a straight party ticket by touching that
 36 party's device. The voter's vote shall then be counted for all the
 37 candidates under that name. However, if the voter casts a vote by
 38 touching the circle of an independent ticket comprised of two (2)
 39 candidates, the vote shall not be counted for any other independent
 40 candidate on the ballot.~~

41 ~~(d)~~ (c) As provided by 42 U.S.C. 15481, a voter casting a ballot on
 42 an electronic voting system must be:



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

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

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

11 SECTION 15. IC 3-11-18.1-3, AS ADDED BY P.L.1-2011,
12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2015]: Sec. 3. (a) A county must comply with this section to
14 become a vote center county.

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

16 (1) The county election board.

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

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

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

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

25 (1) The draft plan.

26 (2) The written public comments.

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

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

31 (1) Adopt an order approving the draft plan.

32 (2) Amend the draft plan and adopt an order approving the
33 amended draft plan.

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

36 (g) ~~At~~ **Those** members of the board **who vote to adopt the plan**
37 must sign the order adopting the plan.

38 (h) The order and the adopted plan must be filed with the election
39 division and must include a copy of:

40 (1) a resolution adopted by the county executive; and

41 (2) a resolution adopted by the county fiscal body;

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



1 SECTION 16. IC 3-11-18.1-15, AS ADDED BY P.L.225-2011,
 2 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2015]: Sec. 15. (a) A county may amend a plan adopted with
 4 a county election board's order under section 3 of this chapter.

5 (b) For a county to amend its plan **the following apply:**

6 (1) The county election board (or board of elections and
 7 registration established under IC 3-6-5.2 or IC 3-6-5.4), by
 8 ~~unanimous a majority~~ vote of the entire membership of the
 9 board, must approve the plan amendment.

10 (2) ~~all Those~~ members of the board **who vote to adopt the**
 11 **amendment** must sign the amendment. ~~and~~

12 (3) The amendment must be filed with the election division.

13 (c) A plan amendment takes effect immediately upon filing with the
 14 election division, unless otherwise specified by the county election
 15 board.

16 SECTION 17. IC 3-12-1-1, AS AMENDED BY P.L.64-2014,
 17 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2015]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, 9.5, and 13 of
 19 this chapter, the primary factor to be considered in determining a
 20 voter's choice on a ballot is the intent of the voter. If the voter's intent
 21 can be determined on the ballot or on part of the ballot, the vote shall
 22 be counted for the affected candidate or candidates or on the public
 23 question. However, if it is impossible to determine a voter's choice of
 24 candidates on a part of a ballot or vote on a public question, then the
 25 voter's vote concerning those candidates or public questions may not
 26 be counted.

27 SECTION 18. IC 3-12-1-7, AS AMENDED BY P.L.164-2006,
 28 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) ~~This subsection applies~~
 30 ~~whenever a voter:~~

31 (1) ~~votes a straight party ticket; and~~

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

34 ~~The straight ticket vote shall be counted and the individual candidate~~
 35 ~~votes may not be counted.~~

36 (b) ~~This subsection applies whenever:~~

37 (1) ~~a voter has voted a straight party ticket for the candidates of~~
 38 ~~one (1) political party;~~

39 (2) ~~only one (1) person may be elected to an office; and~~

40 (3) ~~the voter has voted for one (1) individual candidate for the~~
 41 ~~office described in subdivision (2) who is:~~

42 (A) ~~a candidate of a political party other than the party for~~



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



1 one (1) political party;
 2 (2) more than one (1) person may be elected to an office; and
 3 (3) the voter has voted for individual candidates for the office
 4 described in subdivision (2) who are:

5 (A) independent candidates or candidates of a political party
 6 other than the political party for which the voter cast a straight
 7 party ticket under subdivision (1); and

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

10 The individual votes cast by the voter for the office for the independent
 11 candidates and the candidates of a political party other than the
 12 political party for which the voter cast a straight party ticket shall be
 13 counted. The individual votes cast by the voter for the office for the
 14 candidates of the same political party for which the voter cast a straight
 15 party ticket may not be counted. The straight party ticket vote cast by
 16 that voter for that office shall be counted unless the total number of
 17 votes cast for the office by the voter, when adding the voter's votes for
 18 the individual candidates for the office and the voter's straight party
 19 ticket vote for the office is greater than the number of persons to be
 20 elected to the office. If the total number of votes cast for the office is
 21 greater than the number of persons to be elected to the office, the
 22 straight party ticket votes for that office may not be counted. The
 23 straight party ticket votes for other offices on the voter's ballot shall be
 24 counted.

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

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

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

39 SECTION 19. IC 3-12-1-7.5 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.5. (a) If a voter votes
 41 a straight party ticket for at least one (1) office for which only one (1)
 42 person may be elected and writes in the name of a candidate, the



1 straight party ticket vote shall be counted for all offices except the
 2 offices for which a write-in vote was cast. The write-in vote shall be
 3 counted if the voter's intent can be determined.

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

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

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

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

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

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

27 SECTION 20. IC 3-12-1-8 IS REPEALED [EFFECTIVE JULY 1,
 28 2015]. Sec. 8: A voting mark made by a voter on or in a circle
 29 containing a political party device shall be counted as a vote for each
 30 candidate of that political party on that ballot.

31 SECTION 21. IC 3-12-1-14 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) This section
 33 does not apply to a vote

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

36 (2) described by section 15 of this chapter.

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

40 SECTION 22. IC 3-12-1-15 IS REPEALED [EFFECTIVE JULY 1,
 41 2015]. Sec. 15: (a) This section applies to a vote cast for one (1)
 42 straight party ticket that includes a candidate for election to office who:



1 (1) ceases to be a candidate; and
2 (2) is succeeded by a candidate selected under IC 3-13-1 or
3 IC 3-13-2.
4 (b) A vote cast in the election for the original nominee is considered
5 a vote cast for the successor.
6 SECTION 23. IC 3-13-1-2 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A candidate vacancy
8 that exists on a primary election ballot may not be filled for the primary
9 election. The resulting vacancy on the following general or municipal
10 election ballot may be filled in the manner prescribed by this chapter,
11 but only if it is filled by noon ~~June 30~~ **September 1** before election
12 day.

