

# HOUSE BILL No. 1008

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## 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 Repeals superseded statutes relating to straight ticket voting.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.

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## Ober, Richardson, Smith M

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

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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.

