



March 25, 2005

**ENGROSSED
SENATE BILL No. 14**

DIGEST OF SB 14 (Updated March 24, 2005 2:41 pm - DI 75)

Citations Affected: IC 3-5; IC 3-10; IC 3-11; IC 3-12; IC 20-4; IC 33-24; IC 33-25; IC 33-28; IC 33-30; IC 33-33.

Synopsis: Ballot form. Establishes a ballot form that lists candidates by office for optical scan and electronic voting systems. Adds circles to the types of figures permitted to indicate a vote cast on a ballot card. Revises the printed instructions for optical scan ballots to permit a voter to darken the circle, oval, or square indicating the candidate voted for. Specifies that "independent ticket" refers only to tickets for: (1) President and Vice President of the United States; or (2) governor and lieutenant governor. Revises the instructions for preparing: (1) an optical scan ballot card; or (2) an electronic voting system; that includes the offices of President and Vice President of the United States. Provides that references to punch card ballots expire December 31, 2005 (the use of punch card ballots is prohibited after that date). Removes references to: (1) ballot card and electronic voting systems in provisions that only apply to paper ballots; (2) lever voting machines; and (3) the use of punch card ballots for presidential elections. Requires that certain features of an electronic voting system concerning the verification or correction of a voter's ballot apply after December 31, 2005.

Effective: Upon passage.

Lawson C

(HOUSE SPONSORS — RICHARDSON, THOMAS, MAHERN)

January 4, 2005, read first time and referred to Committee on Elections and Civic Affairs.
January 25, 2005, amended, reported favorably — Do Pass.
February 1, 2005, read second time, ordered engrossed.
February 2, 2005, engrossed.
February 3, 2005, read third time, passed. Yeas 33, nays 16.

HOUSE ACTION

March 7, 2005, read first time and referred to Committee on Elections and Apportionment.
March 24, 2005, amended, reported — Do Pass.

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March 25, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 14

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

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

1 SECTION 1. IC 3-5-2-8.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 8.7. (a) "Chad" means the part of a ballot**
4 **card that indicates a vote on the card when entirely punched out by**
5 **the voter.**

6 **(b) This section expires December 31, 2005.**
7 SECTION 2. IC 3-5-2-34.7 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: **Sec. 34.7. (a) "Paper ballot" refers to a ballot**
10 **that is:**

11 **(1) marked by a voter using a pen or pencil; and**
12 **(2) designed to be counted by hand and not counted on an**
13 **automatic tabulating machine.**

14 **(b) "Paper ballot" does not include a ballot card.**
15 SECTION 3. IC 3-10-1-13 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) The primary**
17 **election paper ballots, ~~and~~ ballot cards, and ballot labels of each**

ES 14—LS 6084/DI 102+



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1 political party must be of uniform size and of the same quality paper as
2 the paper ballots, ~~and~~ ballot cards, **and ballot labels** used at the general
3 election.

4 (b) The paper ballots and ballot cards must be distinctively marked
5 or be of a different color so that the ballots of each party are easily
6 distinguishable.

7 (c) **This subsection applies to all voting systems.** All the
8 candidates representing one (1) party shall be placed on one (1) ticket
9 with the name of the party placed at the top **or beginning of the ballot**
10 in the form prescribed by section 19 of this chapter.

11 SECTION 4. IC 3-10-1-15 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Each
13 political party holding a primary election shall have a separate ticket,
14 either in printed ballot form as prescribed by sections 13 and 14.1 of
15 this chapter, or on separate ballot **cards or ballot labels**.

16 (b) **Except as provided in subsection (c) or (d),** the name of each
17 candidate who has qualified under IC 3-8 shall be placed on the ballot
18 under a designation of the office for which the person is a candidate.
19 ~~However,~~

20 (c) **This subsection applies to a punch card ballot and expires**
21 **December 31, 2005. The name of each candidate who has qualified**
22 **under IC 3-8 shall be placed on the ballot and indicated by**
23 **reference to a number printed on the punch card.**

24 (d) **This subsection applies to an optical scan ballot card voting**
25 **system that does not list the name of a candidate on the ballot card.**
26 **The name of each candidate who has qualified under IC 3-8 shall**
27 **be placed on the ballot and indicated by reference to a number**
28 **printed on the optical scan ballot card.**

29 (e) The name of a candidate may not appear on the ballot of more
30 than one (1) party for the same office.

31 SECTION 5. IC 3-10-1-17 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. Political parties
33 may be distinguished in a primary election by the use of different color
34 **paper ballots, ballot cards, or** ballot labels. The party name shall be
35 placed before the list of candidates of the party.

36 SECTION 6. IC 3-10-1-19 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The ballot
38 for a primary election shall be printed in substantially the following
39 form for all the offices for which candidates have qualified under
40 IC 3-8:

41 OFFICIAL PRIMARY BALLOT

42 _____ Party

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1 **For paper ballots, print:** To vote for a person, make a voting mark
 2 (X or ✓) on or in the box before the person's name in the proper
 3 column. **For punch card ballots, print: To vote for a person, punch**
 4 **through the chad before the number assigned to the person's name**
 5 **in the proper column. For optical scan ballots, print: To vote for a**
 6 **person, darken or shade in the circle, oval, or square (or draw a**
 7 **line to connect the arrow) that precedes the person's name in the**
 8 **proper column. For optical scan ballots that do not contain a**
 9 **candidate's name, print: To vote for a person, darken or shade in**
 10 **the oval that precedes the number assigned to the person's name in**
 11 **the proper column. For electronic voting systems, print: To vote**
 12 **for a person, touch the screen (or press the button) in the location**
 13 **indicated.**

- 14 Vote for one (1) only
 15 Representative in Congress
 16 (1) AB _____
 17 (2) CD _____
 18 (3) EF _____
 19 (4) GH _____

20 (b) The offices with candidates for nomination shall be placed on
 21 the primary election ballot in the following order:

- 22 (1) Federal and state offices:
 23 (A) President of the United States.
 24 (B) United States Senator.
 25 (C) Governor.
 26 (D) United States Representative.
 27 (2) Legislative offices:
 28 (A) State senator.
 29 (B) State representative.
 30 (3) Circuit offices and county judicial offices:
 31 (A) Judge of the circuit court, and unless otherwise specified
 32 under IC 33, with each division separate if there is more than
 33 one (1) judge of the circuit court.
 34 (B) Judge of the superior court, and unless otherwise specified
 35 under IC 33, with each division separate if there is more than
 36 one (1) judge of the superior court.
 37 (C) Judge of the probate court.
 38 (D) Judge of the county court, with each division separate, as
 39 required by IC 33-30-3-3.
 40 (E) Prosecuting attorney.
 41 (F) Clerk of the circuit court.
 42 (4) County offices:

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- 1 (A) County auditor.
- 2 (B) County recorder.
- 3 (C) County treasurer.
- 4 (D) County sheriff.
- 5 (E) County coroner.
- 6 (F) County surveyor.
- 7 (G) County assessor.
- 8 (H) County commissioner.
- 9 (I) County council member.
- 10 (5) Township offices:
- 11 (A) Township assessor.
- 12 (B) Township trustee.
- 13 (C) Township board member.
- 14 (D) Judge of the small claims court.
- 15 (E) Constable of the small claims court.
- 16 (6) City offices:
- 17 (A) Mayor.
- 18 (B) Clerk or clerk-treasurer.
- 19 (C) Judge of the city court.
- 20 (D) City-county council member or common council member.
- 21 (7) Town offices:
- 22 (A) Clerk-treasurer.
- 23 (B) Judge of the town court.
- 24 (C) Town council member.
- 25 (c) The political party offices with candidates for election shall be
- 26 placed on the primary election ballot in the following order after the
- 27 offices described in subsection (b):
- 28 (1) Precinct committeeman.
- 29 (2) State convention delegate.
- 30 (d) The following offices and public questions shall be placed on the
- 31 primary election ballot in the following order after the offices described
- 32 in subsection (c):
- 33 (1) School board offices to be elected at the primary election.
- 34 (2) Other local offices to be elected at the primary election.
- 35 (3) Local public questions.
- 36 (e) The offices and public questions described in subsection (d)
- 37 shall be placed:
- 38 (1) in a separate column on the ballot if voting is by paper ballot;
- 39 (2) **after the offices described in subsection (c) in the form**
- 40 **specified in IC 3-11-13-11 if voting is by ballot card; ~~voting~~**
- 41 **system; or**
- 42 (3) **either:**

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- 1 **(A) on a separate screen for each office or public question;**
- 2 **or**
- 3 **(B) after the offices described in subsection (c) in the form**
- 4 **specified in IC 3-11-14-3.5;**
- 5 **if voting is by an** electronic voting system; or
- 6 **(4) in a separate column of ballot labels if voting is by voting**
- 7 **machine.**

8 (f) A public question shall be placed on the primary election ballot
9 in the following form:

10 (The explanatory text for the public question,
11 if required by law.)
12 "Shall (insert public question)?"

- 13 YES
- 14 NO

15 SECTION 7. IC 3-10-1-19.7 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19.7. The ballot for
17 a primary election is not required to contain the information set forth
18 under IC 3-11-2-10, **IC 3-11-13-11, or IC 3-11-14-3.5** concerning:

- 19 (1) write-in voting; or
- 20 (2) independent candidates or **independent tickets (described in**
- 21 **IC 3-11-2-6);**
- 22 except when an office for which write-in candidates or independent
- 23 candidates or **independent tickets (described in IC 3-11-2-6)** are
- 24 permitted is elected at the same time as the primary election.

25 SECTION 8. IC 3-10-1-26 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. **(a) This**

27 **section applies only to paper ballots.**
28 ~~(a)~~ **(b)** After marking a paper ballot, a voter shall fold each ballot
29 separately in a manner that its face will be concealed and the initials of
30 the poll clerks or assistant poll clerks seen.

31 ~~(b)~~ **(c)** After leaving the booth, a voter shall return the pencil to a
32 poll clerk or assistant poll clerk and display the initials on each ballot
33 to the inspector.

34 ~~(c)~~ **(d)** If a voter offers to vote a ballot folded so that it does not
35 disclose the initials of the poll clerks or assistant poll clerks while also
36 not disclosing the face of the ballot, the precinct election board shall
37 direct the voter to return to the booth and fold the ballot properly.

38 ~~(d)~~ **(e)** After properly displaying the initials on the ballot, the voter
39 then shall:

- 40 (1) deposit the ballot in the ballot box; or
- 41 (2) at the voter's option return the ballot to the inspector, who
- 42 shall deposit it in the ballot box.

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1 ~~(e)~~ **(f)** The poll clerk or assistant poll clerk shall then place a voting
2 mark opposite the voter's name on the poll list. The voter then shall
3 leave the polls.

4 SECTION 9. IC 3-10-4-1 IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The names of the
6 candidates of:

- 7 (1) a political party;
- 8 (2) a group of petitioners under IC 3-8-6; or
- 9 (3) a write-in candidate for the office of President or Vice
10 President of the United States under ~~IC 3-8-2-1.5~~; **IC 3-8-2-2.5**;
11 for electors of President and Vice President of the United States may
12 not be placed on the ballot.

13 (b) The names of the nominees for President and Vice President of
14 the United States of each political party or group of petitioners shall be
15 placed:

- 16 (1) in one (1) column on the ballot if paper ballots ~~or a ballot card~~
17 ~~voting system is~~ **are** used;
- 18 (2) on one (1) ballot label in one (1) column or row if voting
19 machines are used; ~~or~~
- 20 (3) in a separate column on the ballot label ~~either:~~
21 **(A) grouped together on a separate screen; or**
22 **(B) grouped together below the names of the offices as**
23 **specified in IC 3-11-14-3.5;**
24 if an electronic voting system is used; **or**
25 **(4) grouped together below the names of the offices as**
26 **specified in IC 3-11-13-11 if a ballot card is used.**

27 (c) The name of each write-in candidate for the office of President
28 or Vice President of the United States shall be placed as provided
29 under IC 3-11-2-6.

30 SECTION 10. IC 3-10-4-2 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) ~~If This~~
32 **section applies when** paper ballots ~~or a ballot card voting system is~~
33 **are** used.

34 **(b)** A single square shall be printed in front of a bracket enclosing
35 the names of the nominees for President and Vice President of the
36 United States on the left margin of each separate column of the ballot,
37 immediately opposite the names of the nominees.

38 ~~(b)~~ **(c)** The device named and list of nominees of the political party
39 whose nominee received the highest number of votes in that county for
40 secretary of state at the last election shall be placed in the first column
41 on the left side of the ballot. ~~if paper ballots or a ballot card voting~~
42 ~~system is used or; if voting machines or an electronic voting system is~~

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1 used, in the first column or row. The political party whose nominee
2 received the second highest number of votes in that county for
3 secretary of state at the last election shall be placed in the second
4 column. or row. Other political parties shall be placed on the ballot in
5 the same order.

6 ~~(c)~~ (d) If a political party or an independent ticket did not have a
7 candidate for secretary of state in the last election, the party or ticket
8 shall be placed on the ballot after the parties described in subsection
9 ~~(b)~~: (c). If more than one (1) political party or independent ticket that
10 has qualified to be on the ballot did not have a candidate for secretary
11 of state in the last election, each party or independent ticket shall be
12 listed on the ballot in the order in which the party or independent ticket
13 filed a petition of nomination under IC 3-8-6-12.

14 SECTION 11. IC 3-10-4-2.1 IS ADDED TO THE INDIANA CODE
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 2.1. (a) This section applies when an optical
17 scan ballot card is used.

18 (b) The names of the nominees for President and Vice President
19 of the United States for each political party or group of petitioners
20 grouped as described in section 1(b)(4) of this chapter must be:

- 21 (1) listed together so that a voter is aware that the voter votes
22 for both offices with a single vote; and
- 23 (2) printed behind or beside a single connectable arrow, oval,
24 circle, or square.

25 (c) The nominees for President and Vice President of the United
26 States must be grouped under the names of the offices in the order
27 established by IC 3-11-13-11.

28 SECTION 12. IC 3-10-4-2.2 IS ADDED TO THE INDIANA CODE
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
30 UPON PASSAGE]: Sec. 2.2. (a) This section applies when an
31 electronic voting system is used.

32 (b) The names of the nominees for President and Vice President
33 of the United States for each political party or group of petitioners
34 grouped as described in section 1(b)(3) of this chapter must be:

- 35 (1) listed together so that a voter is aware that the voter votes
36 for both offices with a single vote; and
- 37 (2) behind or beside a single touch sensitive point or button
38 place.

39 (c) The nominees for President and Vice President of the United
40 States must be grouped under the names of the offices in the order
41 established by IC 3-11-14-3.5.

42 SECTION 13. IC 3-10-7-32 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) A town
2 election board shall determine what voting method will be used in a
3 municipal election.

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

7 (c) The town election board shall prepare the ballots in the form
8 prescribed by ~~IC 3-11-2~~ **IC 3-11** and distribute them to the precincts in
9 the town.

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

19 SECTION 14. IC 3-11-2-0.5 IS ADDED TO THE INDIANA CODE
20 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
21 **UPON PASSAGE]: Sec. 0.5. (a) This chapter applies only to paper**
22 **ballots.**

23 (b) **This chapter does not apply to:**

- 24 (1) **an electronic voting system; or**
- 25 (2) **an optical scan voting system.**

26 (c) **This chapter does not apply to a punch card ballot voting**
27 **system. This subsection expires December 31, 2005.**

28 SECTION 15. IC 3-11-2-10 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The name
30 or title of the political party or independent ticket described in section
31 6 of this chapter shall be placed at the top of the ballot. The device of
32 the political party or independent ticket shall be placed immediately
33 under the name of the political party or independent ticket. The
34 instructions for voting a straight party ticket shall be placed to the right
35 of the device. ~~or if the ballot is part of a direct recording electronic~~
36 ~~voting system:~~

- 37 (1) ~~the instructions for voting a straight party ticket; and~~
- 38 (2) ~~the statement concerning presidential electors required under~~
39 ~~IC 3-10-4-3;~~

40 may be posted in any location within the voting booth that permits the
41 voter to easily read the instructions instead of on the ballot face.

42 (b) The instructions for voting a straight party ticket must conform

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1 as nearly as possible to the following: "To vote a straight (insert
2 political party name) ticket for all (political party name) candidates on
3 this ballot, make a voting mark on or in this circle and do not make any
4 other marks on this ballot. If you wish to vote for a candidate seeking
5 a nonpartisan office or on a public question, you must make another
6 voting mark on the appropriate place on this ballot."

7 (c) If the ballot contains an independent ticket described in section
8 6 of this chapter and at least one (1) other independent candidate, the
9 ballot must also contain a statement that reads substantially as follows:
10 "A vote cast for an independent ticket will only be counted for the
11 candidates for President and Vice President or governor and lieutenant
12 governor comprising that independent ticket. This vote will NOT be
13 counted for any OTHER independent candidate appearing on the
14 ballot."

15 (d) The ballot must also contain a statement that reads substantially
16 as follows: "A write-in vote will NOT be counted unless the vote is for
17 a DECLARED write-in candidate. To vote for a write-in candidate, you
18 must make a voting mark on or in the square to the left of the name you
19 have written in or your vote will not be counted."

20 (e) ~~Except for variations in ballot arrangement permitted for voting~~
21 ~~machines under IC 3-11-12-7, ballot card voting systems under~~
22 ~~IC 3-11-13-11, or electronic voting systems under IC 3-11-14-7, The~~
23 list of candidates of the political party shall be placed immediately
24 under the instructions for voting a straight party ticket. The names of
25 the candidates shall be placed three-fourths (3/4) of an inch apart from
26 center to center of the name. The name of each candidate must have,
27 immediately on its left, a square three-eighths (3/8) of an inch on each
28 side.

29 (f) The election division or the circuit court clerk may authorize the
30 printing of ballots containing a ballot variation code to ensure that the
31 proper version of a ballot is used within a precinct.

32 SECTION 16. IC 3-11-2-12.9 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.9. (a) School
34 board offices to be elected at the general election shall be placed on the
35 general election ballot after the offices described in section 12 of this
36 chapter.

37 (b) School board offices shall be placed in a separate column on the
38 ballot. ~~or ballot label if voting is by paper ballot; ballot card voting~~
39 ~~system; or electronic voting system or in a separate column of ballot~~
40 ~~labels if voting is by voting machine.~~

41 (c) ~~This subsection applies to voting done by paper ballot or a ballot~~
42 ~~card voting system.~~ If the ballot contains a candidate for a school board

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1 office, the ballot must also contain a statement that reads substantially
2 as follows: "To vote for a candidate for this office, make a voting mark
3 on or in the square to the left of the candidate's name."

4 SECTION 17. IC 3-11-2-13 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The
6 following offices and public questions shall be placed on the general
7 election ballot in the following order after the offices described in
8 section 12.9 of this chapter:

- 9 (1) Retention of a justice of the supreme court.
- 10 (2) Retention of a judge of the court of appeals.
- 11 (3) Retention of the judge of the tax court.
- 12 (4) Ratification of a state constitutional amendment.

13 (b) Whenever more than one (1) justice of the supreme court is
14 subject to retention, the name of each justice must appear on the ballot
15 in alphabetical order. However, if the justice serving as chief justice is
16 subject to retention, the chief justice's name must appear first.

17 (c) Whenever more than one (1) judge of the court of appeals is
18 subject to retention, the name of each judge must appear on the ballot
19 in alphabetical order. However, if the judge serving as chief judge is
20 subject to retention, the chief judge's name must appear first.

21 (d) These offices and public questions shall be placed in a separate
22 column on the ballot. ~~or ballot label if voting is by paper ballot, ballot~~
23 ~~card voting system, or electronic voting system or in a separate column~~
24 ~~of ballot labels if voting is by voting machine.~~

25 SECTION 18. IC 3-11-2-14 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The
27 following offices and public questions shall be placed on the general
28 election ballot in the following order after the offices and public
29 questions described in section 13 of this chapter:

- 30 (1) Retention of a local judge.
- 31 (2) Local nonpartisan judicial offices.
- 32 (3) Local public questions.

33 (b) These offices and public questions shall be placed in a separate
34 column on the ballot. ~~or ballot label if voting is by paper ballot, ballot~~
35 ~~card voting system, or electronic voting system or in a separate column~~
36 ~~of ballot labels if voting is by voting machine.~~

37 (c) If the ballot contains a candidate for a local nonpartisan judicial
38 office, the ballot must also contain a statement that reads substantially
39 as follows: "To vote for a candidate for this office, make a voting mark
40 on or in the square to the left of the candidate's name."

41 (d) If more than one (1) local public question concerning the
42 retention of a local judge is to be placed on a ballot, the public

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1 questions shall be placed on the ballot:
 2 (1) in alphabetical order according to the surname of the local
 3 judge; and
 4 (2) identifying the court (including division or room) in which the
 5 judge serves.
 6 SECTION 19. IC 3-11-13-11 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The ballot
 8 information, whether placed on the ballot card or on the marking
 9 device, ~~should as far as practicable~~ **must** be in the order of arrangement
 10 provided for ballots under ~~IC 3-11-2. However, the ballot information~~
 11 ~~may be in vertical or horizontal rows or in a number of separate pages.~~
 12 ~~Ballot cards for all public questions must be provided in the same~~
 13 ~~manner and must be arranged on or in the marking device in the places~~
 14 ~~provided for that purpose: this section.~~
 15 (b) Each county election board shall have the names of all
 16 candidates for all elected offices, political party offices, and public
 17 questions printed on a ballot card as provided in this chapter. The
 18 county may:
 19 (1) print all offices and questions on a single ballot card; and
 20 (2) include a ballot variation code to ensure that the proper
 21 version of a ballot is used within a precinct.
 22 (c) Each type of ballot card must be of uniform size and of the
 23 same quality and color of paper (except as permitted under
 24 IC 3-10-1-17).
 25 (d) The nominees of a political party or an independent
 26 candidate or independent ticket (described in IC 3-11-2-6)
 27 nominated by petitioners shall be listed on the ballot with the name
 28 and device set forth on the certification or petition. The circle
 29 containing the device may be of any size that permits a voter to
 30 readily identify the device. IC 3-11-2-5 applies if the certification
 31 or petition does not include a name or device, or if the same device
 32 is selected by two (2) or more parties or petitioners.
 33 (e) The offices on the general election ballot must be placed on
 34 the ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2,
 35 IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),
 36 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
 37 IC 3-11-2-14(d). The offices and public questions may be listed in
 38 a continuous column either vertically or horizontally and on a
 39 number of separate pages. However, school board offices, public
 40 questions concerning the retention of a justice or judge, local
 41 nonpartisan judicial offices, and local public questions must be
 42 placed at the beginning of separate columns.

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1 (f) The name of each office must be printed in a uniform size in
2 bold type. A statement reading substantially as follows must be
3 placed immediately below the name of the office and above the
4 name of the first candidate: "Vote for not more than (insert the
5 number of candidates to be elected) candidate(s) for this office."

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

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

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

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

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

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

28 (6) A space for write-in voting is placed after the candidates
29 listed in subdivisions (1) through (5), if required by law.

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

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

- 37 (1) candidate; or
38 (2) ticket of candidates for:
39 (A) President and Vice President of the United States; or
40 (B) governor and lieutenant governor;
41 is independent, must be placed immediately below or beside the
42 name of the candidate and must be printed in a uniform size and

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

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

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

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

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

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

(k) The following information must be placed at the top of the ballot before the first office is listed:

- (1) The cautionary statement described in IC 3-11-2-7.
- (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c), and IC 3-11-2-10(d).

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

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

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order

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1 established by subsection (g) for listing candidates under each
2 office. The instructions described in IC 3-11-2-10(b) for voting a
3 straight party ticket and the statement concerning presidential
4 electors required under IC 3-10-4-3 may be placed on the ballot
5 beside or above the names and devices within the voting booth in
6 a location that permits the voter to easily read the instructions.

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

14 (n) The requirements in this section:
15 (1) do not replace; and
16 (2) are in addition to;
17 any other requirements in this title that apply to optical scan
18 ballots.

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

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

25 (1) the names of political parties or candidates; or
26 (2) the text of public questions;
27 on the face of the ballot. The ballot must be prepared in
28 accordance with this section, except that the ballot must include a
29 numbered circle or oval to refer to each political party, candidate,
30 or public question.

31 (q) This subsection:
32 (1) applies to a punch card ballot voting system; and
33 (2) expires December 31, 2005.

34 Except as otherwise provided in this chapter, a punch card ballot
35 must include a numbered box and chad in the locations and in the
36 layout specified by this section for connectable arrows, circles,
37 ovals, or squares.

38 SECTION 20. IC 3-11-13-31.7 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.7. (a) This
40 section is enacted to comply with 42 U.S.C. 15481 by establishing
41 uniform and nondiscriminatory standards to define what constitutes a
42 vote on an optical scan voting system.

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

4 (1) the candidates for whom the voter desires to vote by punching
5 a hole in or marking the **connectable arrows, circles, ovals, or**
6 **squares** immediately beside:

7 (A) the candidates' names; or

8 (B) **the numbers referring to the candidates;** and

9 (2) the voter's preference on each public question by punching a
10 hole in or marking the **connectable arrow, oval, or square**
11 **beside:**

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

13 (B) **the number referring to the word "yes" or "no" on the**
14 **ballot.**

15 (c) If an election is a general or municipal election and a voter
16 desires to vote for all the candidates of one (1) political party or ~~group~~
17 ~~of petitioners;~~ **independent ticket (described in IC 3-11-2-6),** the
18 voter may punch a hole in or mark:

19 (1) the circle enclosing the device; and ~~beside the name under~~
20 ~~which the candidates of the party or group of petitioners are~~
21 ~~printed;~~ 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**
25 **independent ticket (described in IC 3-11-2-6).** The voter's vote shall
26 then be counted for all the candidates ~~under of that name:~~ **political**
27 **party or included in the independent ticket (described in**
28 **IC 3-11-2-6).** However, if the voter punches a hole in or marks the
29 circle, **arrow, oval, or square** of an independent ticket ~~comprised of~~
30 ~~two (2) candidates;~~ **(described in IC 3-11-2-6),** the vote shall not be
31 counted for any other independent candidate on the ballot.

32 SECTION 21. IC 3-11-14-3 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The county
34 election board shall furnish ballot labels **prepared as required by**
35 **section 3.5 of this chapter.**

36 (b) The **county election** board shall have ~~them~~ **the ballot labels**
37 **printed:**

38 (1) in black ink on clear white material;

39 (2) in the size that will fit on an electronic system; and

40 (3) in plain, clear type as space will reasonably permit.

41 SECTION 22. IC 3-11-14-3.5 IS ADDED TO THE INDIANA
42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) Each county election**
2 **board shall have the names of all candidates for all elected offices,**
3 **political party offices, and public questions printed on ballot labels**
4 **for use in an electronic voting system as provided in this chapter.**

5 (b) **The county may:**
6 (1) **print all offices and public questions on a single ballot**
7 **label; and**
8 (2) **include a ballot variation code to ensure that the proper**
9 **version of a ballot label is used within a precinct.**

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

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

21 (e) **The ballot labels must list the offices on the general election**
22 **ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2,**
23 **IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),**
24 **IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and**
25 **IC 3-11-2-14(d). Each office and public question may have a**
26 **separate screen, or the offices and public questions may be listed**
27 **in a continuous column either vertically or horizontally. However,**
28 **school board offices, public questions concerning the retention of**
29 **a justice or judge, local nonpartisan judicial offices, and local**
30 **public questions shall be placed at the beginning of separate**
31 **columns or pages.**

32 (f) **The name of each office must be printed in a uniform size in**
33 **bold type. A statement reading substantially as follows must be**
34 **placed immediately below the name of the office and above the**
35 **name of the first candidate: "Vote for not more than (insert the**
36 **number of candidates to be elected) candidate(s) for this office."**

37 (g) **Below the name of the office and the statement required by**
38 **subsection (f), the names of the candidates for each office must be**
39 **grouped together in the following order:**

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

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- 1 **(2) The major political party whose candidate received the**
- 2 **second highest number of votes in the county for secretary of**
- 3 **state is listed second.**
- 4 **(3) All other political parties listed in the order that the**
- 5 **parties' candidates for secretary of state finished in the last**
- 6 **election are listed after the party listed in subdivision (2).**
- 7 **(4) If a political party did not have a candidate for secretary**
- 8 **of state in the last election or a nominee is an independent**
- 9 **candidate or independent ticket (described in IC 3-11-2-6), the**
- 10 **party or candidate is listed after the parties described in**
- 11 **subdivisions (1), (2), and (3).**
- 12 **(5) If more than one (1) political party or independent**
- 13 **candidate or ticket described in subdivision (4) qualifies to be**
- 14 **on the ballot, the parties, candidates, or tickets are listed in**
- 15 **the order in which the party filed its petition of nomination**
- 16 **under IC 3-8-6-12.**
- 17 **(6) A space for write-in voting is placed after the candidates**
- 18 **listed in subdivisions (1) through (5), if required by law.**
- 19 **(7) The name of a write-in candidate may not be listed on the**
- 20 **ballot.**
- 21 **(h) The names of the candidates grouped in the order**
- 22 **established by subsection (g) must be printed in type with uniform**
- 23 **capital letters and have a uniform space between each name. The**
- 24 **name of the candidate's political party, or the word**
- 25 **"Independent", if the:**
- 26 **(1) candidate; or**
- 27 **(2) ticket of candidates for:**
- 28 **(A) President and Vice President of the United States; or**
- 29 **(B) governor and lieutenant governor;**
- 30 **is independent, must be placed immediately below or beside the**
- 31 **name of the candidate and must be printed in uniform size and**
- 32 **type.**
- 33 **(i) All the candidates of the same political party for election to**
- 34 **at-large seats on the fiscal or legislative body of a political**
- 35 **subdivision must be grouped together:**
- 36 **(1) under the name of the office that the candidates are**
- 37 **seeking;**
- 38 **(2) in the party order established by subsection (g); and**
- 39 **(3) within the political party, in alphabetical order according**
- 40 **to surname.**
- 41 **A statement reading substantially as follows must be placed**
- 42 **immediately below the name of the office and above the name of**

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1 the first candidate: "Vote for not more than (insert the number of
2 candidates to be elected) candidate(s) of ANY party for this
3 office."

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

6 (1) under the name of the office that the candidates are
7 seeking; and

8 (2) in alphabetical order according to surname.

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

13 (k) The cautionary statement described in IC 3-11-2-7 must be
14 placed at the top or beginning of the ballot label before the first
15 office is listed.

16 (l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c),
17 and IC 3-11-2-10(d) may be:

18 (1) placed on the ballot label; or

19 (2) posted in a location within the voting booth that permits
20 the voter to easily read the instructions.

21 (m) The ballot label must include a touch sensitive point or
22 button for voting a straight political party or independent ticket
23 (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive
24 point or button must be identified by:

25 (1) the name of the political party or independent ticket; and

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

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

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

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by a statute.

(o) The requirements in this section:

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

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

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

SECTION 23. IC 3-11-14-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Each county election board shall, before election day, have the proper ballot labels prepared as required by section 3.5 of this chapter and put on each electronic voting system. with the device named and the list of candidates of each political party or independent candidate or ticket in the same order as on the sample ballot.

SECTION 24. IC 3-11-14-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. In school district elections, the county election board shall arrange the names of candidates in alphabetical order on an electronic voting system in such a way that the name of each candidate appears in the same column of each system used in each precinct. as required by section 3.5 of this chapter.

SECTION 25. IC 3-11-14-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an electronic voting system.

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

- (1) the candidates for whom the voter desires to vote by touching a device on or in the squares immediately above the candidates' names;
- (2) if the voter intends to cast a write-in vote, a write-in vote by touching a device on or in the square immediately below the candidates' names and printing the name of the candidate in the window provided for write-in voting; and
- (3) the voter's preference on each public question by touching a device above the word "yes" or "no" under the question.

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

9 (d) **After December 31, 2005**, as provided by 42 U.S.C. 15481, a
 10 voter casting a ballot on an electronic voting system must be:

- 11 (1) permitted to verify in a private and an independent manner the
 12 votes selected by the voter before the ballot is cast and counted;
 13 (2) provided the opportunity to change the ballot or correct any
 14 error in a private and independent manner before the ballot is cast
 15 and counted, including the opportunity to receive a replacement
 16 ballot if the voter is otherwise unable to change or correct the
 17 ballot; and
 18 (3) notified before the ballot is cast regarding the effect of casting
 19 multiple votes for the office and provided an opportunity to
 20 correct the ballot before the ballot is cast and counted.

21 SECTION 26. IC 3-12-1-9.5 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.5. (a) This
 23 section applies to counting votes cast on ballot cards.

24 (b) ~~As used in this section, "chad" means the part of a ballot card~~
 25 ~~that indicates a vote on the card when entirely punched out by the~~
 26 ~~voter.~~

27 (c) (b) A chad that has been pierced, but not entirely punched out of
 28 the card, shall be counted as a vote for the indicated candidate or for
 29 the indicated response to a public question.

30 (d) (c) A chad that has been indented, but not in any way separated
 31 from the remainder of the card, may not be counted as a vote for a
 32 candidate or on a public question.

33 (e) (d) Whenever:

- 34 (1) a ballot card contains a numbered box indicating which chad
 35 should be punched out by the voter to cast a vote for a candidate
 36 or on a public question;
 37 (2) the indicated chad has not been punched out; and
 38 (3) a hole has been made in the card that touches any part of the
 39 numbered box;

40 the hole shall be counted as a vote for the candidate or on the public
 41 question as if the indicated chad had been punched out. However, if a
 42 hole has been made in the ballot that does not touch a numbered box

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1 or punch out a chad, the hole may not be counted as a vote for a
2 candidate or on a public question.

3 ~~(f)~~ (e) Whenever:

4 (1) a chad has been punched out of a ballot card;
5 (2) a numbered box indicates that another chad may be punched
6 out to cast a vote for:

7 (A) a different candidate for the same office as the candidate
8 for whom a vote was cast under subdivision (1); or

9 (B) a different response to the same public question on which
10 a vote was cast under subdivision (1); and

11 (3) a hole has been punched in the card that touches the numbered
12 box described in subdivision (2);

13 neither the chad described in subdivision (1) nor the hole described in
14 subdivision (3) may be counted as a vote for a candidate or on a public
15 question.

16 ~~(g)~~ (f) This subsection applies to a ballot card that:

17 (1) has been cast in a precinct whose votes are being recounted by
18 a local recount commission or the state recount commission;

19 (2) is damaged or defective so that it cannot properly be counted
20 by automated tabulating machines; and

21 (3) cannot be counted for the office subject to the recount due to
22 the damage or defect.

23 The ballot card shall be remade only if the conditions in subdivisions
24 (1) through (3) exist.

25 **(g) Subsections (b) through (e) expire December 31, 2005.**

26 SECTION 27. IC 20-4-1-26.4 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.4. (a) This
28 section applies to each school corporation, whenever created.

29 (b) If a plan provides for the election of members of the board of
30 school trustees of the community school corporation at a primary
31 election, at the time provided by IC 3-8-2 for the filing of notice of
32 candidacies for the primary election next following the creation of the
33 community school corporation, nominations for members of the board
34 of school trustees of the community school corporation may be made
35 by a petition signed by the candidates and ten (10) registered voters
36 residing within the boundaries of the community school corporation.

37 (c) A petition must be filed with the circuit court clerk of the county
38 that contains the greatest percentage of population of the school
39 corporation. If the plan requires residence in a specified district or
40 voting solely in a specified district for a board member office, the
41 petition must clearly state the residence or electoral district from or for
42 which the person is a candidate. If a school corporation is located in

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1 more than one (1) county, the circuit court clerk shall, after
2 determining that a petition complies with subsection (b), promptly
3 certify to each circuit court clerk of a county in which the school
4 corporation is located, the names of the candidates to be placed on the
5 ballot.

6 (d) If a plan provides for an election of members of the board of
7 school trustees at a general election, the filing of notice of candidates
8 must be made in the manner provided for filing at primary elections
9 under this section. The filing must be made within the same period of
10 time before the general election as would have been required before the
11 primary election had the election been held at the latter time.

12 (e) All nominations shall be listed for each office in the form
13 prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~, **IC 3-11**, but without party
14 designation. Voting and tabulation of votes shall be conducted in the
15 same manner as voting and tabulation in primary elections are
16 conducted. The precinct election boards serving at each primary
17 election in each county shall conduct the election for school board
18 members. If a school corporation is located in more than one (1)
19 county, each county election board shall print the ballots required for
20 voters in that county to vote for candidates for members of the board
21 of school trustees of the school corporation.

22 (f) If the plan provides that the board of school trustees shall be
23 elected by all the voters of the community school corporation,
24 candidates shall be placed on the ballot in the form prescribed by
25 IC 3-10-1-19 or ~~IC 3-11-2~~, **IC 3-11**, without party designation.
26 Candidates elected shall be those having the greatest number of votes.

27 (g) If the plan provides that members of the board of school trustees
28 are to be elected from residence districts by all voters in the community
29 school corporation, nominees for the board of school trustees shall be
30 placed on the ballot in the form prescribed by IC 3-10-1-19 or
31 ~~IC 3-11-2~~, **IC 3-11**, by residence districts without party designation.
32 The ballot must state the number of members to be voted upon and the
33 maximum number that may be elected from each residence district as
34 provided in the plan. A ballot is not valid where more than the
35 maximum number are voted upon from a board member residence
36 district. Candidates having the greatest number of votes are elected.
37 However, if more than the maximum number that may be elected from
38 a residence district are among those having the greatest number of
39 votes, the lowest of those candidates from the residence districts in
40 excess of the maximum number shall be eliminated in determining the
41 candidates who are elected.

42 (h) If the plan provides that members of the board of school trustees

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1 are to be elected from electoral districts solely by the voters of each
2 district, nominees residing in each electoral district shall be placed on
3 the ballot in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~, **IC 3-11**,
4 without party designation. The ballot must state the number to be voted
5 on from the electoral district. Candidates residing in the electoral
6 district having the greatest number of votes are elected.

7 SECTION 28. IC 33-24-2-5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The question of
9 approval or rejection of a justice shall be placed on the general election
10 ballot in the form prescribed by ~~IC 3-11-2~~ **IC 3-11** and must state
11 "Shall Justice (insert name (as permitted under IC 3-5-7) here) be
12 retained in office?".

13 SECTION 29. IC 33-25-2-5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The question of
15 approval or rejection of a judge shall be placed on the general election
16 ballot in the form prescribed by ~~IC 3-11-2~~ **IC 3-11** and must state
17 "Shall Judge (insert name (as permitted under IC 3-5-7) here) be
18 retained in office?".

19 SECTION 30. IC 33-28-2-2 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. In any circuit for
21 which IC 33-33 provides more than one (1) judge of the circuit court,
22 the county election board shall assign a number to each seat on the
23 court. After that, any candidate for judge of the circuit court must file
24 a declaration of candidacy under IC 3-8-2 or petition of nomination
25 under IC 3-8-6 for one (1) specified seat of the court. Each seat on the
26 court shall be listed separately on the election ballot in the form
27 prescribed by IC 3-10-1-19 and ~~IC 3-11-2~~. **IC 3-11**.

28 SECTION 31. IC 33-30-3-3 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The number
30 of county court judges required by IC 33-30-2 shall be elected under
31 IC 3-10-2-11 by the voters of each county or by the voters of two (2)
32 counties if a judge is required to serve two (2) counties. The term of
33 office of a county court judge is six (6) years, beginning on January 1
34 after election and continuing until a successor is elected and qualified.

35 (b) In any county for which IC 33-30-2 provides more than one (1)
36 judge of the county court, the county election board shall assign a
37 number to each division of the court. After the assignment, any
38 candidate for judge of the county court must file a declaration of
39 candidacy under IC 3-8-2 or petition of nomination under IC 3-8-6 for
40 one (1) specified division of the court. Each division of the court shall
41 be listed separately on the election ballot in the form prescribed by
42 IC 3-10-1-19 and ~~IC 3-11-2~~. **IC 3-11**.

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1 SECTION 32. IC 33-33-2-9 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) All
 3 candidates for each respective Allen superior court judgeship shall be
 4 listed on the general election ballot in the form prescribed by
 5 ~~IC 3-11-2~~, **IC 3-11**, without party designation. The candidate receiving
 6 the highest number of votes for each judgeship shall be elected to that
 7 office.

8 (b) IC 3, except where inconsistent with this chapter, applies to
 9 elections held under this chapter.

10 (c) The term of each Allen superior court judge:

11 (1) begins January 1 following election and ends December 31
 12 following the election of a successor; and

13 (2) is six (6) years.

14 SECTION 33. IC 33-33-45-42 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 42. (a) The
 16 question of the retention in office or rejection of each judge of the
 17 following divisions of the superior court of Lake County shall be
 18 submitted to the electorate of Lake County at the general election
 19 immediately preceding expiration of the term of the judge:

20 (1) Civil division.

21 (2) Criminal division.

22 (3) Juvenile division.

23 (b) At the general election, the question of the retention in office or
 24 rejection of a judge described in subsection (a) shall be submitted to
 25 the electorate of Lake County in the form prescribed by ~~IC 3-11-2~~
 26 **IC 3-11** and must state "Shall Judge (insert name) of the superior court
 27 of Lake County be retained in office for an additional term?".

28 (c) If a majority of the ballots cast by the electors voting on any
 29 question is "Yes", the judge whose name appeared on the question shall
 30 be approved for a six (6) year term beginning January 1 following the
 31 general election as provided in section 41(b) of this chapter.

32 (d) If a majority of the ballots cast by the electors voting on any
 33 question is "No", the judge whose name appeared on the question shall
 34 be rejected. The office of the rejected judge is vacant on January 1
 35 following the rejection. The vacancy shall be filled by appointment by
 36 the governor under section 38 of this chapter.

37 (e) The Lake County election board shall submit the question of the
 38 retention in office or rejection of a judge described in subsection (a) to
 39 the electorate of Lake County. The submission of the question is
 40 subject to the provisions of IC 3 that are not inconsistent with this
 41 chapter.

42 (f) If a judge who is appointed does not desire to serve any further

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1 term, the judge shall notify in writing the clerk of the Lake circuit court
2 at least sixty (60) days before any general election, in which case the
3 question of that judge's retention in office or rejection shall not be
4 submitted to the electorate, and the office becomes vacant at the
5 expiration of the term.

6 SECTION 34. IC 33-33-49-13 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Each judge
8 of the court shall be elected for a term of six (6) years that begins
9 January 1 after the year of the judge's election and continues through
10 December 31 in the sixth year. The judge shall hold office for the six
11 (6) year term or until the judge's successor is elected and qualified. A
12 candidate for judge shall run at large for the office of judge of the court
13 and not as a candidate for judge of a particular room or division of the
14 court.

15 (b) **Beginning with the primary election held in 1996 and every**
16 **six (6) years thereafter, a political party may nominate not more**
17 **than eight (8) candidates for judge of the court.** Beginning with the
18 primary election held in 2000 and every six (6) years thereafter, a
19 political party may nominate not more than nine (9) candidates for
20 judge of the court. The candidates shall be voted on at the general
21 election. Other candidates may qualify under IC 3-8-6 to be voted on
22 at the general election.

23 (c) The names of the party candidates nominated and properly
24 certified to the Marion County election board, along with the names of
25 other candidates who have qualified, shall be placed on the ballot at the
26 general election in the form prescribed by ~~IC 3-11-2~~. **IC 3-11.**
27 **Beginning with the 1996 general election and every six (6) years**
28 **thereafter, persons eligible to vote at the general election may vote**
29 **for fifteen (15) candidates for judge of the court.** Beginning with the
30 2000 general election and every six (6) years thereafter, persons
31 eligible to vote at the general election may vote for seventeen (17)
32 candidates for judge of the court.

33 (d) The candidates for judge of the court receiving the highest
34 number of votes shall be elected to the vacancies. The names of the
35 candidates elected as judges of the court shall be certified to the county
36 election board as provided by law.

37 SECTION 35. IC 33-33-71-43 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 43. (a) The
39 question of the retention in office or rejection of each judge of the St.
40 Joseph superior court shall be submitted to the electorate of St. Joseph
41 County at the general election immediately preceding expiration of the
42 term of that judge.

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1 (b) If a judge subject to this chapter does not desire to serve a
 2 further term, the judge shall notify the judge's intention in writing to the
 3 clerk of the St. Joseph circuit court at least sixty (60) days before the
 4 general election immediately preceding expiration of the judge's term
 5 in which case the question of the judge's retention in office or rejection
 6 may not be submitted to the electorate, and the office is vacant at the
 7 expiration of the term.

8 (c) The St. Joseph County election board shall submit the question
 9 of the retention in office or rejection of any judge to the electorate of
 10 St. Joseph County. The submission of this question is subject to the
 11 provisions of IC 3 that are not inconsistent with this chapter.

12 (d) At the general election, the question of the retention in office or
 13 rejection of a judge shall be submitted to the electorate of St. Joseph
 14 County in the form prescribed by ~~IC 3-11-2~~ IC 3-11 and must state
 15 "Shall Judge (insert name) of the St. Joseph superior court be retained
 16 in office for an additional term?"

17 (e) If a majority of the ballots cast by the electors voting on the
 18 question is "No", the judge whose name appeared on such question is
 19 rejected. The office of the rejected judge is vacant on January 1
 20 following the rejection. The vacancy shall be filled by appointment of
 21 the governor under section 40 of this chapter. The name of the rejected
 22 judge may not be included among those submitted to the governor.
 23 However, the judge's rejection does not disqualify a rejected judge
 24 from being considered for another judicial office that becomes vacant.

25 SECTION 36. IC 33-33-82-31 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) The judge
 27 of the Vanderburgh circuit court and each of the seven (7) judges of the
 28 Vanderburgh superior court shall be elected in nonpartisan elections
 29 every six (6) years.

30 (b) During the period under IC 3-8-2-4 in which a declaration of
 31 candidacy may be filed for a primary election, any person desiring to
 32 become a candidate for any one (1) of the eight (8) judgeships affected
 33 by this chapter shall file with the election division a declaration of
 34 candidacy adapted from the form prescribed under IC 3-8-2, signed by
 35 the candidate and designated which judgeship the candidate seeks. Any
 36 petition without the designation shall be rejected by the election
 37 division (or by the Indiana election commission under IC 3-8-1-2). To
 38 be eligible for election, a candidate must be:

- 39 (1) domiciled in the county of Vanderburgh;
- 40 (2) a citizen of the United States; and
- 41 (3) admitted to the practice of law in Indiana.

42 (c) If an individual who files a declaration under subsection (b)

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1 ceases to be a candidate after the final date for filing a declaration
2 under subsection (b), the election division may accept the filing of
3 additional declarations of candidacy for that judgeship not later than
4 noon August 1.

5 (d) All candidates for each respective judgeship shall be listed on
6 the general election ballot in the form prescribed by ~~IC 3-11-2~~,
7 **IC 3-11**, without party designation. The candidate receiving the highest
8 number of votes for each judgeship shall be elected to that office.

9 (e) IC 3, where not inconsistent with this chapter, applies to
10 elections under this chapter.

11 **SECTION 37. An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 14, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- Page 3, line 6, after "person," insert "**darken or**".
- Page 3, line 6, after "in the" insert "**circle**".
- Page 3, line 6, after "oval" insert "**, or square**".
- Page 3, line 9, after "person," insert "**darken or**".
- Page 5, line 19, after "or" insert "**independent**".
- Page 5, line 19, delete "tickets;" and insert "tickets (**described in IC 3-11-2-6**)";
- Page 5, line 21, after "or" insert "**independent**".
- Page 5, line 21, after "tickets" insert "**(described in IC 3-11-2-6)**".
- Page 7, line 16, delete "A single connectable arrow, oval, or square must be printed:".
- Page 7, delete lines 17 through 18.
- Page 7, line 19, delete "the" and insert "**The**".
- Page 7, run in lines 16 through 19.
- Page 7, line 21, delete "chapter." and insert "**chapter must be:**
(1) listed together so that a voter is aware that the voter votes for both offices with a single vote; and
(2) printed behind or beside a single connectable arrow, oval, circle, or square.".
- Page 7, line 29, delete "A single touch sensitive point or button place must be".
- Page 7, delete lines 30 through 33.
- Page 7, line 34, delete "the" and insert "**The**".
- Page 7, run in lines 29 through 34.
- Page 7, line 36, delete "chapter." and insert "**chapter must be:**
(1) listed together so that a voter is aware that the voter votes for both offices with a single vote; and
(2) behind or beside a single touch sensitive point or button place.".
- Page 7, delete lines 40 through 42.
- Page 8, delete lines 1 through 9.
- Page 8, line 36, delete ":".
- Page 8, delete line 37.
- Page 8, line 38, delete "(2)".
- Page 8, run in lines 36 through 38.

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Page 9, line 32, strike "Except for variations in ballot arrangement permitted for voting".

Page 9, line 33, strike "machines under IC 3-11-12-7,".

Page 9, line 34, delete "the" and insert "The".

Page 10, line 8, after "ballot" insert ".".

Page 10, line 9, strike "or in a separate column of ballot".

Page 10, strike line 10.

Page 10, line 34, after "the ballot" insert ".".

Page 10, line 35, strike "or in a separate column".

Page 10, strike line 36.

Page 11, line 4, after "the ballot" insert ".".

Page 11, line 5, strike "or in a separate column".

Page 11, strike line 6.

Page 11, delete lines 18 through 42.

Delete pages 12 through 13.

Page 14, delete lines 1 through 22.

Page 15, line 1, after "or" insert "**independent**".

Page 15, line 1, after "ticket" insert "**(described in IC 3-11-2-6)**".

Page 15, line 37, after "or" insert "**independent**".

Page 15, line 37, delete "ticket," and insert "**ticket (described in IC 3-11-2-6),**".

Page 16, line 18, delete "or independent".

Page 16, line 19, delete "ticket".

Page 16, line 24, delete "party or independent ticket," and insert "**party,**".

Page 16, line 29, delete "or ticket".

Page 17, line 3, after "arrow," insert "**circle,**".

Page 17, line 5, after "ticket" insert "**(described in IC 3-11-2-6)**".

Page 17, line 6, after "arrow," insert "**circle,**".

Page 17, line 9, delete "ticket;" and insert "**ticket (described in IC 3-11-2-6);**".

Page 17, line 23, after "arrow" insert "**, a circle,**".

Page 18, line 1, after "numbered" insert "**circle or**".

Page 18, line 8, after "arrows," insert "**circles,**".

Page 18, line 19, after "arrows," insert "**circles,**".

Page 18, line 30, strike "group".

Page 18, line 31, strike "of petitioners," and insert "**independent ticket (described in IC 3-11-2-6),**".

Page 18, line 35, after "arrow," insert "**circle,**".

Page 18, line 37, delete "group of".

Page 18, line 38, delete "petitioners." and insert "**independent ticket (described in IC 3-11-2-6).**".

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Page 18, line 39, delete "group of petitioners." and insert "**included in the independent ticket (described in IC 3-11-2-6).**".

Page 18, line 41, strike "comprised of two (2)".

Page 18, line 42, strike "candidates," and insert "**(described in IC 3-11-2-6),**".

Page 19, line 26, after "or" insert "**independent**".

Page 19 line 26, after "ticket" insert "**(described in IC 3-11-2-6)**".

Page 20, line 21, after "candidate or" insert "**independent**".

Page 20, line 21, delete "ticket," and insert "**ticket (described in IC 3-11-2-6),**".

Page 21, line 2, delete "or independent".

Page 21, line 3, delete "ticket".

Page 21, line 8, delete "party or independent ticket," and insert "**party,**".

Page 21, line 13, delete "or ticket".

Page 21, line 33, after "ticket" insert "**(described in IC 3-11-2-6)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 14 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 14, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 12, line 29, delete "." and insert "**, if required by law.**".

Page 17, line 18, delete "." and insert "**, if required by law.**".

and when so amended that said bill do pass.

(Reference is to SB 14 as printed January 26, 2005.)

THOMAS, Chair

Committee Vote: yeas 10, nays 2.

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