
HOUSE BILL No. 1069

DIGEST OF INTRODUCED BILL

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

Synopsis: Straight ticket voting. 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.

Effective: July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1069



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

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

1 SECTION 1. IC 3-10-7-32, AS AMENDED BY P.L.58-2005,
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 32. (a) A town election board shall determine
4 what voting method will be used in a municipal election.
5 (b) The town election board and its precinct election officers shall
6 perform the duties of the county election board and its precinct election
7 officers under IC 3-11 for each voting method used.
8 (c) The town election board shall prepare the ballots in the form
9 prescribed by IC 3-11 and distribute them to the precincts in the town.
10 (d) This subsection applies only to paper ballots. Notwithstanding
11 subsection (c), the town election board, by unanimous consent of the
12 board's entire membership, may authorize the printing or reproduction
13 of ballots on equipment under the control of the town clerk-treasurer.
14 If the town election board acts under this subsection, the ballots are not
15 required to conform to the precise dimensions concerning the size of
16 political party devices under IC 3-11-2-9 or the placement of a
17 candidate's name under IC ~~3-11-2-10(e)~~. **IC 3-11-2-10(c)**. However,



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

2 SECTION 2. IC 3-11-2-10, AS AMENDED BY P.L.58-2005,
3 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 10. (a) The name or title of the political party or
5 independent ticket described in section 6 of this chapter shall be placed
6 at the top of the ballot. The device of the political party or independent
7 ticket shall be placed immediately under the name of the political party
8 or independent ticket. ~~The instructions for voting a straight party ticket~~
9 ~~shall be placed to the right of the device.~~

10 (b) ~~The instructions for voting a straight party ticket must conform~~
11 ~~as nearly as possible to the following: "To vote a straight (insert~~
12 ~~political party name) ticket for all (political party name) candidates on~~
13 ~~this ballot, make a voting mark on or in this circle and do not make any~~
14 ~~other marks on this ballot. If you wish to vote for a candidate seeking~~
15 ~~a nonpartisan office or on a public question, you must make another~~
16 ~~voting mark on the appropriate place on this ballot."~~

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

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

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

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

39 SECTION 3. IC 3-11-13-11, AS AMENDED BY P.L.164-2006,
40 SECTION 114, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) The ballot information,
42 whether placed on the ballot card or on the marking device, must be in

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1 the order of arrangement provided for ballots under this section.

2 (b) Each county election board shall have the names of all

3 candidates for all elected offices, political party offices, and public

4 questions printed on a ballot card as provided in this chapter. The

5 county may:

6 (1) print all offices and questions on a single ballot card; and

7 (2) include a ballot variation code to ensure that the proper

8 version of a ballot is used within a precinct.

9 (c) Each type of ballot card must be of uniform size and of the same

10 quality and color of paper (except as permitted under IC 3-10-1-17).

11 (d) The nominees of a political party or an independent candidate

12 or independent ticket (described in IC 3-11-2-6) nominated by

13 petitioners shall be listed on the ballot with the name and device set

14 forth on the certification or petition. The circle containing the device

15 may be of any size that permits a voter to readily identify the device.

16 IC 3-11-2-5 applies if the certification or petition does not include a

17 name or device, or if the same device is selected by two (2) or more

18 parties or petitioners.

19 (e) The offices on the general election ballot must be placed on the

20 ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2,

21 IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a)

22 through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The

23 offices and public questions may be listed in a continuous column

24 either vertically or horizontally and on a number of separate pages.

25 However, school board offices, public questions concerning the

26 retention of a justice or judge, local nonpartisan judicial offices, and

27 local public questions must be placed at the beginning of separate

28 columns.

29 (f) The name of each office must be printed in a uniform size in bold

30 type. A statement reading substantially as follows must be placed

31 immediately below the name of the office and above the name of the

32 first candidate: "Vote for not more than (insert the number of

33 candidates to be elected) candidate(s) for this office."

34 (g) Below the name of the office and the statement required by

35 subsection (f), the names of the candidates for each office must be

36 grouped together in the following order:

37 (1) The major political party whose candidate received the highest

38 number of votes in the county for secretary of state at the last

39 election is listed first.

40 (2) The major political party whose candidate received the second

41 highest number of votes in the county for secretary of state is

42 listed second.

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

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

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

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

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

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

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

18 (2) ~~immediately below or beside the political party's or~~
 19 ~~independent ticket's name, the device of that party or ticket~~
 20 ~~(described in IC 3-11-2-5);~~

21 ~~The name and device of each political party or independent ticket must~~
 22 ~~be of uniform size and type and arranged in the order established by~~
 23 ~~subsection (g) for listing candidates under each office. The instructions~~
 24 ~~described in IC 3-11-2-10(b) for voting a straight party ticket and The~~
 25 ~~statement concerning presidential electors required under IC 3-10-4-3~~
 26 ~~may be placed on the ballot beside or above the names and devices~~
 27 ~~within the voting booth in a location that permits the voter to easily~~
 28 ~~read the instructions.~~

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

35 (n) The requirements in this section:

36 (1) do not replace; and

37 (2) are in addition to;

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

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

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

- 3 (1) the names of political parties or candidates; or
- 4 (2) the text of public questions;

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

8 SECTION 4. IC 3-11-13-31.7, AS AMENDED BY P.L.221-2005,
9 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2011]: Sec. 31.7. (a) This section is enacted to comply with
11 42 U.S.C. 15481 by establishing uniform and nondiscriminatory
12 standards to define what constitutes a vote on an optical scan voting
13 system.

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

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

- 20 (A) the candidates' names; or
- 21 (B) the numbers referring to the candidates; and
- 22 (2) the voter's preference on each public question by marking the
23 connectable arrow, oval, or square beside:
 - 24 (A) the word "yes" or "no" under the question; or
 - 25 (B) the number referring to the word "yes" or "no" on the
26 ballot.

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

- 30 (1) the circle enclosing the device; or
- 31 (2) the connectable arrow, circle, oval, or square described in
32 section 11 of this chapter;

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

40 SECTION 5. IC 3-11-14-3.5, AS ADDED BY P.L.58-2005,
41 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2011]: Sec. 3.5. (a) Each county election board shall have the

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1 names of all candidates for all elected offices, political party offices,
 2 and public questions printed on ballot labels for use in an electronic
 3 voting system as provided in this chapter.

4 (b) The county may:

5 (1) print all offices and public questions on a single ballot label;
 6 and

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

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

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

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

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

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

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

41 (2) The major political party whose candidate received the second
 42 highest number of votes in the county for secretary of state is

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1 listed second.

2 (3) All other political parties listed in the order that the parties'

3 candidates for secretary of state finished in the last election are

4 listed after the party listed in subdivision (2).

5 (4) If a political party did not have a candidate for secretary of

6 state in the last election or a nominee is an independent candidate

7 or independent ticket (described in IC 3-11-2-6), the party or

8 candidate is listed after the parties described in subdivisions (1),

9 (2), and (3).

10 (5) If more than one (1) political party or independent candidate

11 or ticket described in subdivision (4) qualifies to be on the ballot,

12 the parties, candidates, or tickets are listed in the order in which

13 the party filed its petition of nomination under IC 3-8-6-12.

14 (6) A space for write-in voting is placed after the candidates listed

15 in subdivisions (1) through (5), if required by law.

16 (7) The name of a write-in candidate may not be listed on the

17 ballot.

18 (h) The names of the candidates grouped in the order established by

19 subsection (g) must be printed in type with uniform capital letters and

20 have a uniform space between each name. The name of the candidate's

21 political party, or the word "Independent", if the:

22 (1) candidate; or

23 (2) ticket of candidates for:

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

25 (B) governor and lieutenant governor;

26 is independent, must be placed immediately below or beside the name

27 of the candidate and must be printed in uniform size and type.

28 (i) All the candidates of the same political party for election to

29 at-large seats on the fiscal or legislative body of a political subdivision

30 must be grouped together:

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

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

33 (3) within the political party, in alphabetical order according to

34 surname.

35 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: "Vote for not more than (insert the number of

38 candidates to be elected) candidate(s) of ANY party for this office."

39 (j) Candidates for election to at-large seats on the governing body

40 of a school corporation must be grouped:

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

42 and

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

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

(1) placed on the ballot label; or

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

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

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

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

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1 mistakes by voters.

2 SECTION 6. IC 3-11-14-23, AS AMENDED BY P.L.164-2006,
3 SECTION 117, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2011]: Sec. 23. (a) This section is enacted to
5 comply with 42 U.S.C. 15481 by establishing uniform and
6 nondiscriminatory standards to define what constitutes a vote on an
7 electronic voting system.

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

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

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

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

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

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

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

33 (2) provided the opportunity to change the ballot or correct any
34 error in a private and independent manner before the ballot is cast
35 and counted, including the opportunity to receive a replacement
36 ballot if the voter is otherwise unable to change or correct the
37 ballot; and

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

41 SECTION 7. IC 3-12-1-7, AS AMENDED BY P.L.164-2006,
42 SECTION 124, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) This subsection applies
 2 whenever a voter:
 3 (1) votes a straight party ticket; and
 4 (2) votes only for one (1) or more individual candidates who are
 5 all of the same political party as the straight ticket vote.
 6 The straight ticket vote shall be counted and the individual candidate
 7 votes may not be counted:
 8 (b) This subsection applies whenever:
 9 (1) a voter has voted a straight party ticket for the candidates of
 10 one (1) political party;
 11 (2) only one (1) person may be elected to an office; and
 12 (3) the voter has voted for one (1) individual candidate for the
 13 office described in subdivision (2) who is:
 14 (A) a candidate of a political party other than the party for
 15 which the voter voted a straight ticket; or
 16 (B) an independent candidate for the office.
 17 If the voter has voted for one (1) individual candidate for the office
 18 described in subdivision (2); the individual candidate vote for that
 19 office shall be counted; the straight party ticket vote for that office may
 20 not be counted; and the straight party ticket votes for other offices on
 21 the ballot shall be counted:
 22 (c) This subsection applies whenever:
 23 (1) a voter has voted a straight party ticket for the candidates of
 24 one (1) political party; and
 25 (2) the voter has voted for more individual candidates for the
 26 office than the number of persons to be elected to that office.
 27 The individual candidate votes for that office may not be counted; the
 28 straight party ticket vote for that office may not be counted; and the
 29 straight party ticket votes for other offices on the ballot shall be
 30 counted:
 31 (d) This subsection applies whenever:
 32 (1) a voter has voted a straight party ticket for the candidates of
 33 one (1) political party;
 34 (2) more than one (1) person may be elected to an office; and
 35 (3) the voter has voted for individual candidates for the office
 36 described in subdivision (2) who are:
 37 (A) independent candidates;
 38 (B) candidates of a political party other than the political party
 39 for which the voter cast a straight party ticket under
 40 subdivision (1); or
 41 (C) a combination of candidates described in clauses (A) and
 42 (B).

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1 The individual votes cast by the voter for the office for the independent
 2 candidates and the candidates of a political party other than the
 3 political party for which the voter cast a straight party ticket shall be
 4 counted: The straight party ticket vote cast by that voter for that office
 5 shall be counted unless the total number of votes cast for the office by
 6 the voter, when adding the voter's votes for the individual candidates
 7 for the office and the voter's straight party ticket votes for the office, is
 8 greater than the number of persons to be elected to the office: If the
 9 total number of votes cast for the office is greater than the number of
 10 persons to be elected to the office; the straight party ticket votes for the
 11 office may not be counted: The straight party ticket votes for other
 12 offices on the voter's ballot shall be counted:

13 (e) This subsection applies whenever:

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

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

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

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

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

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

39 (f) If a voter votes a straight party ticket for more than one (1)
 40 political party, the whole ballot is void with regard to all candidates
 41 nominated by a political party or designated as independent candidates
 42 on the ballot: However, the voter's vote for a school board candidate or

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1 on a public question shall be counted if otherwise valid under this
2 chapter:

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

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

11 SECTION 8. IC 3-12-1-7.5 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7.5. (a) If a voter votes
13 a straight party ticket for at least one (1) office for which only one (1)
14 person may be elected and writes in the name of a candidate, the
15 straight party ticket vote shall be counted for all offices except the
16 offices for which a write-in vote was cast. The write-in vote shall be
17 counted if the voter's intent can be determined:

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

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

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

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

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

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

41 SECTION 9. IC 3-12-1-14 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) This section

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1 does not apply to a vote
2 (~~†~~) cast for president or vice president of the United States under
3 IC 3-10-4-6. ~~or~~
4 (~~2~~) described by section ~~15~~ of this chapter.
5 (b) A vote cast for a candidate who ceases to be a candidate may not
6 be counted as a vote for a successor candidate selected under IC 3-13-1
7 or IC 3-13-2.
8 SECTION 10. THE FOLLOWING ARE REPEALED [EFFECTIVE
9 JULY 1, 2011]: IC 3-11-7-4; IC 3-11-7-6; IC 3-11-11-10;
10 IC 3-11-13-14; IC 3-12-1-15.

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