



February 1, 2011

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## SENATE BILL No. 161

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DIGEST OF SB 161 (Updated January 31, 2011 10:33 am - DI 102)

**Citations Affected:** IC 3-10; IC 3-11.

**Synopsis:** Ballot placement of public questions. Requires that local public questions be placed on a primary election ballot after the voting instructions and before the offices with candidates for nomination. Requires that public questions be placed on a general election ballot after the voting instructions and before the offices on the ballot.

**Effective:** July 1, 2011.

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**Mrvan, Landske**

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January 5, 2011, read first time and referred to Committee on Elections.  
January 31, 2011, reported favorably — Do Pass.

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SB 161—LS 6507/DI 102+



February 1, 2011

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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## SENATE BILL No. 161

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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 3-10-1-19, AS AMENDED BY P.L.146-2008,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2011]: Sec. 19. (a) The ballot for a primary election shall be  
4 printed in substantially the following form for all the offices for which  
5 candidates have qualified under IC 3-8:

### OFFICIAL PRIMARY BALLOT

6  
7 \_\_\_\_\_ Party  
8 For paper ballots, print: To vote for a person, make a voting mark  
9 (X or ✓) on or in the box before the person's name in the proper  
10 column. For optical scan ballots, print: To vote for a person, darken or  
11 shade in the circle, oval, or square (or draw a line to connect the arrow)  
12 that precedes the person's name in the proper column. For optical scan  
13 ballots that do not contain a candidate's name, print: To vote for a  
14 person, darken or shade in the oval that precedes the number assigned  
15 to the person's name in the proper column. For electronic voting  
16 systems, print: To vote for a person, touch the screen (or press the  
17 button) in the location indicated.

SB 161—LS 6507/DI 102+



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Vote for one (1) only  
Representative in Congress

- (1) AB \_\_\_\_\_
- (2) CD \_\_\_\_\_
- (3) EF \_\_\_\_\_
- (4) GH \_\_\_\_\_

**(b) Local public questions shall be placed on the primary election ballot after the voting instructions described in subsection (a) and before the offices described in subsection (e).**

**(c) The local public questions described in subsection (b) shall be placed:**

- (1) in a separate column on the ballot if voting is by paper ballot;**
- (2) after the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-13-11 if voting is by ballot card; or**
- (3) either of the following if voting is by an electronic voting system:**

- (A) On a separate screen for a public question.**
- (B) After the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-14-3.5.**

**(d) A public question shall be placed on the primary election ballot in the following form:**

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

- YES**
- NO**

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

- (1) Federal and state offices:**
  - (A) President of the United States.**
  - (B) United States Senator.**
  - (C) Governor.**
  - (D) United States Representative.**
- (2) Legislative offices:**
  - (A) State senator.**
  - (B) State representative.**
- (3) Circuit offices and county judicial offices:**
  - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than**

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- 1 one (1) judge of the circuit court.
- 2 (B) Judge of the superior court, and unless otherwise specified
- 3 under IC 33, with each division separate if there is more than
- 4 one (1) judge of the superior court.
- 5 (C) Judge of the probate court.
- 6 (D) Judge of the county court, with each division separate, as
- 7 required by IC 33-30-3-3.
- 8 (E) Prosecuting attorney.
- 9 (F) Circuit court clerk.
- 10 (4) County offices:
- 11 (A) County auditor.
- 12 (B) County recorder.
- 13 (C) County treasurer.
- 14 (D) County sheriff.
- 15 (E) County coroner.
- 16 (F) County surveyor.
- 17 (G) County assessor.
- 18 (H) County commissioner.
- 19 (I) County council member.
- 20 (5) Township offices:
- 21 (A) Township assessor (only in a township referred to in
- 22 IC 36-6-5-1(d)).
- 23 (B) Township trustee.
- 24 (C) Township board member.
- 25 (D) Judge of the small claims court.
- 26 (E) Constable of the small claims court.
- 27 (6) City offices:
- 28 (A) Mayor.
- 29 (B) Clerk or clerk-treasurer.
- 30 (C) Judge of the city court.
- 31 (D) City-county council member or common council member.
- 32 (7) Town offices:
- 33 (A) Clerk-treasurer.
- 34 (B) Judge of the town court.
- 35 (C) Town council member.
- 36 ~~(c)~~ (f) The political party offices with candidates for election shall
- 37 be placed on the primary election ballot in the following order after the
- 38 offices described in subsection ~~(b)~~: (e):
- 39 (1) Precinct committeeman.
- 40 (2) State convention delegate.
- 41 ~~(d)~~ (g) The following offices and public questions shall be placed on
- 42 the primary election ballot in the following order after the offices

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1 described in subsection ~~(c)~~ (f):

2 (1) School board offices to be elected at the primary election.

3 (2) Other local offices to be elected at the primary election.

4 ~~(3) Local public questions:~~

5 ~~(c)~~ (h) The offices and public questions described in subsection ~~(d)~~

6 (g) shall be placed:

7 (1) in a separate column on the ballot if voting is by paper ballot;

8 (2) after the offices described in subsection ~~(c)~~ (f) in the form

9 specified in IC 3-11-13-11 if voting is by ballot card; or

10 (3) either:

11 (A) on a separate screen for each office or public question; or

12 (B) after the offices described in subsection ~~(c)~~ (f) in the form

13 specified in IC 3-11-14-3.5;

14 if voting is by an electronic voting system.

15 ~~(f) A public question shall be placed on the primary election ballot~~

16 ~~in the following form:~~

17 ~~(The explanatory text for the public question,~~

18 ~~if required by law.)~~

19 ~~"Shall (insert public question)?"~~

20  YES

21  NO

22 SECTION 2. IC 3-10-1-19.5, AS AMENDED BY P.L.1-2009,

23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

24 JULY 1, 2011]: Sec. 19.5. Notwithstanding section 19 of this chapter,

25 the county election board may alter the prescribed ballot order to place

26 the names of the candidates for the following offices before the names

27 of the candidates for county judicial offices:

28 (1) Prosecuting attorney.

29 (2) Clerk of the circuit court.

30 (3) The county offices listed in section ~~19(b)(4)~~ 19(e)(4) of this

31 chapter.

32 SECTION 3. IC 3-10-7-32, AS AMENDED BY P.L.58-2005,

33 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

34 JULY 1, 2011]: Sec. 32. (a) A town election board shall determine

35 what voting method will be used in a municipal election.

36 (b) The town election board and its precinct election officers shall

37 perform the duties of the county election board and its precinct election

38 officers under IC 3-11 for each voting method used.

39 (c) The town election board shall prepare the ballots in the form

40 prescribed by IC 3-11 and distribute them to the precincts in the town.

41 (d) This subsection applies only to paper ballots. Notwithstanding

42 subsection (c), the town election board, by unanimous consent of the

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1 board's entire membership, may authorize the printing or reproduction  
2 of ballots on equipment under the control of the town clerk-treasurer.  
3 If the town election board acts under this subsection, the ballots are not  
4 required to conform to the precise dimensions concerning the size of  
5 political party devices under IC 3-11-2-9 or the placement of a  
6 candidate's name under ~~IC 3-11-2-10(c)~~. **IC 3-11-2-10(f)**. However, the  
7 ballots must otherwise substantially conform with IC 3-11-2.

8 SECTION 4. IC 3-11-2-10, AS AMENDED BY P.L.58-2005,  
9 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2011]: Sec. 10. **(a) Public questions shall be placed on the  
11 general election ballot in the following order after the statement  
12 described in section 7 of this chapter, and the instructions  
13 described in subsections (d) and (e) and section 8 of this chapter:**

- 14 **(1) Ratification of a state constitutional amendment.**
- 15 **(2) Local public questions.**
- 16 **Each public question shall be placed in a separate column on the**
- 17 **ballot.**

18 ~~(a)~~ **(b)** The name or title of the political party or independent ticket  
19 described in section 6 of this chapter shall be placed ~~at the top of~~ **on the**  
20 **general election ballot after the public questions described in**  
21 **subsection (a).** The device of the political party or independent ticket  
22 shall be placed immediately under the name of the political party or  
23 independent ticket. The instructions for voting a straight party ticket  
24 shall be placed to the right of the device.

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

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

41 ~~(d)~~ **(e)** The ballot must also contain a statement that reads  
42 substantially as follows: "A write-in vote will NOT be counted unless

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1 the vote is for a DECLARED write-in candidate. To vote for a write-in  
 2 candidate, you must make a voting mark on or in the square to the left  
 3 of the name you have written in or your vote will not be counted.".

4 (e) (f) The list of candidates of the political party shall be placed  
 5 immediately under the instructions for voting a straight party ticket.  
 6 The names of the candidates shall be placed three-fourths (3/4) of an  
 7 inch apart from center to center of the name. The name of each  
 8 candidate must have, immediately on its left, a square three-eighths  
 9 (3/8) of an inch on each side.

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

13 SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,  
 14 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2011]: Sec. 12. The following offices shall be placed on the  
 16 general election ballot in the following order **after the public**  
 17 **questions described in section 10(a) of this chapter:**

18 (1) Federal and state offices:

- 19 (A) President and Vice President of the United States.
- 20 (B) United States Senator.
- 21 (C) Governor and lieutenant governor.
- 22 (D) Secretary of state.
- 23 (E) Auditor of state.
- 24 (F) Treasurer of state.
- 25 (G) Attorney general.
- 26 (H) Superintendent of public instruction.
- 27 (I) United States Representative.

28 (2) Legislative offices:

- 29 (A) State senator.
- 30 (B) State representative.

31 (3) Circuit offices and county judicial offices:

- 32 (A) Judge of the circuit court, and unless otherwise specified  
 33 under IC 33, with each division separate if there is more than  
 34 one (1) judge of the circuit court.
- 35 (B) Judge of the superior court, and unless otherwise specified  
 36 under IC 33, with each division separate if there is more than  
 37 one (1) judge of the superior court.
- 38 (C) Judge of the probate court.
- 39 (D) Judge of the county court, with each division separate, as  
 40 required by IC 33-30-3-3.
- 41 (E) Prosecuting attorney.
- 42 (F) Clerk of the circuit court.

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- 1 (4) County offices:  
 2 (A) County auditor.  
 3 (B) County recorder.  
 4 (C) County treasurer.  
 5 (D) County sheriff.  
 6 (E) County coroner.  
 7 (F) County surveyor.  
 8 (G) County assessor.  
 9 (H) County commissioner.  
 10 (I) County council member.  
 11 (5) Township offices:  
 12 (A) Township assessor (only in a township referred to in  
 13 IC 36-6-5-1(d)).  
 14 (B) Township trustee.  
 15 (C) Township board member.  
 16 (D) Judge of the small claims court.  
 17 (E) Constable of the small claims court.  
 18 (6) City offices:  
 19 (A) Mayor.  
 20 (B) Clerk or clerk-treasurer.  
 21 (C) Judge of the city court.  
 22 (D) City-county council member or common council member.  
 23 (7) Town offices:  
 24 (A) Clerk-treasurer.  
 25 (B) Judge of the town court.  
 26 (C) Town council member.

27 SECTION 6. IC 3-11-2-13, AS AMENDED BY P.L.58-2005,  
 28 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2011]: Sec. 13. (a) The following offices ~~and public questions~~  
 30 shall be placed on the general election ballot in the following order  
 31 after the offices described in section 12.9 of this chapter:

- 32 (1) Retention of a justice of the supreme court.  
 33 (2) Retention of a judge of the court of appeals.  
 34 (3) Retention of the judge of the tax court.  
 35 ~~(4) Ratification of a state constitutional amendment.~~

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

40 (c) Whenever more than one (1) judge of the court of appeals is  
 41 subject to retention, the name of each judge must appear on the ballot  
 42 in alphabetical order. However, if the judge serving as chief judge is

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1 subject to retention, the chief judge's name must appear first.  
 2 (d) These offices ~~and public questions~~ shall be placed in a separate  
 3 column on the ballot.  
 4 SECTION 7. IC 3-11-2-14, AS AMENDED BY P.L.58-2005,  
 5 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2011]: Sec. 14. (a) The following offices ~~and public questions~~  
 7 shall be placed on the general election ballot in the following order  
 8 after the offices ~~and public questions~~ described in section 13 of this  
 9 chapter:  
 10 (1) Retention of a local judge.  
 11 (2) Local nonpartisan judicial offices.  
 12 ~~(3) Local public questions.~~  
 13 (b) These offices ~~and public questions~~ shall be placed in a separate  
 14 column on the ballot.  
 15 (c) If the ballot contains a candidate for a local nonpartisan judicial  
 16 office, the ballot must also contain a statement that reads substantially  
 17 as follows: "To vote for a candidate for this office, make a voting mark  
 18 on or in the square to the left of the candidate's name."  
 19 (d) If more than one (1) ~~local public~~ question concerning the  
 20 retention of a local judge is to be placed on a ballot, the ~~public~~  
 21 questions shall be placed on the ballot:  
 22 (1) in alphabetical order according to the surname of the local  
 23 judge; and  
 24 (2) identifying the court (including division or room) in which the  
 25 judge serves.  
 26 SECTION 8. IC 3-11-13-11, AS AMENDED BY P.L.164-2006,  
 27 SECTION 114, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) The ballot information,  
 29 whether placed on the ballot card or on the marking device, must be in  
 30 the order of arrangement provided for ballots under this section.  
 31 (b) Each county election board shall have the names of all  
 32 candidates for all elected offices, political party offices, and public  
 33 questions printed on a ballot card as provided in this chapter. The  
 34 county may:  
 35 (1) print all offices and questions on a single ballot card; and  
 36 (2) include a ballot variation code to ensure that the proper  
 37 version of a ballot is used within a precinct.  
 38 (c) Each type of ballot card must be of uniform size and of the same  
 39 quality and color of paper (except as permitted under IC 3-10-1-17).  
 40 (d) The nominees of a political party or an independent candidate  
 41 or independent ticket (described in IC 3-11-2-6) nominated by  
 42 petitioners shall be listed on the ballot with the name and device set

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1 forth on the certification or petition. The circle containing the device  
2 may be of any size that permits a voter to readily identify the device.  
3 IC 3-11-2-5 applies if the certification or petition does not include a  
4 name or device, or if the same device is selected by two (2) or more  
5 parties or petitioners.

6 (e) The offices **and public questions** on the general election ballot  
7 must be placed on the ballot in the order listed in IC 3-11-2-12,  
8 IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),  
9 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and  
10 IC 3-11-2-14(d). The offices and public questions may be listed in a  
11 continuous column either vertically or horizontally and on a number of  
12 separate pages. However, school board offices, **public** questions  
13 concerning the retention of a justice or judge, **and** local nonpartisan  
14 judicial offices **and local public questions** must be placed at the  
15 beginning of separate columns.

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

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

- 24 (1) The major political party whose candidate received the highest  
25 number of votes in the county for secretary of state at the last  
26 election is listed first.
- 27 (2) The major political party whose candidate received the second  
28 highest number of votes in the county for secretary of state is  
29 listed second.
- 30 (3) All other political parties listed in the order that the parties'  
31 candidates for secretary of state finished in the last election are  
32 listed after the party listed in subdivision (2).
- 33 (4) If a political party did not have a candidate for secretary of  
34 state in the last election or a nominee is an independent candidate  
35 or independent ticket (described in IC 3-11-2-6), the party or  
36 candidate is listed after the parties described in subdivisions (1),  
37 (2), and (3).
- 38 (5) If more than one (1) political party or independent candidate  
39 or ticket described in subdivision (4) qualifies to be on the ballot,  
40 the parties, candidates, or tickets are listed in the order in which  
41 the party filed its petition of nomination under IC 3-8-6-12.
- 42 (6) A space for write-in voting is placed after the candidates listed

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1 in subdivisions (1) through (5), if required by law.  
 2 (7) The name of a write-in candidate may not be listed on the  
 3 ballot.  
 4 (h) The names of the candidates grouped in the order established by  
 5 subsection (g) must be printed in type with uniform capital letters and  
 6 have a uniform space between each name. The name of the candidate's  
 7 political party, or the word "Independent" if the:  
 8 (1) candidate; or  
 9 (2) ticket of candidates for:  
 10 (A) President and Vice President of the United States; or  
 11 (B) governor and lieutenant governor;  
 12 is independent, must be placed immediately below or beside the name  
 13 of the candidate and must be printed in a uniform size and type.  
 14 (i) All the candidates of the same political party for election to  
 15 at-large seats on the fiscal or legislative body of a political subdivision  
 16 must be grouped together:  
 17 (1) under the name of the office that the candidates are seeking;  
 18 (2) in the order established by subsection (g); and  
 19 (3) within the political party, in alphabetical order according to  
 20 surname.  
 21 A statement reading substantially as follows must be placed  
 22 immediately below the name of the office and above the name of the  
 23 first candidate: "Vote for not more than (insert the number of  
 24 candidates to be elected) candidate(s) of ANY party for this office."  
 25 (j) Candidates for election to at-large seats on the governing body  
 26 of a school corporation must be grouped:  
 27 (1) under the name of the office that the candidates are seeking;  
 28 and  
 29 (2) in alphabetical order according to surname.  
 30 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 (k) The following information must be placed at the top of the ballot  
 35 before the first **office public question** is listed:  
 36 (1) The cautionary statement described in IC 3-11-2-7.  
 37 (2) The instructions described in IC 3-11-2-8, ~~IC 3-11-2-10(c);~~  
 38 ~~and IC 3-11-2-10(d), and IC 3-11-2-10(e).~~  
 39 (l) The ballot must include a single connectable arrow, circle, oval,  
 40 or square, or a voting position for voting a straight party or an  
 41 independent ticket (described in IC 3-11-2-6) by one (1) mark as  
 42 required by section 14 of this chapter, and the single connectable

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1 arrow, circle, oval, or square, or the voting position for casting a  
2 straight party or an independent ticket ballot must be identified by:

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

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

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

22 (n) The requirements in this section:  
23 (1) do not replace; and  
24 (2) are in addition to;  
25 any other requirements in this title that apply to optical scan ballots.

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

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

- 32 (1) the names of political parties or candidates; or
  - 33 (2) the text of public questions;
- 34 on the face of the ballot. The ballot must be prepared in accordance  
35 with this section, except that the ballot must include a numbered circle  
36 or oval to refer to each political party, candidate, or public question.

37 SECTION 9. IC 3-11-14-3.5, AS ADDED BY P.L.58-2005,  
38 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2011]: Sec. 3.5. (a) Each county election board shall have the  
40 names of all candidates for all elected offices, political party offices,  
41 and public questions printed on ballot labels for use in an electronic  
42 voting system as provided in this chapter.

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- 1 (b) The county may:
- 2 (1) print all offices and public questions on a single ballot label;
- 3 and
- 4 (2) include a ballot variation code to ensure that the proper
- 5 version of a ballot label is used within a precinct.
- 6 (c) Each type of ballot label or paster must be of uniform size and
- 7 of the same quality and color of paper (except as permitted under
- 8 IC 3-10-1-17).
- 9 (d) The nominees of a political party or an independent candidate
- 10 or independent ticket (described in IC 3-11-2-6) nominated by
- 11 petitioners must be listed on the ballot label with the name and device
- 12 set forth on the certification or petition. The circle containing the
- 13 device may be of any size that permits a voter to readily identify the
- 14 device. IC 3-11-2-5 applies if the certification or petition does not
- 15 include a name or device, or if the same device is selected by two (2)
- 16 or more parties or petitioners.
- 17 (e) The ballot labels must list the offices **and public questions** on
- 18 the general election ballot in the order listed in IC 3-11-2-12,
- 19 IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),
- 20 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and
- 21 IC 3-11-2-14(d). Each office and public question may have a separate
- 22 screen, or the offices and public questions may be listed in a
- 23 continuous column either vertically or horizontally. However, school
- 24 board offices, ~~public~~ questions concerning the retention of a justice or
- 25 judge, **and** local nonpartisan judicial offices ~~and local public questions~~
- 26 shall be placed at the beginning of separate columns or pages.
- 27 (f) The name of each office must be printed in a uniform size in bold
- 28 type. A statement reading substantially as follows must be placed
- 29 immediately below the name of the office and above the name of the
- 30 first candidate: "Vote for not more than (insert the number of
- 31 candidates to be elected) candidate(s) for this office."
- 32 (g) Below the name of the office and the statement required by
- 33 subsection (f), the names of the candidates for each office must be
- 34 grouped together in the following order:
- 35 (1) The major political party whose candidate received the highest
- 36 number of votes in the county for secretary of state at the last
- 37 election is listed first.
- 38 (2) The major political party whose candidate received the second
- 39 highest number of votes in the county for secretary of state is
- 40 listed second.
- 41 (3) All other political parties listed in the order that the parties'
- 42 candidates for secretary of state finished in the last election are

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

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1 first candidate: "Vote for not more than (insert the number of  
 2 candidates to be elected) candidate(s) for this office."  
 3 (k) The cautionary statement described in IC 3-11-2-7 must be  
 4 placed at the top or beginning of the ballot label before the first ~~office~~  
 5 **public question** is listed.  
 6 (l) The instructions described in IC 3-11-2-8, ~~IC 3-11-2-10(c), and~~  
 7 IC 3-11-2-10(d), **and IC 3-11-2-10(e)** may be:  
 8 (1) placed on the ballot label; or  
 9 (2) posted in a location within the voting booth that permits the  
 10 voter to easily read the instructions.  
 11 (m) The ballot label must include a touch sensitive point or button  
 12 for voting a straight political party or independent ticket (described in  
 13 IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button  
 14 must be identified by:  
 15 (1) the name of the political party or independent ticket; and  
 16 (2) immediately below or beside the political party's or  
 17 independent ticket's name, the device of that party or ticket  
 18 (described in IC 3-11-2-5).  
 19 The name and device of each party or ticket must be of uniform size  
 20 and type, and arranged in the order established by subsection (g) for  
 21 listing candidates under each office. The instructions described in  
 22 ~~IC 3-11-2-10(b)~~ **IC 3-11-2-10(c)** for voting a straight party ticket and  
 23 the statement concerning presidential electors required under  
 24 IC 3-10-4-3 may be placed on the ballot label or in a location within the  
 25 voting booth that permits the voter to easily read the instructions.  
 26 (n) A public question must be in the form described in  
 27 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive  
 28 point or button must be used instead of a square. Except as expressly  
 29 authorized or required by statute, a county election board may not print  
 30 a ballot label that contains language concerning the public question  
 31 other than the language authorized by a statute.  
 32 (o) The requirements in this section:  
 33 (1) do not replace; and  
 34 (2) are in addition to;  
 35 any other requirements in this title that apply to ballots for electronic  
 36 voting systems.  
 37 (p) The procedure described in IC 3-11-2-16 must be used when a  
 38 ballot label does not comply with the requirements imposed by this title  
 39 or contains another error or omission that might result in confusion or  
 40 mistakes by voters.

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 161, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 161 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 8, Nays 0.

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