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# SENATE BILL No. 51

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 Repeals superseded statutes relating to straight ticket voting.

**Effective:** January 1, 2014.

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January 7, 2013, read first time and referred to Committee on Elections.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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# SENATE BILL No. 51



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.190-2011,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2014]: Sec. 32. (a) A town election board shall  
4 determine 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(f)~~ **IC 3-11-2-10(d)**. 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.190-2011,  
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JANUARY 1, 2014]: Sec. 10. (a) Public questions shall be placed on  
5 the general election ballot in the following order after the statement  
6 described in section 7 of this chapter, and the instructions described in  
7 **subsections (d) and (e) subsection (c)** and section 8 of this chapter:

8 (1) Ratification of a state constitutional amendment.

9 (2) Local public questions.

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

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

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

25 (d) If the ballot contains an independent ticket described in section  
26 6 of this chapter and at least one (1) other independent candidate, the  
27 ballot must also contain a statement that reads substantially as follows:  
28 "A vote cast for an independent ticket will only be counted for the  
29 candidates for President and Vice President or governor and lieutenant  
30 governor comprising that independent ticket. This vote will NOT be  
31 counted for any OTHER independent candidate appearing on the  
32 ballot.".

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

38 (f) (d) The list of candidates of the political party shall be placed  
39 immediately under the instructions for voting a straight party ticket:  
40 **device of the political party**. The names of the candidates shall be  
41 placed three-fourths (3/4) of an inch apart from center to center of the  
42 name. The name of each candidate must have, immediately on its left,

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1 a square three-eighths (3/8) of an inch on each side.

2 ~~(g)~~ (e) The election division or the circuit court clerk may authorize  
3 the printing of ballots containing a ballot variation code to ensure that  
4 the proper version of a ballot is used within a precinct.

5 SECTION 3. IC 3-11-7-4 IS REPEALED [EFFECTIVE JANUARY  
6 1, 2014]. Sec. 4: A ballot card voting system must permit a voter to  
7 vote either:

8 (1) a straight party ticket for all of the candidates of a political  
9 party by a single mark on each ballot card;

10 (2) a split ticket for the candidates of different political parties  
11 and for independent candidates; or

12 (3) a straight party ticket and then split that ticket by casting  
13 individual votes for candidates of another political party or  
14 independent candidate.

15 SECTION 4. IC 3-11-7-6 IS REPEALED [EFFECTIVE JANUARY  
16 1, 2014]. Sec. 6: A ballot card voting system must count a ballot in  
17 accordance with IC 3-12-1-7 when a voter votes a straight ticket vote  
18 and votes for individual candidates as described by IC 3-12-1-7.

19 SECTION 5. IC 3-11-11-10 IS REPEALED [EFFECTIVE  
20 JANUARY 1, 2014]. Sec. 10: If an election is a general or municipal  
21 election and a voter desires to vote for all the candidates of one (1)  
22 political party or group of petitioners, the voter may make a voting  
23 mark on or in a large circle enclosing the device and before the name  
24 under which the candidates of the party or group of petitioners are  
25 printed. The voter's vote shall then be counted for all the candidates  
26 under that party name or for the two (2) candidates comprising an  
27 independent ticket.

28 SECTION 6. IC 3-11-13-11, AS AMENDED BY P.L.190-2011,  
29 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JANUARY 1, 2014]: Sec. 11. (a) The ballot information, whether  
31 placed on the ballot card or on the marking device, must be in the order  
32 of arrangement provided for ballots under this section.

33 (b) Each county election board shall have the names of all  
34 candidates for all elected offices, political party offices, and public  
35 questions printed on a ballot card as provided in this chapter. The  
36 county may:

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

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

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

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

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1 or independent ticket (described in IC 3-11-2-6) nominated by  
 2 petitioners shall be listed on the ballot with the name and device set  
 3 forth on the certification or petition. The circle containing the device  
 4 may be of any size that permits a voter to readily identify the device.  
 5 IC 3-11-2-5 applies if the certification or petition does not include a  
 6 name or device, or if the same device is selected by two (2) or more  
 7 parties or petitioners.

8 (e) The offices and public questions on the general election ballot  
 9 must be placed on the ballot in the order listed in IC 3-11-2-12,  
 10 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),  
 11 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and  
 12 IC 3-11-2-14(d). The offices and public questions may be listed in a  
 13 continuous column either vertically or horizontally and on a number of  
 14 separate pages.

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

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

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

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

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

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

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

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

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

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

- 7 (1) candidate; or  
8 (2) ticket of candidates for:  
9 (A) President and Vice President of the United States; or  
10 (B) governor and lieutenant governor;

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

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

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

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

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

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

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

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

- 35 (1) The cautionary statement described in IC 3-11-2-7.  
36 (2) The instructions described in IC 3-11-2-8 ~~IC 3-11-2-10(d)~~;  
37 and ~~IC 3-11-2-10(e)~~. **IC 3-11-2-10(c)**.

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

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1 straight party or an independent ticket ballot must be identified by:

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

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

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

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

21 (n) The requirements in this section:

22 (1) do not replace; and

23 (2) are in addition to;

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

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

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

31 (1) the names of political parties or candidates; or

32 (2) the text of public questions;

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

36 SECTION 7. IC 3-11-13-14 IS REPEALED [EFFECTIVE  
37 JANUARY 1, 2014]. Sec. 14. In partisan elections, the ballot labels  
38 must include a voting square or position where a voter may by one (1)  
39 mark on each card record a straight party or an independent ticket vote  
40 for all the candidates of one (1) political party or the independent  
41 ticket, except for offices for which the voter has voted individually for  
42 a candidate. If the voter records a vote for the two (2) candidates

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1 comprising an independent ticket, the vote must not count for any other  
2 independent candidate on the ballot.

3 SECTION 8. IC 3-11-13-31.7, AS AMENDED BY P.L.221-2005,  
4 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JANUARY 1, 2014]: Sec. 31.7. (a) This section is enacted to comply  
6 with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory  
7 standards to define what constitutes a vote on an optical scan voting  
8 system.

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

12 (1) the candidates for whom the voter desires to vote by marking  
13 the connectable arrows, circles, ovals, or squares immediately  
14 beside:

15 (A) the candidates' names; or

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

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

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

20 (B) the number referring to the word "yes" or "no" on the  
21 ballot.

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

25 (1) the circle enclosing the device; or

26 (2) the connectable arrow, circle, oval, or square described in  
27 section 11 of this chapter;

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

35 SECTION 9. IC 3-11-14-3.5, AS AMENDED BY P.L.225-2011,  
36 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JANUARY 1, 2014]: Sec. 3.5. (a) Each county election board shall  
38 have the names of all candidates for all elected offices, political party  
39 offices, and public questions printed on ballot labels for use in an  
40 electronic voting system as provided in this chapter.

41 (b) The county may:

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

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

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- 1 (2), and (3).  
 2 (5) If more than one (1) political party or independent candidate  
 3 or ticket described in subdivision (4) qualifies to be on the ballot,  
 4 the parties, candidates, or tickets are listed in the order in which  
 5 the party filed its petition of nomination under IC 3-8-6-12.  
 6 (6) A space for write-in voting is placed after the candidates listed  
 7 in subdivisions (1) through (5), if required by law. A space for  
 8 write-in voting for an office is not required if there are no  
 9 declared write-in candidates for that office. However, procedures  
 10 must be implemented to permit write-in voting for candidates for  
 11 federal offices.  
 12 (7) The name of a write-in candidate may not be listed on the  
 13 ballot.  
 14 (h) The names of the candidates grouped in the order established by  
 15 subsection (g) must be printed in type with uniform capital letters and  
 16 have a uniform space between each name. The name of the candidate's  
 17 political party, or the word "Independent", if the:  
 18 (1) candidate; or  
 19 (2) ticket of candidates for:  
 20 (A) President and Vice President of the United States; or  
 21 (B) governor and lieutenant governor;  
 22 is independent, must be placed immediately below or beside the name  
 23 of the candidate and must be printed in uniform size and type.  
 24 (i) All the candidates of the same political party for election to  
 25 at-large seats on the fiscal or legislative body of a political subdivision  
 26 must be grouped together:  
 27 (1) under the name of the office that the candidates are seeking;  
 28 (2) in the party order established by subsection (g); and  
 29 (3) within the political party, in alphabetical order according to  
 30 surname.  
 31 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) of ANY party for this office."  
 35 (j) Candidates for election to at-large seats on the governing body  
 36 of a school corporation must be grouped:  
 37 (1) under the name of the office that the candidates are seeking;  
 38 and  
 39 (2) in alphabetical order according to surname.  
 40 A statement reading substantially as follows must be placed  
 41 immediately below the name of the office and above the name of the  
 42 first candidate: "Vote for not more than (insert the number of

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

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

5 (l) The instructions described in IC 3-11-2-8 ~~IC 3-11-2-10(d)~~; and  
6 ~~IC 3-11-2-10(e)~~ **IC 3-11-2-10(c)** may be:

7 (1) placed on the ballot label; or

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

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

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

15 ~~(2) immediately below or beside the political party's or  
16 independent ticket's name; the device of that party or ticket  
17 (described in IC 3-11-2-5).~~

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

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

31 (o) The requirements in this section:

32 (1) do not replace; and

33 (2) are in addition to;

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

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

40 SECTION 10. IC 3-11-14-23, AS AMENDED BY P.L.164-2006,  
41 SECTION 117, IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE JANUARY 1, 2014]: Sec. 23. (a) This section is enacted

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1 to comply with 42 U.S.C. 15481 by establishing uniform and  
2 nondiscriminatory standards to define what constitutes a vote on an  
3 electronic voting system.

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

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

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

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

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

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

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

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

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

37 SECTION 11. IC 3-12-1-1 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JANUARY 1, 2014]: Sec. 1. Subject to  
39 sections 5, 6, 8, 9, 9.5, and 13 of this chapter, the primary factor to be  
40 considered in determining a voter's choice on a ballot is the intent of  
41 the voter. If the voter's intent can be determined on the ballot or on part  
42 of the ballot, the vote shall be counted for the affected candidate or

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1 candidates or on the public question. However, if it is impossible to  
 2 determine a voter's choice of candidates on a part of a ballot or vote on  
 3 a public question, then the voter's vote concerning those candidates or  
 4 public questions may not be counted.

5 SECTION 12. IC 3-12-1-7, AS AMENDED BY P.L.164-2006,  
 6 SECTION 124, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JANUARY 1, 2014]: Sec. 7. (a) This subsection applies  
 8 whenever a voter:

9 (1) votes a straight party ticket; and

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

12 The straight ticket vote shall be counted and the individual candidate  
 13 votes may not be counted.

14 (b) This subsection applies whenever:

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

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

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

20 (A) a candidate of a political party other than the party for  
 21 which the voter voted a straight ticket; or

22 (B) an independent candidate for the office.

23 If the voter has voted for one (1) individual candidate for the office  
 24 described in subdivision (2); the individual candidate vote for that  
 25 office shall be counted; the straight party ticket vote for that office may  
 26 not be counted; and the straight party ticket votes for other offices on  
 27 the ballot shall be counted.

28 (c) This subsection applies whenever:

29 (1) a voter has voted a straight party ticket for the candidates of  
 30 one (1) political party; and

31 (2) the voter has voted for more individual candidates for the  
 32 office than the number of persons to be elected to that office.

33 The individual candidate votes for that office may not be counted; the  
 34 straight party ticket vote for that office may not be counted; and the  
 35 straight party ticket votes for other offices on the ballot shall be  
 36 counted.

37 (d) This subsection applies whenever:

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

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

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

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- 1 (A) independent candidates;  
 2 (B) candidates of a political party other than the political party  
 3 for which the voter cast a straight party ticket under  
 4 subdivision (1); or  
 5 (C) a combination of candidates described in clauses (A) and  
 6 (B).

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

- 19 (e) This subsection applies whenever:  
 20 (1) a voter has voted a straight party ticket for the candidates of  
 21 one (1) political party;  
 22 (2) more than one (1) person may be elected to an office; and  
 23 (3) the voter has voted for individual candidates for the office  
 24 described in subdivision (2) who are:  
 25 (A) independent candidates or candidates of a political party  
 26 other than the political party for which the voter cast a straight  
 27 party ticket under subdivision (1); and  
 28 (B) candidates of the same political party for which the voter  
 29 cast a straight party ticket under subdivision (1).

30 The individual votes cast by the voter for the office for the independent  
 31 candidates and the candidates of a political party other than the  
 32 political party for which the voter cast a straight party ticket shall be  
 33 counted. The individual votes cast by the voter for the office for the  
 34 candidates of the same political party for which the voter cast a straight  
 35 party ticket may not be counted. The straight party ticket vote cast by  
 36 that voter for that office shall be counted unless the total number of  
 37 votes cast for the office by the voter, when adding the voter's votes for  
 38 the individual candidates for the office and the voter's straight party  
 39 ticket vote for the office is greater than the number of persons to be  
 40 elected to the office. If the total number of votes cast for the office is  
 41 greater than the number of persons to be elected to the office, the  
 42 straight party ticket votes for that office may not be counted. The

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1 straight party ticket votes for other offices on the voter's ballot shall be  
2 counted:

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

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

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

17 SECTION 13. IC 3-12-1-7.5 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JANUARY 1, 2014]: Sec. 7.5. (a) If a voter  
19 votes a straight party ticket for at least one (1) office for which only one  
20 (1) person may be elected and writes in the name of a candidate, the  
21 straight party ticket vote shall be counted for all offices except the  
22 offices for which a write-in vote was cast. The write-in vote shall be  
23 counted if the voter's intent can be determined:

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

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

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

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

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

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

5 SECTION 14. IC 3-12-1-8 IS REPEALED [EFFECTIVE  
6 JANUARY 1, 2014]. Sec. 8: A voting mark made by a voter on or in a  
7 circle containing a political party device shall be counted as a vote for  
8 each candidate of that political party on that ballot.

9 SECTION 15. IC 3-12-1-14 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JANUARY 1, 2014]: Sec. 14. (a) This  
11 section does not apply to a vote

12 (1) cast for president or vice president of the United States under  
13 IC 3-10-4-6. or

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

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

18 SECTION 16. IC 3-12-1-15 IS REPEALED [EFFECTIVE  
19 JANUARY 1, 2014]. Sec. 15: (a) This section applies to a vote cast for  
20 one (1) straight party ticket that includes a candidate for election to  
21 office who:

22 (1) ceases to be a candidate; and

23 (2) is succeeded by a candidate selected under IC 3-13-1 or  
24 IC 3-13-2.

25 (b) A vote cast in the election for the original nominee is considered  
26 a vote cast for the successor.

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