IC 3-11-11

Chapter 11. Voting by Paper Ballot

IC 3-11-11-1

Application of chapter

Sec. 1. This chapter applies to each precinct where voting is by paper ballot.

As added by P.L.5-1986, SEC.7.

IC 3-11-11-1.1

Paper ballot use by county election board

Sec. 1.1. A county election board may use paper ballots:

(1) in any election;

(2) in all or in some of the precincts within a political subdivision holding an election; and

(3) instead of or in combination with any other voting method.

As added by P.L.3-1987, SEC.269.

IC 3-11-11-1.2

Applicability; education program to inform of effect of casting multiple votes for single office

Sec. 1.2. (a) This section applies after December 31, 2005.

(b) As required by 42 U.S.C. 15481, an election board must establish a voter education program to notify a voter of the effect of casting multiple votes for a single office on a paper ballot.

As added by P.L.209-2003, SEC.150. Amended by P.L.14-2004, SEC.129.

IC 3-11-11-1.5

Sample ballots

Sec. 1.5. The election division shall provide each county election board the number of sample ballots for each precinct considered adequate by the county election board. The sample ballots must be:

(1) exact copies of the official ballots furnished by the election division; and

(2) printed on different colored paper than the official ballots.

As added by P.L.3-1987, SEC.270. Amended by P.L.2-1996, SEC.186; P.L.3-1997, SEC.311.

IC 3-11-11-1.6

Separate enclosure and delivery of sample ballots

Sec. 1.6. The election division shall enclose the sample ballots in a separate wrapper or envelope from that of other papers delivered by the election division to the circuit court clerk and deliver them to the clerk or the messenger authorized by the clerk to receive the ballots.

As added by P.L.3-1987, SEC.271. Amended by P.L.2-1996, SEC.187; P.L.3-1997, SEC.312.

IC 3-11-11-1.7

Sample ballots supplied for precincts; posting of copies

Sec. 1.7. (a) Each county election board shall provide an adequate number of sample ballots for each precinct of the county. The county election board shall arrange the sample ballots in the form of a diagram showing:

(1) the political party and independent tickets;
(2) the offices to be filled;
(3) the names of the candidates; and
(4) the public questions;

in the same order in which they will occur on the official ballots printed under the jurisdiction of the election division and the county election board. However, if presidential electors are to be voted for at an election, then the ballot of each party or independent ticket must be in the form prescribed by IC 3-10-4-1.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). At least ten (10) days before an election, each county election board shall duplicate, distribute, and cause to be posted copies of official sample ballots:

(1) received from the election division; and
(2) prepared by the county election board;

to schools, fire stations, county courthouses, and other public buildings in the county.

As added by P.L.3-1987, SEC.272. Amended by P.L.10-1988, SEC.116; P.L.7-1991, SEC.5; P.L.12-1992, SEC.9; P.L.3-1993, SEC.155; P.L.2-1996, SEC.188; P.L.3-1997, SEC.313.

IC 3-11-11-1.8

Time of delivery to polls of ballots and equipment

Sec. 1.8. Each county election board shall have the ballots and all necessary furniture and appliances that go with the ballots at the polls delivered to the appropriate precinct not later than 6 p.m. of the day before election day. The county executive shall provide transportation for the material if requested to do so by the county election board.

As added by P.L.3-1987, SEC.273.

IC 3-11-11-1.9

Comparison of sample ballots with ones supplied; certification

Sec. 1.9. (a) Before the opening of the polls, the precinct election board shall compare the ballots with the sample ballots and determine whether the names, numbers, and letters are in agreement. The board then shall certify that the ballots and the sample ballots are in agreement. Forms shall be provided for certification, and the certification shall be filed with the election returns.

(b) The inspector of each precinct, or a person under the direction of the inspector, shall post sample ballots near the entrance of the chute for the precinct. The ballots must be available for public inspection throughout election day.

As added by P.L.3-1987, SEC.274.

IC 3-11-11-2

Voting preparations; ballot box

Sec. 2. (a) On the morning of election day, the precinct election officers shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

(1) the chute erected;

(2) the sample ballots and instruction cards posted; and

(3) everything put in readiness for the commencement of voting at the opening of the polls.

(b) At the opening of the polls, the inspector and judges shall see that there are no ballots in the ballot box before the voting begins. After the inspection of the box, the inspector shall:

(1) securely lock the box;

(2) give one (1) key to the judge of the opposite political party; and

(3) retain one (1) key.

(c) Once securely locked, the ballot box may not be opened again until after the polls have been closed and the precinct election board is ready to immediately proceed with the counting, except as otherwise provided for central counting.

(d) The voting booths or compartments must be of a size and design to permit a voter to mark ballots in secret.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.275.

IC 3-11-11-3

Opening package of ballots; delivery of ballots and writing instrument

Sec. 3. At the opening of the polls, after the organization of and in the presence of the precinct election board, the inspector shall:

(1) open the packages of ballots in a manner that preserves the seals intact;

(2) deliver twenty-five (25) of each of the state and local ballots to the poll clerk of the opposite political party; and

(3) deliver to the other poll clerk a pen for marking the ballots.

As added by P.L.5-1986, SEC.7. Amended by P.L.5-1989, SEC.59; P.L.3-1993, SEC.156.

IC 3-11-11-4

Initial of poll clerk on each ballot

Sec. 4. Upon receipt of the ballots and pen under section 3 of this chapter, the poll clerks or assistant poll clerks immediately shall place their initials in ink on the back of each ballot. The initials must be in the clerks' ordinary handwriting or printing and without a distinguishing mark of any kind.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.276; P.L.3-1993, SEC.157.

IC 3-11-11-5

Delivery of initialed ballots by type as voters call for them

Sec. 5. Following the resolution of any challenge to a voter, as

each successive voter calls for a ballot, the poll clerks or assistant poll clerks shall deliver to the voter the first initialed ballot of each type. The inspector shall then deliver to the clerks another ballot of each type, which the clerks shall initial as before.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.277.

IC 3-11-11-6
Delivery of ballots and writing instrument to voter; explanations

Sec. 6. (a) After a voter has signed the poll list, one (1) of the poll clerks or assistant poll clerks shall deliver to the voter one (1) of each ballot that the voter is entitled to vote at the election and one (1) pencil or pen. Both judges, on request, shall give an explanation of the voting method. If necessary, a precinct election officer shall assist a voter in determining if the proper initials appear on a ballot.

(b) This subsection applies after December 31, 2005. As provided by 42 U.S.C. 15481, when a voter receives a paper ballot under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.278; P.L.5-1989, SEC.60; P.L.3-1993, SEC.158; P.L.209-2003, SEC.151.

IC 3-11-11-7
Standards to define a vote; voting procedure; marking; write-in votes

Sec. 7. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on a paper ballot.

(b) After receiving ballots under section 6 of this chapter, a voter shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

(1) the candidates for whom the voter desires to vote by making a voting mark on or in the squares immediately before the candidates' names; and

(2) the voter's preference on each public question by making a voting mark in front of the word "yes" or "no" under the question.

(c) Write-in votes shall be cast by:

(1) making a voting mark on or in the square immediately before the space provided for write-in voting; and

(2) printing the name of the candidate in the space provided for write-in voting.

As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.21; P.L.4-1991, SEC.102; P.L.209-2003, SEC.152.

IC 3-11-11-8
One voter in booth; additional instruction to voter in booth

Sec. 8. (a) Only one (1) voter may occupy a booth or compartment

at one time. Booths shall be constructed and arranged so that all members of the precinct election board can see whether more than one (1) voter enters a booth at any one time. However, a voter who is a parent, grandparent, or other person caring for a minor child may take the child into the voting booth.

(b) If a voter needs additional instruction after entering the voting booth, the voter may request assistance from the two (2) judges. The judges shall then approach but not enter the voting booth and call out additional instructions to the voter.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.279; P.L.4-1991, SEC.103.

IC 3-11-11-9

Voting to be private; rights of voter in casting vote

Sec. 9. (a) A voter shall mark all ballots while screened from observation. The exterior of a voting booth or compartment and each area of the polls must be in plain view of the precinct election board. Each voting booth or compartment shall be placed so that a person voting on the opposite side of the railing or a person on the outside of the polls cannot see or determine how a voter votes. The inspector, judges, and poll clerks may not remain or allow any other person to remain in a position or near a position that would permit them to see or ascertain how a voter votes.

(b) This subsection applies after December 31, 2005. As provided by 42 U.S.C. 15481, a voter casting a paper ballot under this section must be:

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

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

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

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.280; P.L.209-2003, SEC.153.

IC 3-11-11-10

Voting straight ticket; mark; count

Sec. 10. If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may make a voting mark on or in a large circle enclosing the device and before the name under which the candidates of the party or group of petitioners are printed. The voter's vote shall then be counted for all the candidates under that party name or for the two (2) candidates comprising an independent

ticket.
As added by P.L.5-1986, SEC.7. Amended by P.L.6-1986, SEC.22; P.L.3-1987, SEC.281; P.L.3-1993, SEC.159.

IC 3-11-11-10.5
Voting booth occupancy; time limits; refusal to leave

Sec. 10.5. (a) At a primary election, a voter may not remain in the voting booth longer than three (3) minutes.

(b) At a general, municipal, or special election, a voter may not remain in the voting booth longer than two (2) minutes.

(c) If a voter refuses to leave the voting booth after the lapse of the time provided under subsection (a) or (b), the precinct election board, or the election sheriff or sheriffs upon the order of the board, shall immediately remove the voter from the booth.
As added by P.L.3-1987, SEC.282.

IC 3-11-11-11
Folding of ballot before leaving booth or compartment; no exposure of face of ballot; exposure of poll clerk's initials

Sec. 11. Before leaving the booth or compartment, a voter shall fold each of the voter's ballots separately so that:

(1) no part of the face of a ballot is exposed; and

(2) the initials of the poll clerks or assistant poll clerks are exposed.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.283.

IC 3-11-11-12
Folding of ballot before leaving booth or compartment; improper folding; voter to be directed to fold ballot properly

Sec. 12. If a voter offers to vote a ballot folded so that it does not disclose the initials of the poll clerks or assistant poll clerks while also not disclosing the face of the ballot, the precinct election board shall direct the voter to return to the booth and fold the ballot properly.
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.284.

IC 3-11-11-13
Return of pencil and delivery of ballot after leaving compartment

Sec. 13. After leaving the booth or compartment, a voter shall return the pencil to the poll clerk or assistant poll clerk and display the initials on the ballots to the inspector (or to the judge who is temporarily authorized to act for the inspector).
As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.285; P.L.1-1994, SEC.6.

IC 3-11-11-14
Deposit of ballots in ballot box

Sec. 14. Upon displaying the initials on the ballots to the inspector (or the judge who is temporarily authorized to act for the inspector), the voter shall:

(1) deposit the ballots in the ballot box; or

(2) deliver the ballots to the inspector, who shall deposit the ballots in the ballot box.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.286.

IC 3-11-11-15

Marking poll list to show voters who have voted

Sec. 15. After a voter's ballots have been deposited in the ballot box, the poll clerks or assistant poll clerks shall make a voting mark after the name of the voter on the poll list.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.287.

IC 3-11-11-16

Disclosure of ballot; record

Sec. 16. If a voter shows the voter's ballot or a part of the ballot to another person after the ballot has been marked so as to disclose any of the candidates voted for or how the voter voted on a public question, the ballot may not be deposited in a ballot box. A record of the occurrence shall be made on the poll list, and the voter may not vote again at the election.

As added by P.L.5-1986, SEC.7. Amended by P.L.10-1988, SEC.117.

IC 3-11-11-17

Voter to leave polls after voting; requirement of voting or returning ballot; returning of pencil

Sec. 17. After voting, a voter shall leave the polls. However, a voter to whom ballots and a pencil have been delivered may not leave the polls without:

(1) voting the ballots or returning them to the poll clerk; and

(2) returning the pencil to the poll clerk from whom the voter received it.

As added by P.L.5-1986, SEC.7.

IC 3-11-11-18

Spoiling, defacing, or mutilating ballot; receipt of another ballot; record; disposition of ballot

Sec. 18. A voter who by accident or mistake spoils, defaces, or mutilates the voter's ballot may, by returning the ballot to the poll clerks or assistant poll clerks and satisfying them that the spoiling, defacing, or mutilation was not intentional, receive another ballot. The poll clerks or assistant poll clerks shall make a record of the fact on the poll list, and the ballot shall then be marked "VOID" by the precinct election board in the presence of the voter and returned with the other election materials as required by IC 3-10-1-31 or IC 3-10-1-31.1.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.288; P.L.14-2004, SEC.130.

IC 3-11-11-19 Repealed

(*Repealed by P.L.10-1988, SEC.238.)*