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# SENATE BILL No. 14

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2; IC 3-10; IC 3-11; IC 3-12-1-9.5; IC 20-4-1-26.4; IC 33-24-2-5; IC 33-25-2-5; IC 33-28-2-2; IC 33-30-3-3; IC 33-33.

**Synopsis:** Ballot form. Establishes a ballot form that lists candidates by office for optical scan and electronic voting systems. Provides that references to punch card ballots expire December 31, 2005 (the use of punch card ballots is prohibited after that date). Removes references to ballot card and electronic voting systems in provisions that only apply to paper ballots. Requires that certain features of an electronic voting system concerning the verification or correction of a voter's ballot apply after December 31, 2005.

**Effective:** Upon passage.

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### Lawson C

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January 4, 2005, read first time and referred to Committee on Elections and Civic Affairs.

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PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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## SENATE BILL No. 14



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

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

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

6 **(b) This section expires December 31, 2005.**

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

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

14 **(b) "Paper ballot" does not include a ballot card.**

15 SECTION 3. IC 3-10-1-13 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) The primary**  
17 **election paper ballots, ~~and~~ ballot cards, and ballot labels of each**



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

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

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

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

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

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

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

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

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

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

41 OFFICIAL PRIMARY BALLOT  
42 \_\_\_\_\_ Party

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

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

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

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

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

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

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

9                                 (The explanatory text for the public question,  
 10                                 if required by law.)

11                                 "Shall (insert public question)?"

12                                  YES

13                                  NO

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

- 18                                 (1) write-in voting; or
- 19                                 (2) independent candidates or tickets;

20                   except when an office for which write-in candidates or independent  
 21                   candidates or tickets are permitted is elected at the same time as the  
 22                   primary election.

23                   SECTION 8. IC 3-10-1-26 IS AMENDED TO READ AS  
 24                   FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. **(a) This**  
 25                   **section applies only to paper ballots.**

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

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

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

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

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

41                   ~~(e)~~ **(f)** The poll clerk or assistant poll clerk shall then place a voting  
 42                   mark opposite the voter's name on the poll list. The voter then shall

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

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

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

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

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

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

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

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

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1 secretary of state at the last election shall be placed in the second  
2 column. ~~or row~~. Other political parties shall be placed on the ballot in  
3 the same order.

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

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

16 **(b) A single connectable arrow, oval, or square must be printed:**  
17 **(1) in front of a bracket enclosing; and**  
18 **(2) immediately opposite;**  
19 **the names of the nominees for President and Vice President of the**  
20 **United States for each political party or group of petitioners**  
21 **grouped as described in section 1(b)(4) of this chapter.**

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

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

29 **(b) A single touch sensitive point or button place must be  
30 provided:**

31 **(1) in front of a bracket printed on the ballot label enclosing;**  
32 **and**  
33 **(2) immediately opposite;**

34 **the names of the nominees for President and Vice President of the**  
35 **United States for each political party or group of petitioners**  
36 **grouped as described in section 1(b)(3) of this chapter.**

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

40 SECTION 13. IC 3-10-4-2.3 IS ADDED TO THE INDIANA CODE  
41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
42 UPON PASSAGE]: **Sec. 2.3. (a) This section applies when a punch**

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card ballot is used.

(b) A chad must be printed immediately opposite the number assigned to the names of the nominees for President and Vice President of the United States for each political party or group of petitioners as described in section 1(b)(4) of this chapter.

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

(d) This section expires December 31, 2005.

SECTION 14. IC 3-10-7-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) A town election board shall determine what voting method will be used in a municipal election.

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

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

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

SECTION 15. IC 3-11-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. (a) This chapter applies only to paper ballots.**

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

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

(c) **This chapter does not apply to:**

- (1) a voting machine; or
- (2) a punch card ballot voting system.

**This subsection expires December 31, 2005.**

SECTION 16. IC 3-11-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The name or title of the political party or independent ticket described in section

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1 6 of this chapter shall be placed at the top of the ballot. The device of  
 2 the political party or independent ticket shall be placed immediately  
 3 under the name of the political party or independent ticket. The  
 4 instructions for voting a straight party ticket shall be placed to the right  
 5 of the device. ~~or if the ballot is part of a direct recording electronic~~  
 6 ~~voting system:~~

7 (1) ~~the instructions for voting a straight party ticket; and~~

8 (2) ~~the statement concerning presidential electors required under~~  
 9 ~~IC 3-10-4-3;~~

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

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

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

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

32 (e) Except for variations in ballot arrangement permitted for voting  
 33 machines under IC 3-11-12-7, ~~ballot card voting systems under~~  
 34 ~~IC 3-11-13-11; or electronic voting systems under IC 3-11-14-7;~~ the list  
 35 of candidates of the political party shall be placed immediately under  
 36 the instructions for voting a straight party ticket. The names of the  
 37 candidates shall be placed three-fourths (3/4) of an inch apart from  
 38 center to center of the name. The name of each candidate must have,  
 39 immediately on its left, a square three-eighths (3/8) of an inch on each  
 40 side.

41 (f) The election division or the circuit court clerk may authorize the  
 42 printing of ballots containing a ballot variation code to ensure that the

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1 proper version of a ballot is used within a precinct.  
2 SECTION 17. IC 3-11-2-12.9 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.9. (a) School  
4 board offices to be elected at the general election shall be placed on the  
5 general election ballot after the offices described in section 12 of this  
6 chapter.

7 (b) School board offices shall be placed in a separate column on the  
8 ballot ~~or ballot label if voting is by paper ballot, ballot card voting~~  
9 ~~system, or electronic voting system~~ or in a separate column of ballot  
10 labels if voting is by voting machine.

11 (c) ~~This subsection applies to voting done by paper ballot or a ballot~~  
12 ~~card voting system.~~ If the ballot contains a candidate for a school board  
13 office, the ballot must also contain a statement that reads substantially  
14 as follows: "To vote for a candidate for this office, make a voting mark  
15 on or in the square to the left of the candidate's name."

16 SECTION 18. IC 3-11-2-13 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The  
18 following offices and public questions shall be placed on the general  
19 election ballot in the following order after the offices described in  
20 section 12.9 of this chapter:

- 21 (1) Retention of a justice of the supreme court.
- 22 (2) Retention of a judge of the court of appeals.
- 23 (3) Retention of the judge of the tax court.
- 24 (4) Ratification of a state constitutional amendment.

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

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

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

37 SECTION 19. IC 3-11-2-14 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The  
39 following offices and public questions shall be placed on the general  
40 election ballot in the following order after the offices and public  
41 questions described in section 13 of this chapter:

- 42 (1) Retention of a local judge.

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- (2) Local nonpartisan judicial offices.
- (3) Local public questions.
- (b) These offices and public questions shall be placed in a separate column on the ballot ~~or ballot label if voting is by paper ballot, ballot card voting system, or electronic voting system~~ or in a separate column of ballot labels if voting is by voting machine.
- (c) If the ballot contains a candidate for a local nonpartisan judicial office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name."
- (d) If more than one (1) local public question concerning the retention of a local judge is to be placed on a ballot, the public questions shall be placed on the ballot:
  - (1) in alphabetical order according to the surname of the local judge; and
  - (2) identifying the court (including division or room) in which the judge serves.
- SECTION 20. IC 3-11-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** Political parties may be distinguished in a primary election by the use of different colored ballot labels.
- (b)** The party device for a political party that has been adopted in accordance with IC 3-8 and the party name or other designation shall be prefixed to the list of candidates of the party.
- (c)** Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use on a voting machine as provided in this chapter.
- (d)** The county may include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.
- (e)** Each type of ballot label or paster must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).
- (f)** The nominees of a political party or an independent candidate or ticket nominated by petitioners shall be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.
- (g)** The ballot labels must list the offices on the general election

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1 ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2,  
 2 IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),  
 3 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and  
 4 IC 3-11-2-14(d). Except as otherwise provided in this chapter, the  
 5 offices and public questions may be listed in a continuous column,  
 6 either vertically or horizontally. However, school board offices,  
 7 public questions concerning the retention of a justice or judge,  
 8 local nonpartisan judicial offices, and local public questions must  
 9 be placed in separate columns.

10 (h) The name of each office must be printed in a uniform size in  
 11 bold type. A statement reading substantially as follows must be  
 12 placed immediately below the name of the office and above the  
 13 name of the first candidate: "Vote for not more than (insert the  
 14 number of candidates to be elected) candidate(s) for this office."

15 (i) Below the name of the office and the statement required by  
 16 subsection (h), the names of the candidates for each office must be  
 17 grouped together in the following order:

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

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

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

27 (4) If a political party did not have a candidate for secretary  
 28 of state in the last election or a nominee is an independent  
 29 candidate or ticket, the party or candidate is listed after the  
 30 parties described in subdivisions (1), (2), and (3).

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

36 (6) The name of a write-in candidate may not be listed on the  
 37 ballot label.

38 (j) The names of the candidates grouped in the order established  
 39 by subsection (i) must be printed in type with uniform capital  
 40 letters, with a uniform space between each name. The name of the  
 41 candidate's political party, or the word "Independent", if the:

42 (1) candidate; or

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**(2) ticket of candidates for:**  
**(A) President and Vice President of the United States; or**  
**(B) governor and lieutenant governor;**  
is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

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

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

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

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

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

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

**(m) 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.**

**(n) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c), and IC 3-11-2-10(d) 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.**

**(o) The voting machine must include a lever for voting a straight party or an independent ticket, and the lever 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).**

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The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (i) 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 that permits the voter to easily read the instructions.

(p) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b). 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.

(q) 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 voting machines.

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

SECTION 21. IC 3-11-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, ~~should as far as practicable~~ must be in the order of arrangement provided for ballots under ~~IC 3-11-2~~. However, the ballot information may be in vertical or horizontal rows or in a number of separate pages. Ballot cards for all public questions must be provided in the same manner and must be arranged on or in the marking device in the places provided for that purpose: this section.

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

- (1) print all offices and questions on a single ballot card; and
- (2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

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

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

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

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

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

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

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

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

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

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

39 (5) If more than one (1) political party or independent  
40 candidate or ticket described in subdivision (4) qualifies to be  
41 on the ballot, the parties, candidates, or tickets are listed in  
42 the order in which the party filed its petition of nomination

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under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5).

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

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

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

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

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

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

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

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

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

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

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

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

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1           (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c),  
2           and IC 3-11-2-10(d).  
3           (l) The ballot must include a single connectable arrow, oval, or  
4           square, or a voting position for voting a straight party or an  
5           independent ticket by one (1) mark as required by section 14 of this  
6           chapter, and the single connectable arrow, oval, or square, or the  
7           voting position for casting a straight party or an independent ticket  
8           ballot must be identified by:  
9                (1) the name of the political party or independent ticket; and  
10               (2) immediately below or beside the political party's or  
11               independent ticket's name, the device of that party or ticket  
12               (described in IC 3-11-2-5).  
13           The name and device of each political party or independent ticket  
14           must be of uniform size and type and arranged in the order  
15           established by subsection (g) for listing candidates under each  
16           office. The instructions described in IC 3-11-2-10(b) for voting a  
17           straight party ticket and the statement concerning presidential  
18           electors required under IC 3-10-4-3 may be placed on the ballot  
19           beside or above the names and devices within the voting booth in  
20           a location that permits the voter to easily read the instructions.  
21           (m) A public question must be in the form described in  
22           IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single  
23           connectable arrow or an oval may be used instead of a square.  
24           Except as expressly authorized or required by statute, a county  
25           election board may not print a ballot card that contains language  
26           concerning the public question other than the language authorized  
27           by a statute.  
28           (n) The requirements in this section:  
29                (1) do not replace; and  
30                (2) are in addition to;  
31           any other requirements in this title that apply to optical scan  
32           ballots.  
33           (o) The procedure described in IC 3-11-2-16 must be used when  
34           a ballot does not comply with the requirements imposed by this  
35           title or contains another error or omission that might result in  
36           confusion or mistakes by voters.  
37           (p) This subsection applies to an optical scan ballot that does not  
38           list:  
39                (1) the names of political parties or candidates; or  
40                (2) the text of public questions;  
41           on the face of the ballot. The ballot must be prepared in  
42           accordance with this section, except that the ballot must include a

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1 **numbered oval to refer to each political party, candidate, or public**  
2 **question.**

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

6 **Except as otherwise provided in this chapter, a punch card ballot**  
7 **must include a numbered box and chad in the locations and in the**  
8 **layout specified by this section for connectable arrows, ovals, or**  
9 **squares.**

10 SECTION 22. IC 3-11-13-31.7 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.7. (a) This  
12 section is enacted to comply with 42 U.S.C. 15481 by establishing  
13 uniform and nondiscriminatory standards to define what constitutes a  
14 vote on an optical scan voting system.

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

18 (1) the candidates for whom the voter desires to vote by punching  
19 a hole in or marking the **connectable arrows, ovals, or** squares  
20 immediately beside:

21 (A) the candidates' names; **or**  
22 (B) **the numbers referring to the candidates;** and

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

26 (A) the word "yes" or "no" under the question; **or**  
27 (B) **the number referring to the word "yes" or "no" on the**  
28 **ballot.**

29 (c) If an election is a general or municipal election and a voter  
30 desires to vote for all the candidates of one (1) political party or group  
31 of petitioners, the voter may punch a hole in or mark:

32 (1) the circle enclosing the device; ~~and beside the name under~~  
33 ~~which the candidates of the party or group of petitioners are~~  
34 ~~printed;~~ **or**

35 (2) **the connectable arrow, oval, or square described in section**  
36 **11 of this chapter;**

37 **that designates the candidates of that political party or group of**  
38 **petitioners.** The voter's vote shall then be counted for all the  
39 candidates ~~under of that name:~~ **political party or group of petitioners.**  
40 However, if the voter punches a hole in or marks the circle, **arrow,**  
41 **oval, or square** of an independent ticket comprised of two (2)  
42 candidates, the vote shall not be counted for any other independent

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1 candidate on the ballot.

2 SECTION 23. IC 3-11-14-3 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The county  
4 election board shall furnish ballot labels **prepared as required by**  
5 **section 3.5 of this chapter.**

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

- 8 (1) in black ink on clear white material;
- 9 (2) in the size that will fit on an electronic system; and
- 10 (3) in plain, clear type as space will reasonably permit.

11 SECTION 24. IC 3-11-14-3.5 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
13 [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) Each county election**  
14 **board shall have the names of all candidates for all elected offices,**  
15 **political party offices, and public questions printed on ballot labels**  
16 **for use in an electronic voting system as provided in this chapter.**

17 (b) The county may:

- 18 (1) **print all offices and public questions on a single ballot**
- 19 **label; and**
- 20 (2) **include a ballot variation code to ensure that the proper**
- 21 **version of a ballot label is used within a precinct.**

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

25 (d) The nominees of a political party or an independent  
26 candidate or ticket nominated by petitioners must be listed on the  
27 ballot label with the name and device set forth on the certification  
28 or petition. The circle containing the device may be of any size that  
29 permits a voter to readily identify the device. IC 3-11-2-5 applies  
30 if the certification or petition does not include a name or device, or  
31 if the same device is selected by two (2) or more parties or  
32 petitioners.

33 (e) The ballot labels must list the offices on the general election  
34 ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2,  
35 IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a),  
36 IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and  
37 IC 3-11-2-14(d). Each office and public question may have a  
38 separate screen, or the offices and public questions may be listed  
39 in a continuous column either vertically or horizontally. However,  
40 school board offices, public questions concerning the retention of  
41 a justice or judge, local nonpartisan judicial offices, and local  
42 public questions shall be placed at the beginning of separate

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1 columns or pages.

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

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

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

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

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

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

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

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

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

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

37 (1) candidate; or

38 (2) ticket of candidates for:

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

40 (B) governor and lieutenant governor;

41 is independent, must be placed immediately below or beside the  
42 name of the candidate and must be printed in uniform size and

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1 type.

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

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

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

8 (3) within the political party or independent ticket, in  
9 alphabetical order according to surname.

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

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

17 (1) under the name of the office that the candidates are  
18 seeking; and

19 (2) in alphabetical order according to surname.

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

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

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

29 (1) placed on the ballot label; or

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

32 (m) The ballot label must include a touch sensitive point or  
33 button for voting a straight political party or independent ticket by  
34 one (1) touch, and the touch sensitive point or button must be  
35 identified by:

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

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

40 The name and device of each party or ticket must be of uniform  
41 size and type, and arranged in the order established by subsection  
42 (g) for listing candidates under each office. The instructions

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1 described in IC 3-11-2-10(b) for voting a straight party ticket and  
2 the statement concerning presidential electors required under  
3 IC 3-10-4-3 may be placed on the ballot label or in a location within  
4 the voting booth that permits the voter to easily read the  
5 instructions.

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

13 (o) The requirements in this section:  
14 (1) do not replace; and  
15 (2) are in addition to;  
16 any other requirements in this title that apply to ballots for  
17 electronic voting systems.

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

22 SECTION 25. IC 3-11-14-10 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Each county  
24 election board shall, before election day, have the proper ballot labels  
25 prepared as required by section 3.5 of this chapter and put on each  
26 electronic voting system. with the device named and the list of  
27 candidates of each political party or independent candidate or ticket in  
28 the same order as on the sample ballot.

29 SECTION 26. IC 3-11-14-12 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. In school  
31 district elections, the county election board shall arrange the names of  
32 candidates in alphabetical order on an electronic voting system in such  
33 a way that the name of each candidate appears in the same column of  
34 each system used in each precinct. as required by section 3.5 of this  
35 chapter.

36 SECTION 27. IC 3-11-14-23 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) This section  
38 is enacted to comply with 42 U.S.C. 15481 by establishing uniform and  
39 nondiscriminatory standards to define what constitutes a vote on an  
40 electronic voting system.

41 (b) If a voter is not challenged by a member of the precinct election  
42 board, the voter may pass the railing to the side where an electronic

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1 voting system is and into the voting booth. There the voter shall  
2 register the voter's vote in secret by indicating:

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

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

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

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

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

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

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

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

32 SECTION 28. IC 3-12-1-9.5 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.5. (a) This  
34 section applies to counting votes cast on ballot cards.

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

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

41 ~~(c)~~ (c) A chad that has been indented, but not in any way separated  
42 from the remainder of the card, may not be counted as a vote for a

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1 candidate or on a public question.  
 2 ~~(c)~~ (d) Whenever:  
 3 (1) a ballot card contains a numbered box indicating which chad  
 4 should be punched out by the voter to cast a vote for a candidate  
 5 or on a public question;  
 6 (2) the indicated chad has not been punched out; and  
 7 (3) a hole has been made in the card that touches any part of the  
 8 numbered box;  
 9 the hole shall be counted as a vote for the candidate or on the public  
 10 question as if the indicated chad had been punched out. However, if a  
 11 hole has been made in the ballot that does not touch a numbered box  
 12 or punch out a chad, the hole may not be counted as a vote for a  
 13 candidate or on a public question.  
 14 ~~(f)~~ (e) Whenever:  
 15 (1) a chad has been punched out of a ballot card;  
 16 (2) a numbered box indicates that another chad may be punched  
 17 out to cast a vote for:  
 18 (A) a different candidate for the same office as the candidate  
 19 for whom a vote was cast under subdivision (1); or  
 20 (B) a different response to the same public question on which  
 21 a vote was cast under subdivision (1); and  
 22 (3) a hole has been punched in the card that touches the numbered  
 23 box described in subdivision (2);  
 24 neither the chad described in subdivision (1) nor the hole described in  
 25 subdivision (3) may be counted as a vote for a candidate or on a public  
 26 question.  
 27 ~~(g)~~ (f) This subsection applies to a ballot card that:  
 28 (1) has been cast in a precinct whose votes are being recounted by  
 29 a local recount commission or the state recount commission;  
 30 (2) is damaged or defective so that it cannot properly be counted  
 31 by automated tabulating machines; and  
 32 (3) cannot be counted for the office subject to the recount due to  
 33 the damage or defect.  
 34 The ballot card shall be remade only if the conditions in subdivisions  
 35 (1) through (3) exist.  
 36 **(g) Subsections (b) through (e) expire December 31, 2005.**  
 37 SECTION 29. IC 20-4-1-26.4 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.4. (a) This  
 39 section applies to each school corporation, whenever created.  
 40 (b) If a plan provides for the election of members of the board of  
 41 school trustees of the community school corporation at a primary  
 42 election, at the time provided by IC 3-8-2 for the filing of notice of

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1 candidacies for the primary election next following the creation of the  
2 community school corporation, nominations for members of the board  
3 of school trustees of the community school corporation may be made  
4 by a petition signed by the candidates and ten (10) registered voters  
5 residing within the boundaries of the community school corporation.

6 (c) A petition must be filed with the circuit court clerk of the county  
7 that contains the greatest percentage of population of the school  
8 corporation. If the plan requires residence in a specified district or  
9 voting solely in a specified district for a board member office, the  
10 petition must clearly state the residence or electoral district from or for  
11 which the person is a candidate. If a school corporation is located in  
12 more than one (1) county, the circuit court clerk shall, after  
13 determining that a petition complies with subsection (b), promptly  
14 certify to each circuit court clerk of a county in which the school  
15 corporation is located, the names of the candidates to be placed on the  
16 ballot.

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

23 (e) All nominations shall be listed for each office in the form  
24 prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~, IC 3-11, but without party  
25 designation. Voting and tabulation of votes shall be conducted in the  
26 same manner as voting and tabulation in primary elections are  
27 conducted. The precinct election boards serving at each primary  
28 election in each county shall conduct the election for school board  
29 members. If a school corporation is located in more than one (1)  
30 county, each county election board shall print the ballots required for  
31 voters in that county to vote for candidates for members of the board  
32 of school trustees of the school corporation.

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

38 (g) If the plan provides that members of the board of school trustees  
39 are to be elected from residence districts by all voters in the community  
40 school corporation, nominees for the board of school trustees shall be  
41 placed on the ballot in the form prescribed by IC 3-10-1-19 or  
42 ~~IC 3-11-2~~, IC 3-11, by residence districts without party designation.

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1 The ballot must state the number of members to be voted upon and the  
 2 maximum number that may be elected from each residence district as  
 3 provided in the plan. A ballot is not valid where more than the  
 4 maximum number are voted upon from a board member residence  
 5 district. Candidates having the greatest number of votes are elected.  
 6 However, if more than the maximum number that may be elected from  
 7 a residence district are among those having the greatest number of  
 8 votes, the lowest of those candidates from the residence districts in  
 9 excess of the maximum number shall be eliminated in determining the  
 10 candidates who are elected.

11 (h) If the plan provides that members of the board of school trustees  
 12 are to be elected from electoral districts solely by the voters of each  
 13 district, nominees residing in each electoral district shall be placed on  
 14 the ballot in the form prescribed by IC 3-10-1-19 or ~~IC 3-11-2~~, **IC 3-11**,  
 15 without party designation. The ballot must state the number to be voted  
 16 on from the electoral district. Candidates residing in the electoral  
 17 district having the greatest number of votes are elected.

18 SECTION 30. IC 33-24-2-5 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The question of  
 20 approval or rejection of a justice shall be placed on the general election  
 21 ballot in the form prescribed by ~~IC 3-11-2~~ **IC 3-11** and must state  
 22 "Shall Justice (insert name (as permitted under IC 3-5-7) here) be  
 23 retained in office?".

24 SECTION 31. IC 33-25-2-5 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The question of  
 26 approval or rejection of a judge shall be placed on the general election  
 27 ballot in the form prescribed by ~~IC 3-11-2~~ **IC 3-11** and must state  
 28 "Shall Judge (insert name (as permitted under IC 3-5-7) here) be  
 29 retained in office?".

30 SECTION 32. IC 33-28-2-2 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. In any circuit for  
 32 which IC 33-33 provides more than one (1) judge of the circuit court,  
 33 the county election board shall assign a number to each seat on the  
 34 court. After that, any candidate for judge of the circuit court must file  
 35 a declaration of candidacy under IC 3-8-2 or petition of nomination  
 36 under IC 3-8-6 for one (1) specified seat of the court. Each seat on the  
 37 court shall be listed separately on the election ballot in the form  
 38 prescribed by IC 3-10-1-19 and ~~IC 3-11-2~~. **IC 3-11**.

39 SECTION 33. IC 33-30-3-3 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The number  
 41 of county court judges required by IC 33-30-2 shall be elected under  
 42 IC 3-10-2-11 by the voters of each county or by the voters of two (2)

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1 counties if a judge is required to serve two (2) counties. The term of  
2 office of a county court judge is six (6) years, beginning on January 1  
3 after election and continuing until a successor is elected and qualified.

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

12 SECTION 34. IC 33-33-2-9 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) All  
14 candidates for each respective Allen superior court judgeship shall be  
15 listed on the general election ballot in the form prescribed by  
16 ~~IC 3-11-2~~, **IC 3-11**, without party designation. The candidate receiving  
17 the highest number of votes for each judgeship shall be elected to that  
18 office.

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

- 21 (c) The term of each Allen superior court judge:  
22 (1) begins January 1 following election and ends December 31  
23 following the election of a successor; and  
24 (2) is six (6) years.

25 SECTION 35. IC 33-33-45-42 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 42. (a) The  
27 question of the retention in office or rejection of each judge of the  
28 following divisions of the superior court of Lake County shall be  
29 submitted to the electorate of Lake County at the general election  
30 immediately preceding expiration of the term of the judge:

- 31 (1) Civil division.  
32 (2) Criminal division.  
33 (3) Juvenile division.

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

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

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

6 (e) The Lake County election board shall submit the question of the  
7 retention in office or rejection of a judge described in subsection (a) to  
8 the electorate of Lake County. The submission of the question is  
9 subject to the provisions of IC 3 that are not inconsistent with this  
10 chapter.

11 (f) If a judge who is appointed does not desire to serve any further  
12 term, the judge shall notify in writing the clerk of the Lake circuit court  
13 at least sixty (60) days before any general election, in which case the  
14 question of that judge's retention in office or rejection shall not be  
15 submitted to the electorate, and the office becomes vacant at the  
16 expiration of the term.

17 SECTION 36. IC 33-33-49-13 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Each judge  
19 of the court shall be elected for a term of six (6) years that begins  
20 January 1 after the year of the judge's election and continues through  
21 December 31 in the sixth year. The judge shall hold office for the six  
22 (6) year term or until the judge's successor is elected and qualified. A  
23 candidate for judge shall run at large for the office of judge of the court  
24 and not as a candidate for judge of a particular room or division of the  
25 court.

26 (b) **Beginning with the primary election held in 1996 and every**  
27 **six (6) years thereafter, a political party may nominate not more**  
28 **than eight (8) candidates for judge of the court.** Beginning with the  
29 primary election held in 2000 and every six (6) years thereafter, a  
30 political party may nominate not more than nine (9) candidates for  
31 judge of the court. The candidates shall be voted on at the general  
32 election. Other candidates may qualify under IC 3-8-6 to be voted on  
33 at the general election.

34 (c) The names of the party candidates nominated and properly  
35 certified to the Marion County election board, along with the names of  
36 other candidates who have qualified, shall be placed on the ballot at the  
37 general election in the form prescribed by ~~IC 3-11-2~~. **IC 3-11.**  
38 **Beginning with the 1996 general election and every six (6) years**  
39 **thereafter, persons eligible to vote at the general election may vote**  
40 **for fifteen (15) candidates for judge of the court.** Beginning with the  
41 2000 general election and every six (6) years thereafter, persons  
42 eligible to vote at the general election may vote for seventeen (17)

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candidates for judge of the court.

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

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

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

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

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

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

SECTION 38. IC 33-33-82-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) The judge of the Vanderburgh circuit court and each of the seven (7) judges of the Vanderburgh superior court shall be elected in nonpartisan elections every six (6) years.

(b) During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election, any person desiring to

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1 become a candidate for any one (1) of the eight (8) judgeships affected  
 2 by this chapter shall file with the election division a declaration of  
 3 candidacy adapted from the form prescribed under IC 3-8-2, signed by  
 4 the candidate and designated which judgeship the candidate seeks. Any  
 5 petition without the designation shall be rejected by the election  
 6 division (or by the Indiana election commission under IC 3-8-1-2). To  
 7 be eligible for election, a candidate must be:  
 8 (1) domiciled in the county of Vanderburgh;  
 9 (2) a citizen of the United States; and  
 10 (3) admitted to the practice of law in Indiana.  
 11 (c) If an individual who files a declaration under subsection (b)  
 12 ceases to be a candidate after the final date for filing a declaration  
 13 under subsection (b), the election division may accept the filing of  
 14 additional declarations of candidacy for that judgeship not later than  
 15 noon August 1.  
 16 (d) All candidates for each respective judgeship shall be listed on  
 17 the general election ballot in the form prescribed by ~~IC 3-11-2~~;  
 18 **IC 3-11**, without party designation. The candidate receiving the highest  
 19 number of votes for each judgeship shall be elected to that office.  
 20 (e) IC 3, where not inconsistent with this chapter, applies to  
 21 elections under this chapter.  
 22 **SECTION 39. An emergency is declared for this act.**

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