

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1011 be amended to read as follows:

1           Page 46, between lines 30 and 31, begin a new paragraph and insert:  
2           "SECTION 96. IC 3-11-7-6 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~If a voter votes~~  
4           ~~a straight party ticket and also votes for one (1) or more individual~~  
5           ~~candidates who are all of the same political party as the straight ticket~~  
6           ~~vote;~~ A ballot card voting system must count ~~the a ballot in~~  
7           **accordance with IC 3-12-1-7 when a voter votes a** straight ticket  
8           ~~vote and not the votes for individual candidate votes candidates as~~  
9           ~~required described by IC 3-12-1-7(a): IC 3-12-1-7."~~

10           Page 72, between lines 31 and 32, begin a new paragraph and insert:  
11           "SECTION 125. IC 3-12-1-7 IS AMENDED TO READ AS  
12           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) ~~If This~~  
13           **subsection applies whenever** a voter:

- 14                   (1) votes a straight party ticket; and ~~also~~  
15                   (2) votes **only** for one (1) or more individual candidates who are  
16                   all of the same political party as the straight ticket vote.

17           The straight ticket vote shall be counted and the individual candidate  
18           votes may not be counted.

19           (b) ~~The vote for an office on a ballot shall be counted in accordance~~  
20           ~~with~~ This subsection **applies** whenever:

- 21                   (1) a voter has voted a straight party ticket for the candidates of  
22                   one (1) political party;  
23                   (2) only one (1) person may be elected to ~~that an~~ office; and  
24                   (3) the voter has voted for one (1) ~~or more individual candidates~~  
25                   **candidate** for the office described in subdivision (2) who ~~are in is:~~  
26                   **(A) a candidate of** a political party other than the party for  
27                   which the voter voted a straight ticket; **or**  
28                   **(B) an independent candidate for the office.**

29           If the voter has voted for one (1) individual candidate for the office  
30           described in subdivision (2), the individual candidate vote for that office

1 shall be counted, the straight party ticket vote for that office may not be  
2 counted, and the straight party ticket votes for other offices on the ballot  
3 shall be counted. ff

4 **(c) This subsection applies whenever:**

- 5 **(1) a voter has voted a straight party ticket for the candidates**
- 6 **of one (1) political party; and**
- 7 **(2) the voter has voted for more than one (1) individual candidate**
- 8 **candidates for the office described in subdivision (2); than the**
- 9 **number of persons to be elected to that office.**

10 The individual candidate votes for that office may not be counted, the  
11 straight party ticket vote for that office may not be counted, and the  
12 straight party ticket votes for other offices on the ballot shall be  
13 counted. If there is an office to which more than one (1) person can be  
14 elected; and a voter votes a straight party ticket and then votes both for  
15 individual candidates in the same political party as the straight ticket  
16 vote and in a different party for that office; or votes for only individuals  
17 in a different party for that office; the individual candidate votes shall  
18 be counted and the straight ticket votes for that office may not be  
19 counted. However, if the number of individual candidate votes for that  
20 office exceeds the number of openings for that office, none of the votes  
21 concerning that office may be counted.

22 **(c) (d) This subsection applies whenever:**

- 23 **(1) a voter has voted a straight party ticket for the candidates**
- 24 **of one (1) political party;**
- 25 **(2) more than one (1) person may be elected to an office; and**
- 26 **(3) the voter has voted for individual candidates for the office**
- 27 **described in subdivision (2) who are:**
  - 28 **(A) independent candidates;**
  - 29 **(B) candidates of a political party other than the political**
  - 30 **party for which the voter cast a straight party ticket under**
  - 31 **subdivision (1); or**
  - 32 **(C) a combination of candidates described in clauses (A)**
  - 33 **and (B).**

34 **The individual votes cast by the voter for the office for the**

35 **independent candidates and the candidates of a political party**

36 **other than the political party for which the voter cast a straight**

37 **party ticket shall be counted. The individual votes cast by the voter**

38 **for the office for the candidates of the same political party for**

39 **which the voter cast a straight party ticket may not be counted.**

40 **The straight party ticket vote cast by that voter for that office shall**

41 **be counted unless the total number of votes cast for the office by**

42 **the voter, when adding the voter's votes for the individual**

43 **candidates for the office and the voter's straight party ticket votes**

44 **for the office, is greater than the number of persons to be elected**

45 **to the office. If the total number of votes cast for the office is**

46 **greater than the number of persons to be elected to the office, the**

1 straight party ticket votes for the office may not be counted. The  
2 straight party ticket votes for other offices on the voter's ballot  
3 shall be counted.

4 (e) This subsection applies whenever:

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

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

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

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

13 (B) candidates of the same political party for which the  
14 voter cast a straight party ticket under subdivision (1).

15 The individual votes cast by the voter for the office for the  
16 independent candidates and the candidates of a political party  
17 other than the political party for which the voter cast a straight  
18 party ticket shall be counted. The individual votes cast by the voter  
19 for the office for the candidates of the same political party for  
20 which the voter cast a straight party ticket may not be counted.  
21 The straight party ticket vote cast by that voter for that office shall  
22 be counted unless the total number of votes cast for the office by  
23 the voter, when adding the voter's votes for the individual  
24 candidates for the office and the voter's straight party ticket vote  
25 for the office is greater than the number of persons to be elected to  
26 the office. If the total number of votes cast for the office is greater  
27 than the number of persons to be elected to the office, the straight  
28 party ticket votes for that office may not be counted. The straight  
29 party ticket votes for other offices on the voter's ballot shall be  
30 counted.

31 ~~(d)~~ (f) If a voter votes a straight party ticket for more than one (1)  
32 political party, the whole ballot is void with regard to all candidates  
33 nominated by a political party or designated as independent candidates  
34 on the ballot. However, the voter's vote for a school board candidate or  
35 on a public question shall be counted if otherwise valid under this  
36 chapter.

37 ~~(e)~~ (g) If a voter does not vote a straight party ticket and the number  
38 of votes cast by that voter for the candidates for an office are less than  
39 or equal to the number of openings for that office, the individual  
40 candidates votes shall be counted.

41 ~~(f)~~ (h) If a voter does not vote a straight party ticket and the number  
42 of votes cast by that voter for an office exceeds the number of openings  
43 for that office, none of the votes concerning that office may be  
44 counted."

45 Page 79, between lines 21 and 22, begin a new paragraph and insert:  
46 "SECTION 142. THE FOLLOWING ARE REPEALED

- 1 [EFFECTIVE UPON PASSAGE]: IC 3-11-7-7; 3-11-7-8; IC 3-11-7-9;
- 2 IC 3-11-7-10; IC 3-11-7-11."
- 3 Renumber all SECTIONS consecutively.  
(Reference is to EHB 1011 as printed February 15, 2006.)

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Senator LAWSON C