

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 JANUARY 1, 2007]: 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 JANUARY 1, 2007]: 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.

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

23 **(d) This subsection applies whenever:**

24 **(1) a voter has voted a straight party ticket for the candidates**
 25 **of one (1) political party;**

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

27 **(3) the voter has voted for individual candidates for the office**
 28 **described in subdivision (2) who are:**

29 **(A) independent candidates;**

30 **(B) candidates of a political party other than the political**
 31 **party for which the voter cast a straight party ticket under**
 32 **subdivision (1); or**

33 **(C) a combination of candidates described in clauses (A)**
 34 **and (B).**

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

- 1 **offices on the voter's ballot shall be counted.**
- 2 **(e) This subsection applies whenever:**
- 3 **(1) a voter has voted a straight party ticket for the candidates**
- 4 **of one (1) political party;**
- 5 **(2) more than one (1) person may be elected to an office; and**
- 6 **(3) the voter has voted for individual candidates for the office**
- 7 **described in subdivision (2) who are:**
- 8 **(A) independent candidates or candidates of a political**
- 9 **party other than the political party for which the voter cast**
- 10 **a straight party ticket under subdivision (1); and**
- 11 **(B) candidates of the same political party for which the**
- 12 **voter cast a straight party ticket under subdivision (1).**

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

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

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

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

43 Page 79, between lines 31 and 32, begin a new paragraph and insert:
 44 "SECTION 142. THE FOLLOWING ARE REPEALED

- 1 [EFFECTIVE JANUARY 1, 2007]: IC 3-11-7-7; 3-11-7-8;
- 2 IC 3-11-7-9; 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.)

Senator LAWSON C