

IC 3-11-3

Chapter 3. Distribution of Ballots and Other Supplies

IC 3-11-3-1

Application of chapter

Sec. 1. This chapter applies to each precinct.

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

IC 3-11-3-2

Repealed

(As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.211; P.L.2-1996, SEC.134; P.L.3-1997, SEC.265; P.L.126-2002, SEC.39; P.L.14-2004, SEC.100. Repealed by P.L.221-2005, SEC.145.)

IC 3-11-3-3

Paper ballots for precincts where voting systems not sufficient to register all votes

Sec. 3. If, in the judgment of a county election board, the number of voters in a precinct of the county where a voting system is used for voting is so large that the voting system in use will not be sufficient to register the vote of all the voters in the precinct, the board may use paper ballots in addition to the voting system. The voting by paper ballot is subject to all the restrictions prescribed by this article.

As added by P.L.5-1986, SEC.7. Amended by P.L.2-1996, SEC.135; P.L.3-1997, SEC.266; P.L.221-2005, SEC.42.

IC 3-11-3-4

Repealed

(As added by P.L.5-1986, SEC.7. Amended by P.L.2-1996, SEC.136; P.L.3-1997, SEC.267. Repealed by P.L.219-2013, SEC.31.)

IC 3-11-3-5

Repealed

(Repealed by P.L.5-1989, SEC.120.)

IC 3-11-3-6

Repealed

(As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.212; P.L.2-1996, SEC.137; P.L.3-1997, SEC.268; P.L.38-1999, SEC.35; P.L.176-1999, SEC.66; P.L.126-2002, SEC.40. Repealed by P.L.221-2005, SEC.145.)

IC 3-11-3-7

Repealed

(As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.213; P.L.3-1997, SEC.269. Repealed by P.L.38-1999, SEC.73.)

IC 3-11-3-8

Repealed

(Repealed by P.L.3-1997, SEC.475.)

IC 3-11-3-9

Repealed

(As added by P.L.5-1986, SEC.7. Amended by P.L.10-1997, SEC.2. Repealed by P.L.38-1999, SEC.73.)

IC 3-11-3-10

Receipt of ballots and other supplies by inspector or member of precinct election board

Sec. 10. The inspector of each precinct, or another member of the precinct election board authorized in writing by the inspector, shall appear at the office of the county election board of the inspector's county on the second or third day before election day to receive ballots and other supplies.

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

IC 3-11-3-11

Delivery of ballots and ballot supplies; delivery and installation of hardware, firmware, and software for electronic poll books

Sec. 11. (a) Except as provided in subsection (b), the county election board shall deliver the following to each inspector or the inspector's representative:

- (1) The supplies provided for the inspector's precinct by the election division.
- (2) The sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.
- (3) The ballots printed under the direction of the county election board as follows:
 - (A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.
 - (B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.
 - (C) Provisional ballots in the number considered necessary by the county election board.
- (4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.
- (5) Copies of the voter's bill of rights for posting as required by 52 U.S.C. 21082.
- (6) Copies of the instructions for a provisional voter required by 52 U.S.C. 21082. The county election board shall provide at

least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

(7) Copies of the notice for posting as required by IC 3-7-29-1(f).

(8) The blank voter registration applications required to be provided under IC 3-7-48-7(b).

(b) This subsection applies to a county that:

(1) has adopted an order under IC 3-7-29-6(a)(1); or

(2) is a vote center county under IC 3-11-18.1.

The county election board shall deliver and install the hardware, firmware, and software necessary to use an electronic poll book in each precinct or vote center.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.214; P.L.4-1991, SEC.63; P.L.2-1996, SEC.139; P.L.3-1997, SEC.270; P.L.126-2002, SEC.41; P.L.209-2003, SEC.105; P.L.230-2005, SEC.51; P.L.271-2013, SEC.15; P.L.2-2014, SEC.4; P.L.76-2014, SEC.30; P.L.128-2015, SEC.154; P.L.169-2015, SEC.90.

IC 3-11-3-12

Packaging of ballots; attestation by circuit court clerk; inspector's receipt; packages not to be opened

Sec. 12. (a) The ballots delivered to the inspector of each precinct under section 11 of this chapter shall be placed in a strong and stout paper envelope or bag, which shall then be tightly closed, fastened securely, and attested by the initials of the circuit court clerk or the clerk's designee in the presence of the inspector or the inspector's representative. The inspector shall sign a receipt for the ballots. The ballot packages may not be opened until:

(1) they have been delivered to the precinct election board to which they are directed; and

(2) the precinct election board is fully organized and ready for the reception of votes.

(b) The provisional ballots delivered to the inspector of each precinct under section 11 of this chapter shall be placed in a strong and stout paper envelope or bag, separate from the bag described in subsection (a), which shall then be tightly closed, fastened securely, and attested by the initials of the circuit court clerk or the clerk's designee in the presence of the inspector or the inspector's representative. The inspector shall sign a receipt for the provisional ballots. The provisional ballot packages may not be opened until:

(1) they have been delivered to the precinct election board to which they are directed; and

(2) the precinct election board is fully organized and ready to receive votes.

As added by P.L.5-1986, SEC.7. Amended by P.L.126-2002, SEC.42; P.L.221-2005, SEC.43.

IC 3-11-3-13

Dispatch of special messenger to pick up ballots on failure of inspector; report to county election board

Sec. 13. If an inspector (or the inspector's representative) fails to appear at the office of the circuit court clerk by the close of the second day before election day, the county election board shall immediately dispatch a special messenger to the inspector's precinct with the ballots for the precinct. After delivering the ballots, the messenger shall promptly report to the county election board and file with it:

- (1) the receipt of the person to whom the messenger delivered the ballots; and
- (2) the messenger's affidavit stating when and to whom the messenger delivered the ballots.

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

IC 3-11-3-14

Messenger's compensation and mileage allowance

Sec. 14. If a county election board dispatches a messenger under section 13 of this chapter, the messenger is entitled to receive:

- (1) two dollars (\$2) for time; and
- (2) a mileage allowance at a rate determined by the county fiscal body for the distance necessarily traveled.

As added by P.L.5-1986, SEC.7. Amended by P.L.10-1997, SEC.3.

IC 3-11-3-15

Failure of inspector to appear at circuit court clerk's office under IC 3-11-3-10

Sec. 15. If an inspector fails to appear at the office of the circuit court clerk under section 10 of this chapter, the inspector is not entitled to compensation for services at the election.

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

IC 3-11-3-16

Poll lists; voter registration lists; preparation; delivery to inspectors; delivery and installation of electronic poll books

Sec. 16. (a) Except as provided in subsection (b), each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8.

(b) In a county described by IC 3-7-29-6(a)(1) or IC 3-11-18.1, the electronic poll books shall be delivered and installed for use by the county election board under section 11(b) of this chapter.

(c) The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29 (or in the use of the electronic poll books).

As added by P.L.5-1986, SEC.7. Amended by P.L.209-2003, SEC.106; P.L.164-2006, SEC.90; P.L.194-2013, SEC.46; P.L.271-2013, SEC.16; P.L.258-2013, SEC.70; P.L.64-2014, SEC.40; P.L.169-2015, SEC.91.

IC 3-11-3-17

Repealed

(As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.215; P.L.3-1993, SEC.119; P.L.12-1995, SEC.75; P.L.209-2003, SEC.107. Repealed by P.L.164-2006, SEC.143.)

IC 3-11-3-18

Repealed

(As added by P.L.5-1986, SEC.7. Amended by P.L.3-1995, SEC.96; P.L.199-2001, SEC.20; P.L.209-2003, SEC.108; P.L.2-2004, SEC.2. Repealed by P.L.164-2006, SEC.143.)

IC 3-11-3-19

Repealed

(As added by P.L.5-1986, SEC.7. Amended by P.L.209-2003, SEC.109. Repealed by P.L.164-2006, SEC.143.)

IC 3-11-3-20

Voters' poll list cover

Sec. 20. On the front cover of the bound looseleaf poll list sheets or the book form poll lists the following should be printed:

- (1) The heading: "VOTERS' POLL LIST COVER".
- (2) A notice to the inspector that after the polls are closed the poll list that has been used in the precinct on election day should be assembled and enclosed in a separate envelope provided for that purpose and delivered to the clerk of the circuit court of the county in which the election is held with the other election returns as provided in this title.
- (3) The signatures of the inspector, judges, and clerks of the election board, certifying the following:
 - (A) That the signatures shown in the list is the record of the voters' poll list.
 - (B) The type of election.
 - (C) The date of the election.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1995, SEC.97; P.L.4-1996, SEC.64.

IC 3-11-3-21

Repealed

(As added by P.L.5-1986, SEC.7. Amended by P.L.209-2003, SEC.110. Repealed by P.L.164-2006, SEC.143.)

IC 3-11-3-22

Instruction cards; write-in voting notice cards; printing and delivery

Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English, braille, and any other language that the board considers necessary, the following:

- (1) Instructions for the guidance of voters in preparing their ballots.
- (2) Instructions explaining the procedure for write-in voting.
- (3) Write-in voting notice cards that must be posted in each precinct that utilizes a voting system that does not permit a voter to alter the voter's ballot after making a voting mark for a write-in candidate so that the voter may vote for a candidate for that office whose name appears on the ballot.

(b) The write-in notice cards described in subsection (a)(3) must inform all voters that a voter:

- (1) who wants to cast write-in votes may cast the voter's ballot on the voting system required to be available to all voters in the precinct under IC 3-11-15-13.3(e); and
- (2) may choose to cast the voter's ballot on the voting system described in subdivision (1) without being required to indicate to any individual that the voter wishes to cast a ballot on the voting system because the voter intends to cast a ballot for a write-in candidate.

(c) The board shall furnish the number of cards it determines to be adequate for each precinct to the inspector at the same time the board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.216; P.L.4-1991, SEC.64; P.L.3-1993, SEC.120; P.L.221-2005, SEC.44; P.L.164-2006, SEC.91.

IC 3-11-3-23

Instruction cards; contents

Sec. 23. (a) The cards required by section 22 of this chapter must contain instructions to the voters as to what must be done to:

- (1) obtain ballots for voting;
- (2) prepare ballots for voting; and
- (3) obtain a new ballot in place of one accidentally defaced, mutilated, or spoiled.

(b) The cards must contain, in underlined type, the following:

- (1) That it is a crime to violate Indiana election laws.
- (2) That the voter should examine the ballot to determine whether the back of the ballot has:
 - (A) the initials of the poll clerks in ink; or
 - (B) the printed initials of the poll clerks, in a vote center county using an electronic poll list and a printer separate from the electronic poll list that prints on the back of each

ballot card, immediately before the ballot card is delivered to the voter, the printed initials of the poll clerks captured through the electronic signature pad or tablet at the time the poll clerks log into the electronic poll book system.

(3) That the voter should examine the ballot to determine if the ballot has any mark (other than the initials of the poll clerks) before voting.

(4) That the voter should not make any mark on the ballot except a voting mark in the manner provided by IC 3-12-1 because a mark other than a voting mark may void the ballot.

(5) That the voter should return the ballot to the poll clerks and request another ballot if:

(A) the poll clerks' initials have not been properly placed on the ballot;

(B) the ballot has a mark (other than the initials of the poll clerks) before the voter places a voting mark on the ballot; or

(C) the voter has improperly marked the ballot.

(c) The cards must also set out copies of IC 3-14-2-16, IC 3-14-2-17, IC 3-14-3-10, IC 3-14-3-13, IC 3-14-3-15, IC 3-14-3-16, and IC 3-14-4-9.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.217; P.L.55-2014, SEC.2.

IC 3-11-3-24

Instruction cards; posting

Sec. 24. The inspector of each precinct shall have the cards required by section 22 of this chapter posted as follows:

(1) One (1) of each card in each place or compartment provided for the preparation of ballots.

(2) One (1) of each card at or close to the outer end of the chute.

(3) At least three (3) of each card in and about the polls.

As added by P.L.5-1986, SEC.7. Amended by P.L.69-2003, SEC.3.

IC 3-11-3-25

Sample ballots; posting

Sec. 25. As required by 52 U.S.C. 21082, the inspector of each precinct shall post the samples of each of the state and local ballots provided by the county election board under this article in and about the polls. The sample ballots shall be printed on different paper than the genuine ballots.

As added by P.L.5-1986, SEC.7. Amended by P.L.10-1988, SEC.102; P.L.209-2003, SEC.111; P.L.128-2015, SEC.155.

IC 3-11-3-26

Loss or destruction of ballots delivered to county election board; report; affidavit of circumstances; resupply

Sec. 26. If by accident or casualty the ballots delivered to a county

election board, circuit court clerk, inspector, or other messenger are lost or destroyed, the person in custody of the ballots shall report the loss at once to the election board from which the ballots were obtained. The person in custody of the ballots shall make an affidavit of the circumstances of the loss, and the election board from which the ballots were obtained immediately shall resupply the person.

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

IC 3-11-3-27

Failure or refusal to report and make proof of loss of ballots

Sec. 27. If the person in custody of the ballots fails or refuses to report and make proof of the loss as required by section 26 of this chapter, then any voter may do so. Upon such a report the election board from which the ballots were obtained immediately shall send a new supply of ballots by special messenger, as provided in other cases.

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

IC 3-11-3-28

Securing ballots or other means of voting when none available

Sec. 28. If for any reason there are no ballots or other necessary means for voting at the opening of the polls, the precinct election board shall secure them as quickly as possible. If necessary, the board may have ballots printed. However, the ballots must conform as nearly as possible to the official ballots. The printing and the care of the ballots are governed by the same provisions and penalties as the printing and care of the other ballots prescribed by this article.

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

IC 3-11-3-29

Candidates appointed or selected after printing of ballots and before election; name change

Sec. 29. (a) If a new candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after the printing of ballots and before the election, the election board shall print ballots containing the name of the new candidate, except as provided in section 29.5 of this chapter.

(b) If a candidate entitled to be placed on the ballot changes the candidate's legal name after the printing of ballots and before the election, the board is not required to reprint ballots to reflect the change of legal name.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.218; P.L.5-1989, SEC.49; P.L.4-1996, SEC.65; P.L.3-1997, SEC.271; P.L.202-1999, SEC.19; P.L.225-2011, SEC.53; P.L.194-2013, SEC.47; P.L.169-2015, SEC.92.

IC 3-11-3-29.3

Death of candidate who filed with secretary of state or election division; name of deceased candidate printed on ballot;

replacement ballot; effect of deceased candidate receiving the most votes

Sec. 29.3. (a) This section applies to a candidate who has filed with the secretary of state or election division as a candidate for nomination in a primary election.

(b) If the election division determines that a candidate for nomination in a primary has died, the division shall:

- (1) not include the name of the candidate in the certification transmitted to the county under IC 3-8-2-17; or
- (2) if the certification to the county has already been transmitted, notify the county election board of each county to which the candidate's name has been previously certified.

(c) The county election board shall not print the name of a deceased candidate described in subsection (b) on a primary ballot. However, if the county election board has already printed ballots containing the name of the deceased candidate, the county may provide those ballots to voters and shall not reprint the ballot to remove the name of the deceased candidate.

(d) A voter who has cast a ballot containing the name of a deceased candidate is entitled to request a replacement absentee ballot under IC 3-11-10-1.5.

(e) If a deceased candidate receives the most votes in a primary election, a candidate vacancy occurs that the candidate's party may fill under IC 3-13.

As added by P.L.194-2013, SEC.48. Amended by P.L.169-2015, SEC.93.

IC 3-11-3-29.4

Death of candidate who filed with circuit court clerk or board of elections and registration; name of deceased candidate printed on ballot; replacement ballot; effect of deceased candidate receiving the most votes

Sec. 29.4. (a) This section applies to a candidate who has filed with a circuit court clerk or board of elections and registration as a candidate for:

- (1) nomination in a primary election or municipal primary election; or
- (2) election to a political party office in a primary election.

(b) If the county election board determines by unanimous vote of the entire membership that there is good cause to believe that a candidate has died, the board shall not print the name of the candidate on the primary ballot.

(c) However, if the county election board has already printed ballots containing the name of the deceased candidate, the county may provide those ballots to voters and shall not reprint the ballot to remove the name of the deceased candidate.

(d) A voter who has cast a ballot containing the name of a deceased candidate is entitled to request a replacement absentee

ballot under IC 3-11-10-1.5.

(e) If a deceased candidate receives the most votes in a primary election, a candidate vacancy occurs that the candidate's party may fill under IC 3-13.

As added by P.L.194-2013, SEC.49. Amended by P.L.76-2014, SEC.31; P.L.169-2015, SEC.94.

IC 3-11-3-29.5

Pasters; deceased candidates; vacancies

Sec. 29.5. (a) This section applies to a general or special election in which the name of a candidate appears on the ballot. This section does not apply to an election for presidential electors in which the name of a candidate for President of the United States or Vice President of the United States appears on the ballot.

(b) The election board shall print new ballots to remove the name of a candidate who has died or is no longer a candidate under IC 3-13-2-1 if:

(1) the candidate's party does not fill the vacancy under IC 3-13-1 or IC 3-13-2 not later than noon, five (5) days before the election; and

(2) when a candidate has died, the election board:

(A) receives a certificate of death issued under IC 16-37-3 not later than noon the seventh day before the election; or

(B) votes unanimously by the entire membership that there is good cause to believe that the candidate has died.

(c) The election board shall provide the number of ballots necessary to reflect a vacancy to the following:

(1) The absentee voter board.

(2) The inspector of each precinct in which the candidate is on the ballot.

(3) The circuit court clerk.

(d) The election board may order the printing of new ballots that omit the name of a candidate described in subsection (b). A ballot printed under this subsection must contain the statement "NO CANDIDATE" or "CANDIDATE DECEASED" or words to that effect at the appropriate position on the ballot.

(e) If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled after noon five (5) days before the election, the election board is not required to reprint ballots to remove the name of an individual who is no longer a candidate but may do so upon the vote of the election board.

As added by P.L.4-1991, SEC.65. Amended by P.L.2-1993, SEC.31; P.L.3-1993, SEC.121; P.L.4-1996, SEC.66; P.L.3-1997, SEC.272; P.L.38-1999, SEC.36; P.L.219-2013, SEC.32; P.L.258-2013, SEC.71.

IC 3-11-3-30

Repealed

(As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.219; P.L.4-1991, SEC.66; P.L.3-1993, SEC.122; P.L.126-2002, SEC.43. Repealed by P.L.194-2013, SEC.50.)

IC 3-11-3-31

Leftover ballots; preservation; destruction

Sec. 31. (a) Each county election board shall preserve the unused ballots that are left over after supplying the precincts, as prescribed by section 11 of this chapter. The ballots shall be preserved until expiration of the time for filing a contest or recount petition under IC 3-12.

(b) The board shall then destroy all of the ballots, except for one (1) regular ballot and one (1) provisional ballot.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.220; P.L.3-1993, SEC.123; P.L.126-2002, SEC.44.

IC 3-11-3-32

Preservation of ballot in election record; entry of information

Sec. 32. (a) The county election board shall securely paste the one (1) regular ballot that was preserved under section 31 of this chapter in the election record immediately before the provisional ballot placed under subsection (b). The board shall also enter below the ballot the number of ballots:

- (1) printed by the board;
- (2) delivered to each messenger; and
- (3) destroyed by the board.

(b) The county election board shall securely paste the one (1) provisional ballot that was preserved under section 31 of this chapter in the election record immediately after the regular ballot placed in the record under subsection (a) and immediately before the place where the vote is to be recorded. The board shall also enter below the provisional ballot the number of provisional ballots:

- (1) printed by the board;
- (2) delivered to each messenger; and
- (3) destroyed by the board.

As added by P.L.5-1986, SEC.7. Amended by P.L.126-2002, SEC.45.

IC 3-11-3-33

Provision of ballot box

Sec. 33. Whenever a general election is held, the county election board shall provide a ballot box for each precinct.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.221.

IC 3-11-3-34

Ballot boxes; specifications

Sec. 34. Each ballot box provided under section 33 of this chapter must:

- (1) have an opening in the lid sufficient only for a single ballot;

- (2) have at least two (2) locks of different kinds and combinations, so that one (1) key will not unlock the other; and
- (3) be constructed to prevent fraud.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.222.

IC 3-11-3-35

Counties with population of more than 400,000 but less than 700,000; voting system malfunction; paper ballots and necessary supplies

Sec. 35. (a) This section applies to a county having a population of more than four hundred thousand (400,000), but less than seven hundred thousand (700,000).

(b) In each precinct where voting is by electronic voting system, the county election board shall provide the following to be used if an electronic voting system malfunctions:

- (1) The following number of paper ballots:
 - (A) Not less than ten (10) if the number of registered voters in the precinct is not more than three hundred (300).
 - (B) Not less than twenty-five (25) if the number of registered voters in the precinct is more than three hundred (300).

(2) The necessary supplies and equipment as required by IC 3-11-11.

(c) Upon notice that an electronic voting system is out of order or fails to work, the precinct election board shall make the paper ballots provided under subsection (b) available to voters. The precinct election board shall contact the county election board to obtain additional ballots.

(d) Upon notice that an electronic voting system is out of order or fails to work, the county election board shall deliver additional necessary supplies to any precinct in the county, including additional paper ballots.

As added by P.L.10-1992, SEC.22. Amended by P.L.20-1993, SEC.1; P.L.221-2005, SEC.45.