

SENATE BILL No. 277

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2; IC 3-10; IC 3-11; IC 3-11.5-6-14; IC 3-12; IC 3-14-4-10.

Synopsis: Ranked choice voting. Establishes ranked choice voting for elections for all public offices. Establishes the procedure for a voter to rank the candidates according to the voter's choice when there are three or more candidates for election to an office. Establishes the procedures to count the voter's choices as votes at various stages of tabulating ballots. Makes conforming amendments.

Effective: January 1, 2017.

Stoops

January 7, 2016, read first time and referred to Committee on Elections.



Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE BILL No. 277

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 3-5-2-41.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2017]: **Sec. 41.2. "Rank" has the meaning set forth in**
4 **IC 3-12-0.5-4.**

5 SECTION 2. IC 3-5-2-41.3 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
7 JANUARY 1, 2017]: **Sec. 41.3. "Ranked choice voting" refers to the**
8 **system of voting described in IC 3-12-0.5, whereby a voter may**
9 **give a rank to all the candidates for the same office.**

10 SECTION 3. IC 3-5-2-48.3 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
12 JANUARY 1, 2017]: **Sec. 48.3. "Tabulate" refers to the following:**

13 **(1) With respect to a public question, the determination of the**
14 **total vote for and against the public question.**

15 **(2) With respect to an election to an office, the determination**
16 **of the total of each ranking given to each candidate for that**
17 **office. The term includes the determination of the total vote**



- 1 **for each candidate for that office as provided in IC 3-12 by**
 2 **the entity authorized to determine those totals under**
 3 **IC 3-12-0.1.**
- 4 SECTION 4. IC 3-10-1-14.1, AS AMENDED BY P.L.76-2014,
 5 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2017]: Sec. 14.1. (a) All the candidates for each office
 7 who have qualified in the manner prescribed by IC 3-8 for placement
 8 on the primary election ballot shall be grouped together under the name
 9 of the office and printed in type with uniform capital letters, with
 10 uniform space between each name.
- 11 **(b) At the head of each group, a statement reading substantially as**
 12 **follows must be placed immediately below the name of the office and**
 13 **above the name of the first candidate: "Vote for not more than (insert**
 14 **the number of candidates to be nominated) candidates for this office.":**
 15 **"You may rank each candidate below as your #1 choice, your**
 16 **#2 choice, your #3 choice, and so on. You may, but are not**
 17 **required to, rank all the candidates that appear below."**
- 18 **(c) If more than one (1) candidate will be nominated,**
 19 **substantially the following statement shall be printed after the**
 20 **statement required by subsection (b):**
- 21 **"You may rank more than one (1) candidate, but not more**
 22 **than (insert the number of candidates to be nominated) as**
 23 **your #1 choice, more than one (1) candidate but not more**
 24 **than (insert the number of candidates to be nominated) as**
 25 **your #2 choice, and more than one (1) candidate but not more**
 26 **than (insert the number of candidates to be nominated) as**
 27 **your #3 choice, and so on. You may, but are not required to,**
 28 **rank all the candidates. However, you may not give any**
 29 **candidate more than one (1) ranking."**
- 30 ~~(b)~~ **(d) In addition to the candidate's given name and surname, the**
 31 **candidate may use:**
- 32 (1) initials; or
 33 (2) a nickname by which the candidate is commonly known;
 34 if the candidate's choice of initials or nickname does not exceed twenty
 35 (20) characters. Any nickname used must appear in parentheses
 36 between the candidate's given name and the candidate's surname.
- 37 ~~(c)~~ **(e) A candidate may not use a designation such as a title or**
 38 **degree or a nickname that implies a title or degree.**
- 39 ~~(d)~~ **(f) A candidate's name must be printed on the ballot exactly as**
 40 **the name appears on the candidate's certificate of nomination, petition**
 41 **of nomination, or declaration of candidacy.**
- 42 SECTION 5. IC 3-10-1-19, AS AMENDED BY P.L.77-2014,



1 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2017]: Sec. 19. (a) The ballot for a primary election shall
3 be printed in substantially the following form **described in this section**
4 for all the offices for which candidates have qualified under IC 3-8.

5 **(b) The following shall be printed as the heading for the ballot**
6 **for a political party:**

7 "OFFICIAL PRIMARY BALLOT

8 _____ Party (insert the name of the political
9 party)".

10 **(c) The following shall be printed immediately below the**
11 **heading required by subsection (b):**

12 **(1) For paper ballots, print:**

13 "To vote for rank a person candidate as your #1 choice, make
14 a voting mark (X or ✓) on or in the #1 box before the person's
15 candidate's name in the proper column. Giving a candidate a #1
16 ranking is an automatic vote for that candidate."

17 "To rank a candidate as your #2 choice, make a voting mark
18 (X or ✓) on or in the #2 box before the candidate's name in
19 the proper column."

20 "To rank a candidate as your #3 choice, make a voting mark
21 (X or ✓) on or in the #3 box before the candidate's name in
22 the proper column."

23 "To rank a candidate as a choice lower than your #3 choice,
24 make a voting mark (X or ✓) on or in the box with the
25 number that corresponds to the rank you want to give that
26 candidate before the candidate's name in the proper
27 column."

28 **(2) For optical scan ballots, print:**

29 "To vote for rank a person, candidate as your #1 choice, darken
30 or shade in the #1 (circle, oval, or square, or draw a line to
31 connect the #1 arrow, inserting the appropriate figure that is
32 used on the ballot) that precedes the person's candidate's name
33 in the proper column. Giving a candidate a #1 ranking is an
34 automatic vote for that candidate."

35 "To rank a candidate as your #2 choice, darken or shade in
36 the #2 (circle, oval, or square, or draw a line to connect the #2
37 arrow, inserting the appropriate figure that is used on the
38 ballot) that precedes the candidate's name in the proper
39 column."

40 "To rank a candidate as your #3 choice, darken or shade in
41 the #3 (circle, oval, or square, or draw a line to connect the #3
42 arrow, inserting the appropriate figure that is used on the



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ballot) that precedes the candidate's name in the proper column."

"To rank a candidate as a choice lower than your #3 choice, darken or shade in the numbered (circle, oval, or square, or draw a line to connect the numbered arrow, inserting the appropriate figure that is used on the ballot) that corresponds to the rank you want to give the candidate that precedes the candidate's name in the proper column."

(3) For optical scan ballots that do not contain a candidate's name, print:

~~"To vote for rank a person,~~ **candidate as your #1 choice,** darken or shade in the #1 oval that precedes the number assigned to the ~~person's~~ **candidate's** name in the proper column. **Giving a candidate a #1 ranking is an automatic vote for that candidate."**

"To rank a candidate as your #2 choice, darken or shade in the #2 oval that precedes the number assigned to the candidate's name in the proper column."

"To rank a candidate as your #3 choice, darken or shade in the #3 oval that precedes the number assigned to the candidate's name in the proper column."

"To rank a candidate as a choice lower than your #3 choice, darken or shade in the numbered oval that corresponds to the rank you want to give the candidate that precedes the candidate's name in the proper column."

(4) For electronic voting systems, print:

~~"To vote for rank a person,~~ **candidate as your #1 choice,** touch the screen (or press the button) in the #1 location indicated.

Vote for one (1) only

Representative in Congress

(1) AB _____

(2) CD _____

(3) EF _____

(4) GH _____

Giving a candidate a #1 ranking is an automatic vote for that candidate."

"To rank a candidate as your #2 choice, touch the screen (or press the button) in the #2 location indicated."

"To rank a candidate as your #3 choice, touch the screen (or press the button) in the #3 location indicated."

"To rank a candidate as a choice lower than your #3 choice, touch the screen (or press the button) at the location with the



1 **number that corresponds to the rank you want to give the**
 2 **candidate."**

3 **To avoid voter confusion, the county election board may, by a**
 4 **unanimous vote of the entire membership of the board, alter the**
 5 **instructions required by this subsection to account for variations**
 6 **of the number of candidates (including any write-in candidates)**
 7 **that appear on the ballot for different offices.**

8 ~~(b)~~ **(d)** Local public questions shall be placed on the primary
 9 election ballot after the voting instructions described in subsection ~~(a)~~
 10 **(c)** and before the offices described in subsection ~~(e)~~: **(g)**.

11 ~~(e)~~ **(e)** The local public questions described in subsection ~~(b)~~ **(d)**
 12 shall be placed:

13 (1) in a separate column on the ballot if voting is by paper ballot;
 14 (2) after the voting instructions described in subsection ~~(a)~~ **(c)** and
 15 before the offices described in subsection ~~(e)~~; **(g)**, in the form
 16 specified in IC 3-11-13-11 if voting is by ballot card; or
 17 (3) as provided by either of the following if voting is by an
 18 electronic voting system:

19 (A) On a separate screen for a public question.

20 (B) After the voting instructions described in subsection ~~(a)~~ **(c)**
 21 and before the offices described in subsection ~~(e)~~; **(g)**, in the
 22 form specified in IC 3-11-14-3.5.

23 ~~(d)~~ **(f)** A public question shall be placed on the primary election
 24 ballot in the following form:

25 (The explanatory text for the public question,
 26 if required by law.)

27 "Shall (insert public question)?"

28 YES

29 NO

30 ~~(e)~~ **(g)** The offices with candidates for nomination shall be placed
 31 on the primary election ballot in the following order:

32 (1) Federal and state offices:

33 (A) President of the United States.

34 (B) United States Senator.

35 (C) Governor.

36 (D) United States Representative.

37 (2) Legislative offices:

38 (A) State senator.

39 (B) State representative.

40 (3) Circuit offices and county judicial offices:

41 (A) Judge of the circuit court, and unless otherwise specified
 42 under IC 33, with each division separate if there is more than



- 1 one (1) judge of the circuit court.
 2 (B) Judge of the superior court, and unless otherwise specified
 3 under IC 33, with each division separate if there is more than
 4 one (1) judge of the superior court.
 5 (C) Judge of the probate court.
 6 (D) Prosecuting attorney.
 7 (E) Circuit court clerk.
 8 (4) County offices:
 9 (A) County auditor.
 10 (B) County recorder.
 11 (C) County treasurer.
 12 (D) County sheriff.
 13 (E) County coroner.
 14 (F) County surveyor.
 15 (G) County assessor.
 16 (H) County commissioner. This clause applies only to a county
 17 that is not subject to IC 36-2-2.5.
 18 (I) Single county executive. This clause applies only to a
 19 county that is subject to IC 36-2-2.5.
 20 (J) County council member.
 21 (5) Township offices:
 22 (A) Township assessor (only in a township referred to in
 23 IC 36-6-5-1(d)).
 24 (B) Township trustee.
 25 (C) Township board member.
 26 (D) Judge of the small claims court.
 27 (E) Constable of the small claims court.
 28 (6) City offices:
 29 (A) Mayor.
 30 (B) Clerk or clerk-treasurer.
 31 (C) Judge of the city court.
 32 (D) City-county council member or common council member.
 33 (7) Town offices:
 34 (A) Clerk-treasurer.
 35 (B) Judge of the town court.
 36 (C) Town council member.
 37 ~~(f)~~ (h) The political party offices with candidates for election shall
 38 be placed on the primary election ballot in the following order after the
 39 offices described in subsection ~~(e)~~: (g):
 40 (1) Precinct committeeman.
 41 (2) State convention delegate.
 42 ~~(g)~~ (i) The local offices to be elected at the primary election shall be



1 placed on the primary election ballot after the offices described in
2 subsection ~~(f)~~: **(h)**.

3 ~~(h)~~ **(j)** The offices described in subsection ~~(g)~~ **(i)** shall be placed:

4 (1) in a separate column on the ballot if voting is by paper ballot;

5 (2) after the offices described in subsection ~~(f)~~ **(h)** in the form
6 specified in IC 3-11-13-11 if voting is by ballot card; or

7 (3) either:

8 (A) on a separate screen for each office or public question; or

9 (B) after the offices described in subsection ~~(f)~~ **(h)** in the form
10 specified in IC 3-11-14-3.5;

11 if voting is by an electronic voting system.

12 SECTION 6. IC 3-10-1-19.5, AS AMENDED BY P.L.190-2011,
13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2017]: Sec. 19.5. Notwithstanding section 19 of this
15 chapter, the county election board may alter the prescribed ballot order
16 to place the names of the candidates for the following offices before the
17 names of the candidates for county judicial offices:

18 (1) Prosecuting attorney.

19 (2) Clerk of the circuit court.

20 (3) The county offices listed in section ~~19(e)(4)~~ **19(g)(4)** of this
21 chapter.

22 SECTION 7. IC 3-10-1-29 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 29. **(a)** The
24 canvass of votes cast in a primary election shall, as far as applicable,
25 be made in the same manner and by the same officers as the canvass at
26 a general election.

27 **(b)** The tally sheet upon which the count has been entered shall be
28 included in the returns of the election.

29 **(c)** Each precinct election board shall, on blanks provided for that
30 purpose, make full and accurate returns of the: ~~votes cast for~~

31 **(1) total of each ranking given to** each candidate; and

32 **(2) total vote** on each public question;

33 unless votes were cast on a ballot card voting system that is not
34 designed to allow the ~~counting and~~ tabulation of votes by the precinct
35 election board.

36 **(d)** The board shall set forth in the return **the following**
37 **information:**

38 **(1)** Opposite the name of each candidate, ~~and the total of each~~
39 **ranking recorded under subsection (c)(1).**

40 **(2)** **Opposite each** public question, the number of votes cast ~~for~~
41 ~~the candidate and~~ for or against ~~each the~~ public question.

42 **(e)** The tabular statement must contain the following information,



1 with the names of candidates and public questions arranged in the
2 order in which they appear upon the official ballot:

- 3 (1) The name of the precinct.
- 4 (2) The name of the township (or ward).
- 5 (3) The name of the county.
- 6 (4) The name of the party of the candidates. ~~for Representative in~~
7 ~~Congress.~~

8 SECTION 8. IC 3-10-1-32, AS AMENDED BY P.L.179-2011,
9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JANUARY 1, 2017]: Sec. 32. **(a)** Primary election returns must contain
11 the whole number of votes, **subject to IC 3-12-0.1 and as determined**
12 **under IC 3-12-0.5**, cast for each of the following:

- 13 (1) Each candidate of each political party.
- 14 (2) Each public question voted on at the primary election.
- 15 (3) Each candidate for election to a political party office.

16 **(b) Primary election returns must contain the total of each**
17 **ranking given to each candidate of each political party.**

18 SECTION 9. IC 3-10-1-33, AS AMENDED BY P.L.164-2006,
19 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JANUARY 1, 2017]: Sec. 33. (a) The county election board shall also
21 make an additional duplicate showing the votes cast **and rankings**
22 **given** for each candidate required to file a declaration of candidacy
23 with the election division under IC 3-8-2.

24 (b) The circuit court clerk shall, not later than noon on the second
25 Monday following the primary election, send to the election division by
26 certified mail or hand deliver to the election division one (1) complete
27 copy of all returns for these candidates.

28 (c) The circuit court clerk may send the document described in
29 subsection (b) using the computerized list established under
30 IC 3-7-26.3. A document sent under this subsection complies with any
31 requirement for the document to be certified or sealed.

32 SECTION 10. IC 3-10-4-1, AS AMENDED BY P.L.1-2006,
33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JANUARY 1, 2017]: Sec. 1. (a) The names of the candidates of:

- 35 (1) a political party;
- 36 (2) a group of petitioners under IC 3-8-6; or
- 37 (3) a write-in candidate for the office of President or Vice
38 President of the United States under IC 3-8-2-2.5;

39 for electors of President and Vice President of the United States may
40 not be placed on the ballot.

41 (b) The names of the nominees for President and Vice President of
42 the United States of each political party or group of petitioners shall be



- 1 placed:
- 2 (1) in one (1) column on the ballot if paper ballots are used;
- 3 (2) either:
- 4 (A) grouped together on a separate screen; or
- 5 (B) grouped together below the names of the offices as
- 6 specified in IC 3-11-14-3.5;
- 7 if an electronic voting system is used; or
- 8 (3) grouped together below the names of the offices as specified
- 9 in IC 3-11-13-11 if a ballot card is used.
- 10 (c) The ballot must permit a voter to ~~cast a ballot for a write-in~~
- 11 **write in and rank a** candidate for the office of President or Vice
- 12 President of the United States in the manner provided under
- 13 IC 3-11-2-6.
- 14 SECTION 11. IC 3-10-4-2, AS AMENDED BY P.L.58-2005,
- 15 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JANUARY 1, 2017]: Sec. 2. (a) This section applies when paper
- 17 ballots are used.
- 18 (b) ~~A single square~~ **The number of squares equal to the number**
- 19 **of candidates (including write-in candidates)** shall be printed in front
- 20 of a bracket enclosing the names of the nominees for President and
- 21 Vice President of the United States on the left margin of each separate
- 22 column of the ballot, immediately opposite the names of the nominees.
- 23 **The squares may be arranged either vertically or horizontally in**
- 24 **front of the names of the nominees. The top or square farthest to**
- 25 **the left shall be labeled "#1", the next square vertically or**
- 26 **horizontally shall be labeled "#2", with this arrangement**
- 27 **continuing until the bottom or square farthest to the right shall be**
- 28 **labeled with the number of candidates (including write-in**
- 29 **candidates).**
- 30 (c) The device named and list of nominees of the political party
- 31 whose nominee received the highest number of votes in that county for
- 32 secretary of state at the ~~last~~ **most recent** election **for secretary of state**
- 33 shall be placed in the first column on the left side of the ballot. The
- 34 political party whose nominee received the second highest number of
- 35 votes in that county for secretary of state at the ~~last~~ **most recent**
- 36 election **for secretary of state** shall be placed in the second column.
- 37 Other political parties shall be placed on the ballot in the same order.
- 38 (d) If a political party or an independent ticket did not have a
- 39 candidate for secretary of state in the ~~last~~ **most recent** election **for**
- 40 **secretary of state**, the party or ticket shall be placed on the ballot after
- 41 the parties described in subsection (c). If more than one (1) political
- 42 party or independent ticket that has qualified to be on the ballot did not



1 have a candidate for secretary of state in the **last most recent** election
 2 **for secretary of state**, each party or independent ticket shall be listed
 3 on the ballot in the order in which the party or independent ticket filed
 4 a petition of nomination under IC 3-8-6-12.

5 SECTION 12. IC 3-10-4-2.1, AS ADDED BY P.L.58-2005,
 6 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2017]: Sec. 2.1. (a) This section applies when an optical
 8 scan ballot card is used.

9 (b) The names of the nominees for President and Vice President of
 10 the United States for each political party or group of petitioners
 11 grouped as described in section ~~1(b)(4)~~ **1(b)(3)** of this chapter must be:

12 (1) listed together so that a voter is aware that the voter ~~votes for~~
 13 **ranks** both offices **as the same rank** with a single ~~vote~~; **ranking**;

14 and

15 (2) printed behind or beside a single connectable arrow, oval,
 16 circle, or square.

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

20 SECTION 13. IC 3-10-4-2.2, AS ADDED BY P.L.58-2005,
 21 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JANUARY 1, 2017]: Sec. 2.2. (a) This section applies when an
 23 electronic voting system is used.

24 (b) The names of the nominees for President and Vice President of
 25 the United States for each political party or group of petitioners
 26 grouped as described in section 1(b)(3) of this chapter must be:

27 (1) listed together so that a voter is aware that the voter ~~votes for~~
 28 **ranks** both offices **as the same rank** with a single ~~vote~~; **ranking**;

29 and

30 (2) behind or beside a single touch sensitive point or button place.

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

34 SECTION 14. IC 3-10-4-3 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. The device,
 36 title, and names of nominees appearing on a ballot or ballot label shall
 37 be accompanied by a statement that a ~~ballot cast~~ **ranking given** for the
 38 named candidates for President and Vice President of the United States
 39 is considered a ~~ballot cast~~ **ranking given** for the slate of presidential
 40 electors nominated by that political party or independent candidate.

41 SECTION 15. IC 3-10-4-4, AS AMENDED BY P.L.1-2010,
 42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JANUARY 1, 2017]: Sec. 4. Each ~~vote cast or registered~~: **ranking**
 2 **given:**

3 (1) for the nominees for President and Vice President of the
 4 United States of:

5 (A) a political party; or

6 (B) a group of petitioners; or

7 (2) for a write-in candidate for President or Vice President of the
 8 United States;

9 is a ~~vote cast or registered~~ **ranking given** for all of the candidates for
 10 presidential electors of the party, group, or write-in candidate and shall
 11 be so counted. These ~~votes~~ **rankings** shall be counted, canvassed, and
 12 certified in the same manner as the ~~votes~~ **rankings** for candidates for
 13 other offices.

14 SECTION 16. IC 3-10-7-32, AS AMENDED BY P.L.190-2011,
 15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 2017]: Sec. 32. (a) A town election board shall
 17 determine what voting method will be used in a municipal election.

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

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

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

32 SECTION 17. IC 3-11-2-10, AS AMENDED BY P.L.219-2013,
 33 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JANUARY 1, 2017]: Sec. 10. (a) Public questions shall be placed on
 35 the general election ballot in the following order after the statement
 36 described in section 7 of this chapter, and the instructions described in
 37 subsections (d), ~~and (e)~~, **and (f)**, and section 8 of this chapter:

38 (1) Ratification of a state constitutional amendment.

39 (2) Local public questions.

40 Each public question shall be placed in a separate column on the ballot.

41 (b) The name or title of the political party or independent ticket
 42 described in section 6 of this chapter shall be placed on the general



1 election ballot after the public questions described in subsection (a).
 2 The device of the political party or independent ticket shall be placed
 3 immediately under the name of the political party or independent ticket.
 4 The instructions for voting a straight party ticket shall be placed to the
 5 right of the device.

6 (c) The instructions for voting a straight party ticket must conform
 7 as nearly as possible to the following:

8 "To vote a straight (insert political party name) ticket for all
 9 (insert political party name) candidates on this ballot, make a
 10 voting mark on or in this circle and do not make any other marks
 11 on this ballot."

12 **"If you vote a straight (insert political party name) ticket,**
 13 **each candidate of that party will be given a #1 ranking, unless**
 14 **you split your ticket to give a candidate not of that political**
 15 **party a #1 ranking. You will not be able to give the candidates**
 16 **of any other party, independent candidates, or write-in**
 17 **candidates a ranking other than a #1 ranking."**

18 "If you wish to vote for a candidate seeking a nonpartisan office
 19 or on a public question, you must make another voting mark on
 20 the appropriate place on this ballot."

21 (d) If the ballot contains an independent ticket described in section
 22 6 of this chapter and at least one (1) other independent candidate, the
 23 ballot must also contain a statement that reads substantially as follows:

24 "A ~~vote cast~~ **ranking given** for an independent ticket will ~~only~~
 25 counted **only** for the candidates for President and Vice President
 26 or governor and lieutenant governor comprising that independent
 27 ticket. This ~~vote~~ **ranking** will NOT be counted for any OTHER
 28 independent candidate appearing on the ballot."

29 (e) The ballot must also contain a statement that reads substantially
 30 as follows:

31 "A write-in ~~vote~~ **ranking** will NOT be counted unless the ~~vote~~
 32 **ranking** is for a DECLARED write-in candidate. To ~~vote for~~
 33 **rank** a write-in candidate, you must make a voting mark on or in
 34 the square **that corresponds to the ranking you want to give**
 35 **that candidate** to the left of the name you have written in or your
 36 ~~vote~~ **ranking** will not be counted. **Giving a DECLARED**
 37 **write-in candidate a #1 ranking is an automatic vote for that**
 38 **candidate."**

39 (f) **After the instructions described in subsection (e), the ballot**
 40 **must contain substantially the statement described in**
 41 **IC 3-10-1-19(c)(1).**

42 (g) The list of candidates of the political party shall be placed



1 immediately under the instructions for voting a straight party ticket.
 2 The names of the candidates shall be placed three-fourths (3/4) of an
 3 inch apart from center to center of the name. The name of each
 4 candidate must have, immediately on its left, a **squares:**

5 **(1) equal in number to the number of candidates on the ballot**
 6 **for each office (including write-in candidates); and**

7 **(2) each square being three-eighths (3/8) of an inch on each side.**

8 **The squares may be arranged either vertically or horizontally in**
 9 **front of the names of the nominees. The top or square farthest to**
 10 **the left shall be labeled "#1", the next square vertically or**
 11 **horizontally shall be labeled "#2", with this arrangement**
 12 **continuing until the bottom or square farthest to the right, which**
 13 **shall be labeled with the number of candidates (including write-in**
 14 **candidates).**

15 ~~(g)~~ **(h)** The circuit court clerk may authorize the printing of ballots
 16 containing a ballot variation code to ensure that the proper version of
 17 a ballot is used within a precinct.

18 SECTION 18. IC 3-11-2-12.9, AS AMENDED BY P.L.194-2013,
 19 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JANUARY 1, 2017]: Sec. 12.9. (a) School board offices to be elected
 21 at the general election shall be placed on the general election ballot
 22 after the offices described in section 12 of this chapter with each
 23 candidate for the office designated as "nonpartisan".

24 (b) If the ballot contains a candidate for a school board office, the
 25 ballot must also contain a statement that reads substantially as follows:
 26 ~~"To vote for a candidate for this office, make a voting mark on or in the~~
 27 ~~square to the left of the candidate's name."~~ **described in**
 28 **IC 3-10-1-19(c)(1).**

29 SECTION 19. IC 3-11-2-14, AS AMENDED BY P.L.190-2011,
 30 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2017]: Sec. 14. (a) The following offices shall be placed
 32 on the general election ballot in the following order after the offices
 33 described in section 13 of this chapter:

34 (1) Retention of a local judge.

35 (2) Local nonpartisan judicial offices.

36 (b) These offices shall be placed in a separate column on the ballot.

37 (c) If the ballot contains a candidate for a local nonpartisan judicial
 38 office, the ballot must also contain a statement that reads substantially
 39 as follows: ~~"To vote for a candidate for this office, make a voting mark~~
 40 ~~on or in the square to the left of the candidate's name."~~ **described in**
 41 **IC 3-10-1-19(c)(1).**

42 (d) If more than one (1) question concerning the retention of a local



1 judge is to be placed on a ballot, the questions shall be placed on the
2 ballot:

- 3 (1) in alphabetical order according to the surname of the local
4 judge; and
5 (2) identifying the court (including division or room) in which the
6 judge serves.

7 SECTION 20. IC 3-11-2-14.5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 14.5. (a) This
9 section applies to candidates for election to at-large seats on the
10 governing body of a school corporation.

11 (b) Candidates shall be listed in alphabetical order according to
12 surname.

13 (c) The ballot shall contain a statement reading substantially as
14 follows above the name of the first candidate: "Vote for no more than
15 (insert number of candidates to be elected) candidates for this office.".

16 (c) **The following statement shall be placed on the ballot above
17 the name of the first candidate:**

18 **"You may rank one (1) candidate as your #1 choice, one (1)
19 candidate as your #2 choice, and one (1) candidate as your #3
20 choice, and so on. You may, but are not required to, rank all
21 the candidates that appear. However, you may not give any
22 candidate more than one (1) ranking. Giving a candidate a #1
23 ranking is an automatic vote for that candidate."**

24 (d) **If more than one (1) candidate will be elected, substantially
25 the following statement shall be printed after the statement
26 required by subsection (c):**

27 **"You may rank one (1) or more candidates, but not more than
28 (insert the number of candidates to be elected) as your #1
29 choices, one (1) or more candidates, but not more than (insert
30 the number of candidates to be elected) as your #2 choices,
31 and one (1) or more candidates, but not more than (insert the
32 number of candidates to be elected) as your #3 choices, and so
33 on. However, you may not give any candidate more than one
34 (1) ranking. Giving a candidate a #1 ranking is an automatic
35 vote for that candidate."**

36 SECTION 21. IC 3-11-7-4, AS AMENDED BY P.L.219-2013,
37 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JANUARY 1, 2017]: Sec. 4. (a) A ballot card voting system must
39 permit a voter to **vote: do one (1) of the following:**

- 40 (1) Except at a primary election, **vote** a straight party ticket for all
41 of the candidates of one (1) political party by a single mark on
42 each ballot card.



- 1 (2) ~~for Rank~~ one (1) or more candidates of each political party or
- 2 independent candidates, or ~~for rank~~ one (1) or more school board
- 3 candidates nominated by petition.
- 4 (3) a ~~split ticket for Rank~~ the candidates of different political
- 5 parties and ~~for rank~~ independent candidates. ~~or~~
- 6 (4) **Vote** a straight party ticket and then split that ticket by ~~casting~~
- 7 ~~individual votes for giving a #1 ranking to~~ candidates of another
- 8 political party or independent candidate. **If a voter acts under**
- 9 **this subdivision, any rankings of candidates other than a #1**
- 10 **ranking must be disregarded.**

11 (b) A ballot card voting system must permit a voter to ~~vote~~: **do both**

12 **of the following:**

- 13 (1) ~~for Rank~~ all candidates for presidential electors of a political
- 14 party or an independent ticket by making a single voting mark.
- 15 ~~and~~
- 16 (2) **Vote** for or against a public question on which the voter may
- 17 vote.

18 SECTION 22. IC 3-11-7-5.5 IS ADDED TO THE INDIANA CODE

19 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE

20 JANUARY 1, 2017]: **Sec. 5.5. A ballot card voting system must be**

21 **able to tabulate candidate rankings in accordance with IC 3-12-0.5.**

22 SECTION 23. IC 3-11-7.5-10, AS AMENDED BY P.L.219-2013,

23 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

24 JANUARY 1, 2017]: Sec. 10. (a) An electronic voting system must

25 permit a voter to ~~vote~~: **do one (1) of the following:**

- 26 (1) Except at a primary election, **vote** a straight party ticket for all
- 27 the candidates of one (1) political party by touching the device of
- 28 that party.
- 29 (2) ~~for Rank~~ one (1) or more candidates of each political party or
- 30 independent candidates, or ~~for rank~~ one (1) or more school board
- 31 candidates nominated by petition.
- 32 (3) a ~~split ticket for Rank~~ the candidates of different political
- 33 parties and ~~for rank~~ independent candidates. ~~or~~
- 34 (4) **Vote** a straight party ticket and then split that ticket by ~~casting~~
- 35 ~~individual votes for giving a #1 ranking to~~ candidates of another
- 36 political party or independent candidates. **If a voter acts under**
- 37 **this subdivision, any rankings of candidates other than a #1**
- 38 **ranking must be disregarded.**

39 (b) An electronic voting system must permit a voter to ~~vote~~: **do the**

40 **following:**

- 41 (1) ~~for Rank~~ as many candidates for an office as the voter may
- 42 ~~vote for~~, **rank**, but no more.



1 (2) **Vote** for or against a public question on which the voter may
2 vote, but no other. ~~and~~

3 (3) **for Rank** all the candidates for presidential electors of a
4 political party or an independent ticket by making a single voting
5 mark.

6 SECTION 24. IC 3-11-7.5-13 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13. An electronic
8 voting system must correctly register and accurately ~~count~~ **tabulate**:

9 (1) all ~~votes cast~~ **rankings** for each candidate **in accordance with**
10 **IC 3-12-0.5**; and

11 (2) **all votes** for or against each public question.

12 SECTION 25. IC 3-11-7.5-16 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 16. An electronic
14 voting system must have a counting device that records **and tabulates**
15 the ~~number of votes cast~~ **rankings** for each candidate and **the votes** for
16 or against each public question on the ballot that cannot be tampered
17 with or altered at any time while votes are being cast on the system.
18 When the computer memory pack that permits votes to be recorded on
19 the counting device is removed, the system must be designed so that it
20 can no longer be placed into operation.

21 SECTION 26. IC 3-11-11-7, AS AMENDED BY P.L.128-2015,
22 SECTION 186, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JANUARY 1, 2017]: Sec. 7. (a) This section is enacted
24 to comply with 52 U.S.C. 21081 by establishing uniform and
25 nondiscriminatory standards to define what constitutes a vote on a
26 paper ballot.

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

30 (1) **Rank** the candidates ~~for whom as~~ the voter desires to ~~vote by~~
31 making a voting mark on or in the **appropriate** squares
32 immediately before the candidates' names. ~~and~~

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

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

37 (1) making a voting mark on or in the square **indicating the rank**
38 **the voter wants to give the write-in candidate** immediately
39 before the space provided for write-in voting; and

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

42 SECTION 27. IC 3-11-13-11, AS AMENDED BY P.L.194-2013,



1 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2017]: Sec. 11. (a) The ballot information, whether
3 placed on the ballot card or on the marking device, must be in the order
4 of arrangement provided for ballots under this section.

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

9 (1) print all offices and questions on a single ballot card; and

10 (2) include a ballot variation code to ensure that the proper
11 version of a ballot is used within a precinct.

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

14 (d) The nominees of a political party or an independent candidate
15 or independent ticket (described in IC 3-11-2-6) nominated by
16 petitioners shall be listed on the ballot with the name and device set
17 forth on the certification or petition. The circle containing the device
18 may be of any size that permits a voter to readily identify the device.
19 IC 3-11-2-5 applies if the certification or petition does not include a
20 name or device, or if the same device is selected by two (2) or more
21 parties or petitioners.

22 (e) The offices and public questions on the general election ballot
23 must be placed on the ballot in the order ~~listed in IC 3-11-2-12;~~
24 ~~IC 3-11-2-12.2; IC 3-11-2-12.5; IC 3-11-2-12.7(b); IC 3-11-2-12.9(a);~~
25 ~~IC 3-11-2-13(a) through IC 3-11-2-13(c); IC 3-11-2-14(a); and~~
26 ~~IC 3-11-2-14(d).~~ **required by IC 3-11-2.** The offices and public
27 questions may be listed in a continuous column either vertically or
28 horizontally and on a number of separate pages.

29 (f) The name of each office must be printed in a uniform size in bold
30 type. A statement reading substantially as follows must be placed
31 immediately below the name of the office and above the name of the
32 first candidate:

33 (1) ~~"Vote for one (1) only."~~; If only one (1) candidate is to be
34 elected to the office:

35 **"You may rank one (1) candidate as your #1 choice, one (1)**
36 **candidate as your #2 choice, and one (1) candidate as your #3**
37 **choice, and so on. You may, but are not required to, rank all**
38 **the candidates that appear. However, you may not give any**
39 **candidate more than one (1) ranking. Giving a candidate a #1**
40 **ranking is an automatic vote for that candidate."**

41 (2) ~~"Vote for not more than (insert the number of candidates to be~~
42 ~~elected) candidate(s) for this office."~~; If more than one (1)



1 candidate is to be elected to the office:

2 **"You may rank one (1) or more candidates, but not more than**
 3 **(insert the number of candidates to be elected) as your #1**
 4 **choices, one (1) or more candidates, but not more than (insert**
 5 **the number of candidates to be elected) as your #2 choices,**
 6 **and one (1) or more candidates, but not more than (insert the**
 7 **number of candidates to be elected) as your #3 choices, and so**
 8 **on. You may, but are not required to, rank all the candidates**
 9 **that appear. However, you may not give any candidate more**
 10 **than one (1) ranking. Giving a candidate a #1 ranking is an**
 11 **automatic vote for that candidate."**

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

15 (1) The major political party whose candidate received the highest
 16 number of votes in the county for secretary of state at the ~~last~~
 17 **most recent election for secretary of state** is listed first.

18 (2) The major political party whose candidate received the second
 19 highest number of votes in the county for secretary of state **at the**
 20 **most recent election for secretary of state** is listed second.

21 (3) All other political parties listed in the order that the parties'
 22 candidates for secretary of state finished in the ~~last~~ **most recent**
 23 **election for secretary of state** are listed after the party listed in
 24 subdivision (2).

25 (4) If a political party did not have a candidate for secretary of
 26 state in the ~~last~~ **most recent election for secretary of state** or a
 27 nominee is an independent candidate or independent ticket
 28 (described in IC 3-11-2-6), the party or candidate is listed after
 29 the parties described in subdivisions (1), (2), and (3).

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

34 (6) A space for write-in voting is placed after the candidates listed
 35 in subdivisions (1) through (5), if required by law.

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

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

42 (1) candidate; or



1 (2) ticket of candidates for:

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

3 (B) governor and lieutenant governor;

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

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

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

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

11 (3) within the political party, in alphabetical order according to
12 surname.

13 A statement reading substantially as follows **provided in subsection**
14 **(f)(2)** must be placed immediately below the name of the office and
15 above the name of the first candidate. "~~Vote for not more than (insert~~
16 ~~the number of candidates to be elected) candidate(s) of ANY party for~~
17 ~~this office.~~".

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

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

21 and

22 (2) in alphabetical order according to surname.

23 A statement reading substantially as follows **provided in subsection**
24 **(f)(2)** must be placed immediately below the name of the office and
25 above the name of the first candidate. "~~Vote for not more than (insert~~
26 ~~the number of candidates to be elected) candidate(s) for this office.~~".

27 (k) The following information must be placed at the top of the ballot
28 before the first public question is listed:

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

30 (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d),
31 and IC 3-11-2-10(e).

32 (l) The ballot must include a single connectable arrow, circle, oval,
33 or square, or a voting position for voting a straight party or an
34 independent ticket (described in IC 3-11-2-6) by one (1) mark as
35 required by section 14 of this chapter, and the single connectable
36 arrow, circle, oval, or square, or the voting position for casting a
37 straight party or an independent ticket ballot must be identified by:

38 (1) the name of the political party or independent ticket
39 (described in IC 3-11-2-6); and

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



1 The name and device of each political party or independent ticket must
 2 be of uniform size and type and arranged in the order established by
 3 subsection (g) for listing candidates under each office. The instructions
 4 described in IC 3-11-2-10(c) for voting a straight party ticket and the
 5 statement concerning presidential electors required under IC 3-10-4-3
 6 may be placed on the ballot beside or above the names and devices
 7 within the voting booth in a location that permits the voter to easily
 8 read the instructions.

9 (m) A public question must be in the form described in
 10 IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable
 11 arrow, a circle, or an oval may be used instead of a square. Except as
 12 expressly authorized or required by statute, a county election board
 13 may not print a ballot card that contains language concerning the public
 14 question other than the language authorized by a statute.

15 (n) The requirements in this section:

16 (1) do not replace; and

17 (2) are in addition to;

18 any other requirements in this title that apply to optical scan ballots.

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

23 (p) This subsection applies to an optical scan ballot that does not
 24 list:

25 (1) the names of political parties or candidates; or

26 (2) the text of public questions;

27 on the face of the ballot. The ballot must be prepared in accordance
 28 with this section, except that the ballot must include a numbered circle
 29 or oval to refer to each political party, candidate, or public question.

30 SECTION 28. IC 3-11-13-12 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 12. If ballot labels
 32 consist of a number of separate pages, the office title with a statement
 33 of the number of candidates to be ~~voted for~~ **ranked** may be printed
 34 above or at the side of the name of each candidate for that office.
 35 Except in a primary election, the political party designation or
 36 independent status of each candidate, which may be abbreviated, shall
 37 be printed following the candidate's name.

38 SECTION 29. IC 3-11-13-13 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13. If there are
 40 more candidates for an office than can be printed on one (1) ballot
 41 page, the ballot label shall be clearly marked that the list of candidates
 42 is continued on the following page. Arrows and numbers may be used



1 to indicate the place to ~~vote for~~ **rank** each candidate and **vote** on each
2 public question.

3 SECTION 30. IC 3-11-13-14, AS AMENDED BY P.L.221-2005,
4 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2017]: Sec. 14. In partisan elections, the ballot labels
6 must include a voting square or position where a voter may by one (1)
7 mark on each card record a straight party or an independent ticket vote
8 for all the candidates of one (1) political party or the independent
9 ticket, except for offices for which the voter has ~~voted~~
10 **given a #1 ranking** for a candidate. If the voter records a vote for the
11 two (2) candidates comprising an independent ticket, the vote must not
12 count for any other independent candidate on the ballot.

13 SECTION 31. IC 3-11-13-18, AS AMENDED BY P.L.128-2015,
14 SECTION 189, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JANUARY 1, 2017]: Sec. 18. (a) Except as provided in
16 subsection (d), the county election board in a county using a ballot card
17 voting system shall provide ballot cards to the precinct election board
18 that permit voters to ~~cast~~ **rank** write-in ~~votes~~ **candidates** for each
19 officer to be voted for at that election.

20 (b) The ballot cards provided under subsection (a) must be:

- 21 (1) designed to be folded; or
22 (2) accompanied by a secrecy envelope;

23 to ensure the secrecy of each of the ~~votes cast~~ **rankings given** by a
24 voter.

25 (c) This subsection is enacted to comply with 52 U.S.C. 21081 by
26 establishing uniform and nondiscriminatory standards to define what
27 constitutes a vote on an optical scan voting system. Except as provided
28 in subsection (d), a **ranking may be given to a** write-in ~~vote~~ **shall be**
29 **cast candidate** by printing the name of the candidate and the title of the
30 office in the space provided for write-in ~~votes~~ **rankings** on a ballot card
31 or secrecy envelope.

32 (d) Space for write-in ~~voting~~ **ranking** for an office is not required
33 if:

- 34 (1) there are no declared write-in candidates for that office; or
35 (2) the marking device allows for entry of a write-in candidate
36 that can be read by a tabulator.

37 However, procedures must be implemented to permit write-in ~~voting~~
38 **ranking** for candidates for federal offices.

39 SECTION 32. IC 3-11-13-22, AS AMENDED BY P.L.169-2015,
40 SECTION 127, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JANUARY 1, 2017]: Sec. 22. (a) This section applies to:

- 42 (1) a ballot card voting system; and



- 1 (2) a voting system that includes features of a ballot card voting
 2 system and a direct record electronic voting system.
- 3 (b) At least fourteen (14) days before election day, the county
 4 election board of each county planning to use automatic tabulating
 5 machines at the next election shall have the automatic tabulating
 6 machines tested to ascertain that the machines will correctly ~~count~~
 7 **tabulate the votes cast rankings given** for all candidates and **count the**
 8 **votes** on all public questions. Not later than seven (7) days after
 9 conducting the test under this subsection, the county election board
 10 shall certify to the election division that the test has been conducted in
 11 conformity with this subsection.
- 12 (c) Public notice of the time and place shall be given at least
 13 forty-eight (48) hours before the test. The notice shall be published
 14 once in accordance with IC 5-3-1-4.
- 15 (d) If a county election board determines that:
 16 (1) a ballot:
 17 (A) must be reprinted or corrected as provided by
 18 IC 3-11-2-16 because of the omission of a candidate, political
 19 party, or public question from the ballot; or
 20 (B) is an absentee ballot that a voter is entitled to recast under
 21 IC 3-11-10-1.5 because the absentee ballot includes a
 22 candidate for election to office who:
 23 (i) ceased to be a candidate; and
 24 (ii) has been succeeded by a candidate selected under
 25 IC 3-13-1 or IC 3-13-2; and
 26 (2) ballots used in the test conducted under this section were not
 27 reprinted or corrected to remove the omission of a candidate,
 28 political party, or public question, or indicate the name of the
 29 successor candidate;
 30 the county election board shall conduct an additional public test
 31 described in subsection (b) using the reprinted or corrected ballots.
 32 Notice of the time and place of the additional test shall be given in
 33 accordance with IC 5-14-1.5, but publication of the notice in
 34 accordance with IC 5-3-1-4 is not required.
- 35 SECTION 33. IC 3-11-13-24, AS AMENDED BY P.L.169-2015,
 36 SECTION 128, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JANUARY 1, 2017]: Sec. 24. (a) This subsection applies
 38 to a ballot card voting system. The test required by section 22 of this
 39 chapter must:
 40 (1) be conducted by processing a preaudited group of ballot cards
 41 marked so as to record a predetermined number of valid ~~votes~~
 42 **rankings** for each candidate and **for votes** on each public



1 question; and

2 (2) include for each office one (1) or more ballot cards that have
3 ~~votes in excess of the number allowed by law~~ **rankings not**
4 **permitted under this title** in order to test the ability of the
5 automatic tabulating machines to reject the ~~votes:~~ **rankings.**

6 (b) This subsection applies to a voting system that includes features
7 of a ballot card voting system and a direct record electronic voting
8 system. The test required by section 22 of this chapter must:

9 (1) be conducted by the entry of:

10 (A) a preaudited group of ballots; and

11 (B) at least ten (10) ballots cast by using the headphone or a
12 sip/puff device;

13 so as to record a predetermined number of valid ~~votes~~ **rankings**
14 for each candidate and ~~votes~~ on each public question; and

15 (2) include at least one (1) ballot for each office and public
16 question that has votes in excess of the number allowed by law in
17 order to test the ability of the voting system to reject the
18 overvotes.

19 SECTION 34. IC 3-11-13-28.7, AS AMENDED BY P.L.128-2015,
20 SECTION 191, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JANUARY 1, 2017]: Sec. 28.7. (a) The two (2) poll
22 clerks of each precinct shall place their initials in ink on the secrecy
23 envelope of a ballot card (or on the fold-over part of a ballot card
24 described in section 18(b)(1) of this chapter) at the time the card is
25 issued to a voter. The initials must be in the poll clerk's ordinary
26 handwriting or printing and without a distinguishing mark of any kind.

27 (b) This subsection is enacted to comply with 52 U.S.C. 21081 by
28 establishing uniform and nondiscriminatory standards to define what
29 constitutes a vote on an optical scan voting system. A write-in ~~vote cast~~
30 **ranking given** on a secrecy envelope or fold-over envelope:

31 (1) is not valid unless:

32 (A) the secrecy envelope is initialed by both poll clerks; and

33 (B) the ~~vote~~ **ranking** includes both the name of the write-in
34 candidate and the office for which the write-in ~~vote~~ **ranking**
35 ~~is cast;~~ **given;** and

36 (2) makes the secrecy envelope or fold-over envelope a ballot for
37 purposes of this title.

38 SECTION 35. IC 3-11-13-31.7, AS AMENDED BY P.L.128-2015,
39 SECTION 193, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JANUARY 1, 2017]: Sec. 31.7. (a) This section is
41 enacted to comply with 52 U.S.C. 21081 by establishing uniform and
42 nondiscriminatory standards to define what constitutes a vote on an



- 1 optical scan voting system.
- 2 (b) After receiving ballot cards, a voter shall, without leaving the
- 3 room, go alone into one (1) of the booths or compartments that is
- 4 unoccupied and indicate:
- 5 (1) the candidates ~~for~~ whom the voter desires to ~~vote~~ **rank** by
- 6 marking the connectable arrows, circles, ovals, or squares
- 7 immediately beside:
- 8 (A) the candidates' names; or
- 9 (B) the numbers referring to the candidates; and
- 10 (2) the voter's preference on each public question by marking the
- 11 connectable arrow, oval, or square beside:
- 12 (A) the word "yes" or "no" under the question; or
- 13 (B) the number referring to the word "yes" or "no" on the
- 14 ballot.
- 15 (c) If an election is a general or municipal election and a voter
- 16 desires to vote for all the candidates of one (1) political party or
- 17 independent ticket (described in IC 3-11-2-6), the voter may mark:
- 18 (1) the circle enclosing the device; or
- 19 (2) the connectable arrow, circle, oval, or square described in
- 20 section 11 of this chapter;
- 21 that designates the candidates of that political party or independent
- 22 ticket (described in IC 3-11-2-6). The voter's vote shall then be counted
- 23 for all the candidates of that political party or included in the
- 24 independent ticket (described in IC 3-11-2-6). However, if the voter
- 25 marks the circle, arrow, oval, or square of an independent ticket
- 26 (described in IC 3-11-2-6), the vote shall not be counted for any other
- 27 independent candidate on the ballot.
- 28 (d) This subsection applies to a voter casting a ballot on a voting
- 29 system that includes features of both an optical scan ballot card voting
- 30 system and a direct record electronic voting system. After entering into
- 31 a booth used with the voting system, the voter shall indicate the
- 32 candidates ~~for~~ whom the voter desires to ~~vote~~ **rank** and the voter's
- 33 preference on each public question by:
- 34 (1) inserting a paper ballot or an optical scan ballot into the voting
- 35 system; or
- 36 (2) using headphones to listen to a recorded list of political
- 37 parties, candidates, and public questions.
- 38 (e) A voter using a voting system described in subsection (d) may
- 39 indicate the voter's selections by:
- 40 (1) touching a device on or in the squares immediately adjacent
- 41 to the name of a political party, candidate, or response to a public
- 42 question; or



- 1 (2) indicating the voter's choices by using a sip puff device that
 2 enables the voter to indicate a choice by inhaling or exhaling.
- 3 SECTION 36. IC 3-11-13-32.8 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 32.8. If a voter
 5 shows the voter's ballot card or a part of the card to another person after
 6 the card has been marked so as to disclose any of the candidates ~~voted~~
 7 **for ranked** or how the voter voted on a public question, the ballot card
 8 may not be deposited in a ballot box. A record of the occurrence shall
 9 be made on the poll list, and the voter may not vote again at the
 10 election.
- 11 SECTION 37. IC 3-11-14-3.5, AS AMENDED BY P.L.76-2014,
 12 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2017]: Sec. 3.5. (a) Each county election board shall
 14 have the names of all candidates for all elected offices, political party
 15 offices, and public questions printed on ballot labels for use in an
 16 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 label;
 19 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 must be of uniform size and of the same
 23 quality and color of paper (except as permitted under IC 3-10-1-17).
- 24 (d) The nominees of a political party or an independent candidate
 25 or independent ticket (described in IC 3-11-2-6) nominated by
 26 petitioners must be listed on the ballot label with the name and device
 27 set forth on the certification or petition. The circle containing the
 28 device may be of any size that permits a voter to readily identify the
 29 device. IC 3-11-2-5 applies if the certification or petition does not
 30 include a name or device, or if the same device is selected by two (2)
 31 or more parties or petitioners.
- 32 (e) The ballot labels must list the offices and public questions on the
 33 general election ballot in the order ~~listed in IC 3-11-2-12;~~
 34 ~~IC 3-11-2-12.2; IC 3-11-2-12.5; IC 3-11-2-12.7(b); IC 3-11-2-12.9(a);~~
 35 ~~IC 3-11-2-13(a) through IC 3-11-2-13(c); IC 3-11-2-14(a); and~~
 36 ~~IC 3-11-2-14(d).~~ **required by IC 3-11-2.** Each office and public
 37 question may have a separate screen, or the offices and public
 38 questions may be listed in a continuous column either vertically or
 39 horizontally.
- 40 (f) The name of each office must be printed in a uniform size in bold
 41 type. A statement reading substantially as follows must be placed
 42 immediately below the name of the office and above the name of the



- 1 first candidate:
 2 (1) ~~"Vote for one (1) only."~~; If only one (1) candidate is to be
 3 elected to the office:
 4 **"You may rank one (1) candidate as your #1 choice, one (1)**
 5 **candidate as your #2 choice, and one (1) candidate as your #3**
 6 **choice. You may, but are not required to, rank all the**
 7 **candidates that appear. However, you may not give any**
 8 **candidate more than one (1) ranking. Giving a candidate a #1**
 9 **ranking is an automatic vote for that candidate."**
 10 (2) ~~"Vote for not more than (insert the number of candidates to be~~
 11 ~~elected) candidate(s) for this office."~~; If more than one (1)
 12 candidate is to be elected to the office:
 13 **"You may rank one (1) or more candidates, but not more than**
 14 **(insert the number of candidates to be elected) as your #1**
 15 **choices, one (1) or more candidates, but not more than (insert**
 16 **the number of candidates to be elected) as your #2 choices,**
 17 **and one (1) or more candidates, but not more than (insert the**
 18 **number of candidates to be elected) as your #3 choices, and so**
 19 **on. You may, but are not required to, rank all the candidates**
 20 **that appear. However, you may not give any candidate more**
 21 **than one (1) ranking. Giving a candidate a #1 ranking is an**
 22 **automatic vote for that candidate."**
 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 highest
 27 number of votes in the county for secretary of state at the ~~last~~
 28 **most recent election for secretary of state** is listed first.
 29 (2) The major political party whose candidate received the second
 30 highest number of votes in the county for secretary of state **at the**
 31 **most recent election for secretary of state** is listed second.
 32 (3) All other political parties listed in the order that the parties'
 33 candidates for secretary of state finished in the ~~last~~ **most recent**
 34 **election for secretary of state** are listed after the party listed in
 35 subdivision (2).
 36 (4) If a political party did not have a candidate for secretary of
 37 state in the ~~last~~ **most recent election for secretary of state** or a
 38 nominee is an independent candidate or independent ticket
 39 (described in IC 3-11-2-6), the party or candidate is listed after
 40 the parties described in subdivisions (1), (2), and (3).
 41 (5) If more than one (1) political party or independent candidate
 42 or ticket described in subdivision (4) qualifies to be on the ballot,



- 1 the parties, candidates, or tickets are listed in the order in which
 2 the party filed its petition of nomination under IC 3-8-6-12.
- 3 (6) A space for write-in voting is placed after the candidates listed
 4 in subdivisions (1) through (5), if required by law. A space for
 5 write-in voting for an office is not required if there are no
 6 declared write-in candidates for that office. However, procedures
 7 must be implemented to permit write-in voting for candidates for
 8 federal offices.
- 9 (7) The name of a write-in candidate may not be listed on the
 10 ballot.
- 11 (h) The names of the candidates grouped in the order established by
 12 subsection (g) must be printed in type with uniform capital letters and
 13 have a uniform space between each name. The name of the candidate's
 14 political party, or the word "Independent", if the:
- 15 (1) candidate; or
 16 (2) ticket of candidates for:
- 17 (A) President and Vice President of the United States; or
 18 (B) governor and lieutenant governor;
- 19 is independent, must be placed immediately below or beside the name
 20 of the candidate and must be printed in uniform size and type.
- 21 (i) All the candidates of the same political party for election to
 22 at-large seats on the fiscal or legislative body of a political subdivision
 23 must be grouped together:
- 24 (1) under the name of the office that the candidates are seeking;
 25 (2) in the party order established by subsection (g); and
 26 (3) within the political party, in alphabetical order according to
 27 surname.
- 28 A statement reading substantially as **follows provided in subsection**
 29 **(f)(2)** must be placed immediately below the name of the office and
 30 above the name of the first candidate. "**Vote for not more than (insert**
 31 **the number of candidates to be elected) candidate(s) of ANY party for**
 32 **this office.**"
- 33 (j) Candidates for election to at-large seats on the governing body
 34 of a school corporation must be grouped:
- 35 (1) under the name of the office that the candidates are seeking;
 36 and
 37 (2) in alphabetical order according to surname.
- 38 A statement reading substantially as **follows provided in subsection**
 39 **(f)(2)** must be placed immediately below the name of the office and
 40 above the name of the first candidate. "**Vote for not more than (insert**
 41 **the number of candidates to be elected) candidate(s) for this office.**"
- 42 (k) The cautionary statement described in IC 3-11-2-7 must be



1 placed at the top or beginning of the ballot label before the first public
2 question is listed.

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

- 5 (1) placed on the ballot label; or
- 6 (2) posted in a location within the voting booth that permits the
7 voter to easily read the instructions.

8 (m) The ballot label must include a touch sensitive point or button
9 for voting a straight political party or independent ticket (described in
10 IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button
11 must be identified by:

- 12 (1) the name of the political party or independent ticket; and
- 13 (2) immediately below or beside the political party's or
14 independent ticket's name, the device of that party or ticket
15 (described in IC 3-11-2-5).

16 The name and device of each party or ticket must be of uniform size
17 and type, and arranged in the order established by subsection (g) for
18 listing candidates under each office. The instructions described in
19 IC 3-11-2-10(c) for voting a straight party ticket and the statement
20 concerning presidential electors required under IC 3-10-4-3 may be
21 placed on the ballot label or in a location within the voting booth that
22 permits the voter to easily read the instructions.

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

29 (o) The requirements in this section:

- 30 (1) do not replace; and
- 31 (2) are in addition to;

32 any other requirements in this title that apply to ballots for electronic
33 voting systems.

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

38 SECTION 38. IC 3-11-14-23, AS AMENDED BY P.L.128-2015,
39 SECTION 194, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JANUARY 1, 2017]: Sec. 23. (a) This section is enacted
41 to comply with 52 U.S.C. 21081 by establishing uniform and
42 nondiscriminatory standards to define what constitutes a vote on an



1 electronic voting system.

2 (b) If a voter is not challenged by a member of the precinct election
3 board, the voter may pass the railing to the side where an electronic
4 voting system is and into the voting booth. There the voter shall
5 ~~register the voter's vote in secret by indicating:~~ **do the following:**

6 (1) **Rank** the candidates ~~for whom as~~ the voter desires to vote by
7 touching a device on or in the squares immediately above the
8 candidates' names.

9 (2) If the voter intends to ~~cast rank~~ a write-in vote, a ~~write-in vote~~
10 **candidate, rank the candidate** by touching a device on or in the
11 **appropriate** square immediately below the ~~candidates' names~~
12 **candidate's name** and printing the name of the candidate in the
13 window provided for write-in voting. ~~and~~

14 (3) **Indicate** the voter's preference on each public question by
15 touching a device above the word "yes" or "no" under the
16 question.

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

25 (d) As provided by 52 U.S.C. 21081, a voter casting a ballot on an
26 electronic voting system must be:

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

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

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

37 SECTION 39. IC 3-11-14-29 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 29. If a voter
39 shows or discloses to another person the candidates ~~voted for~~ **ranked**
40 or how the voter voted on a public question before the **ranking or** vote
41 is registered, the **ranking or** vote may not be registered on the
42 electronic voting system. A record of the occurrence shall be made on



1 the poll list, and the voter may not vote again at the election.

2 SECTION 40. IC 3-11-14-30 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 30. Subject to
4 IC 3-12-2-5, as soon as the polls are closed, the inspector, in the
5 presence of the judges and poll clerks, immediately shall secure each
6 electronic voting system against **ranking and** voting and obtain at least
7 one (1) paper printout of the total ~~votes cast~~ **rankings** for each
8 candidate and **the votes** on each public question in that precinct.

9 SECTION 41. IC 3-11-14-31 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 31. As soon as the
11 paper printouts of the ~~vote count~~ **counts** are obtained **under section 30**
12 **of this chapter**, the inspector shall close the system and remove the
13 computer memory pack from the system. The inspector and the judge
14 of the opposite political party shall then transport the computer memory
15 packs and each electronic voting system to the county election board.

16 SECTION 42. IC 3-11-14-32 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 32. The
18 certificates of the **total** number of ~~votes cast~~ **rankings given** for each
19 **person candidate** shall be made and signed as required by IC 3-12, and
20 the precinct election officers shall make and sign all statements of the
21 number of **rankings and** votes required by law in duplicate, triplicate,
22 or otherwise. The certificates and other papers shall be returned to the
23 circuit court clerk in the same manner and with the same penalties that
24 are prescribed in IC 3-12 for election returns from precincts in which
25 electronic voting systems are not used.

26 SECTION 43. IC 3-11-14.5-1, AS AMENDED BY P.L.169-2015,
27 SECTION 130, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JANUARY 1, 2017]: Sec. 1. (a) The county election
29 board of each county planning to use an electronic voting system at the
30 next election shall randomly select at least three (3) precincts within
31 the county and test the voting system units to be used at those precincts
32 on election day. Each voting system shall be tested to ascertain that the
33 system will correctly count the ~~votes cast~~ **rankings given** for all
34 candidates and **votes cast** on all public questions in that precinct.

35 (b) The testing under subsection (a) must begin before absentee
36 voting starts in the office of the circuit court clerk under IC 3-11-10-26.

37 (c) If a county election board determines that:

38 (1) a ballot provided by an electronic voting system:

39 (A) must be corrected as provided by IC 3-11-2-16 because of
40 the omission of a candidate, political party, or public question
41 from the ballot; or

42 (B) is an absentee ballot that a voter is entitled to recast under



1 IC 3-11-10-1.5 because the absentee ballot includes a
 2 candidate for election to office who:
 3 (i) ceased to be a candidate; and
 4 (ii) has been succeeded by a candidate selected under
 5 IC 3-13-1 or IC 3-13-2; and
 6 (2) voting system units used in the test conducted under this
 7 section did not contain a ballot that was reprinted or corrected to
 8 remove the omission of a candidate, political party, or public
 9 question, or indicate the name of the successor candidate;
 10 the county election board shall conduct an additional public test
 11 described in subsection (a) using the voting system units previously
 12 tested and containing the reprinted or corrected ballots.

13 SECTION 44. IC 3-11-14.5-5, AS ADDED BY P.L.221-2005,
 14 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JANUARY 1, 2017]: Sec. 5. The test required by this chapter must
 16 include the following:

- 17 (1) The visual inspection of the voting system and ballot labels.
- 18 (2) The manual entry of a preaudited group of ballots marked so
 19 as to record a predetermined number of valid **votes rankings** for
 20 each candidate and **votes** on each public question.
- 21 (3) At least one (1) ballot for each office that has **votes rankings**
 22 in excess of the number allowed by law in order to test the ability
 23 of the electronic voting system to reject the overvotes.

24 SECTION 45. IC 3-11-14.5-8, AS ADDED BY P.L.221-2005,
 25 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JANUARY 1, 2017]: Sec. 8. Immediately following the completion of
 27 the voting system test under section 5 of this chapter, the county
 28 election board shall enter the **vote** totals from the voting systems tested
 29 under this chapter into the component of the voting system used by the
 30 county election board to tabulate election results under IC 3-12-3.5.
 31 The board shall determine whether this component of the voting system
 32 properly tabulates the **rankings given and the** votes cast in each of the
 33 precincts tested under this chapter.

34 SECTION 46. IC 3-11-15-13.7 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13.7. (a) If a
 36 voting system has any of the following functions, the functions must be
 37 operable in the voting system's equipment actually in use in a precinct:

- 38 (1) The voting system can demonstrate to the voter that the voter
 39 has **cast votes given rankings** for too many candidates for an
 40 office.
- 41 (2) The voting system can demonstrate to the voter that the voter
 42 has cast votes both in favor of and in opposition to a public



1 question.

2 (b) Except as provided in subsection (c), a voting system described
3 in subsection (a) must be able to inform the voter how the voter may
4 correct errors on the voter's ballot.

5 (c) A voting system is not required to provide the information
6 required by subsection (b) if the information is provided in writing
7 conspicuously on or near the components of the voting system where
8 the voter casts the voter's votes.

9 SECTION 47. IC 3-11-15-20, AS AMENDED BY P.L.128-2015,
10 SECTION 197, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JANUARY 1, 2017]: Sec. 20. (a) A voting system must
12 be able to record accurately each **vote candidate ranking given** and be
13 able to produce an accurate report of all **rankings given and** votes cast.

14 (b) As used in this subsection, "error rate" refers to the error rate of
15 the voting system in counting ballots (determined by taking into
16 account only those errors that are attributable to the voting system and
17 not attributable to an act of the voter). As required by 52 U.S.C. 21081,
18 a voting system must comply with the error rate standards established
19 under section 3.2.1. of the Voting System Standards approved by the
20 Federal Election Commission on April 30, 2002, as those standards
21 were in effect on October 29, 2002.

22 (c) The inclusion of control logic and data processing methods
23 incorporating parity and check-sums (or equivalent error detection and
24 correction methods) must demonstrate that the system has been
25 designed for accuracy.

26 SECTION 48. IC 3-11-18.1-14, AS AMENDED BY P.L.169-2015,
27 SECTION 134, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JANUARY 1, 2017]: Sec. 14. (a) The precinct election
29 board administering an election at a vote center shall keep the ballots
30 cast in each precinct separate from the ballots cast in any other precinct
31 whose election is administered at the vote center, so that the **votes cast**
32 **rankings given** for each candidate and **the votes** on each public
33 question in each of the precincts administered by the board may be
34 determined and included on the statement required by IC 3-12-4-9.

35 (b) This subsection applies to a county described under section 12
36 of this chapter on and after the date absentee ballots are first
37 transmitted to voters. A person that receives a certification for an
38 electronic poll book shall file not later than forty-eight (48) hours after
39 the discovery of an anomaly or problem with the poll book a written
40 report describing the anomaly or problem with the secretary of state.

41 SECTION 49. IC 3-11.5-6-14 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 14. If a test of



1 automatic tabulating machines required by IC 3-11-13-22 or
 2 ~~IC 3-11-13-26~~ is not conducted for a particular office or public
 3 question, the absentee ballot votes for that office shall be counted
 4 manually.

5 SECTION 50. IC 3-12-0.1 IS ADDED TO THE INDIANA CODE
 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2017]:

8 **Chapter 0.1. Authority to Determine Vote Totals for Candidates**

9 **Sec. 1. (a)** This chapter designates the entity for determining the
 10 vote total for each candidate at an election, notwithstanding any
 11 other provision of this title.

12 **(b)** Vote totals for a public question shall be determined as
 13 otherwise provided in this title.

14 **Sec. 2.** The total vote for each candidate at an election shall be
 15 determined by the following:

16 **(1)** The county election board for candidates for a local or a
 17 school board office.

18 **(2)** The election division for candidates for federal, state, and
 19 legislative offices.

20 **Sec. 3. (a)** This section applies only to an election for a local
 21 office or a school board office.

22 **(b)** A precinct election board shall determine and report to its
 23 county election board only the total of each ranking for each
 24 candidate at the election.

25 **(c)** Except as provided in subsection (d), the county election
 26 board shall determine the vote totals for each candidate for a local
 27 office or a school board office as provided in IC 3-12-0.5.

28 **(d)** If the election district for a local office or a school board
 29 office is located in more than one (1) county, the vote totals for
 30 candidates for nomination or election to that office shall be
 31 determined as provided in IC 3-12-5-2.

32 **Sec. 4. (a)** This section applies only to an election for a federal,
 33 state, or legislative office.

34 **(b)** A county election board shall determine and report to the
 35 election division only the total of each ranking for each candidate
 36 at the election.

37 **(c)** The election division shall determine the vote totals for each
 38 candidate for a federal, state, or legislative office as provided in
 39 IC 3-12-0.5.

40 SECTION 51. IC 3-12-0.5 IS ADDED TO THE INDIANA CODE
 41 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 42 JANUARY 1, 2017]:



1 **Chapter 0.5. Ranked Choice Voting**

2 **Sec. 1. The rules for counting ballots set forth in this article also**
3 **apply to counting ballots under this chapter.**

4 **Sec. 2. As used in this chapter, "exhausted ballot" means a**
5 **ballot on which all available rankings have been used as provided**
6 **in this chapter.**

7 **Sec. 3. (a) As used in this chapter, "last place candidate" means**
8 **a candidate who has received the fewest votes among the**
9 **candidates who remain at any stage.**

10 **(b) Two (2) or more candidates both become "last place**
11 **candidates" if the sum of the number of each of their votes is less**
12 **than the number of votes for the candidate who has the next**
13 **greatest number of votes.**

14 **Sec. 4. (a) As used in this chapter, "rank" or "ranking" refers**
15 **to the order of preference a voter gives to a candidate for a**
16 **particular office.**

17 **(b) A voter's choices are referred to as the following rankings:**

18 **(1) A voter's first choice is referred to as the voter's "#1**
19 **ranking".**

20 **(2) A voter's second choice is referred to as the voter's "#2**
21 **ranking".**

22 **(3) A voter's third choice is referred to as the voter's "#3**
23 **ranking".**

24 **(4) A voter's choice lower than the voter's third choice may be**
25 **referred to as the voter's "#n ranking," with "n" being the**
26 **number of the ranking the voter has given to a candidate.**

27 **Sec. 5. As used in this chapter, "remaining candidate" refers to**
28 **a candidate who has not been eliminated.**

29 **Sec. 6. As used in this chapter, "stage" means a step in**
30 **determining and counting votes for a particular office during**
31 **which votes for all remaining candidates are counted to determine**
32 **whether a candidate has achieved a majority of the votes, and if**
33 **not, which candidates are eliminated.**

34 **Sec. 7. (a) As used in this chapter, "vote" means a ballot ranking**
35 **that is counted toward nomination or election of a candidate. All**
36 **#1 rankings are votes. Lower rankings are potential votes that, as**
37 **provided in this chapter, may be credited to a candidate as a vote**
38 **for that candidate at a subsequent stage.**

39 **(b) For purposes of this title, the term "vote", when used with**
40 **respect to a candidate, is the same as a #1 ranking for that**
41 **candidate. Depending on context, the term "vote" may refer to a**
42 **#1 ranking only or may refer generally to all possible rankings a**



- 1 voter may give to candidates.
- 2 **Sec. 8. (a) Ranked choice voting applies to voting in a primary,**
 3 **general, or special election for an office for which candidates are**
 4 **seeking the nomination or election to that office.**
- 5 **(b) In an election for an office with fewer than three (3)**
 6 **candidates (including write-in candidates), the candidate who**
 7 **receives the most #1 rankings at the first stage is elected.**
- 8 **(c) Ranked choice voting does not apply to the following unless**
 9 **the rules of the convention or caucus require ranked choice voting:**
- 10 **(1) Nomination of candidates by a convention.**
 11 **(2) Selection of an individual to fill a candidate vacancy.**
 12 **(3) Selection of an individual to fill a vacancy in an office.**
- 13 **Sec. 9. (a) The following generally apply to counting ballots**
 14 **under this chapter:**
- 15 **(1) All votes (#1 rankings) must be counted, subject to the**
 16 **other provisions of this title.**
- 17 **(2) A candidate who receives a majority of the votes as**
 18 **determined in this chapter is nominated or elected.**
- 19 **(3) If a candidate does not receive a majority of the votes at**
 20 **any stage, the candidate having the fewest votes as determined**
 21 **at that stage is eliminated from subsequent stages.**
- 22 **(4) The next rankings on ballots for an eliminated candidate**
 23 **become votes for the candidates as indicated on those ballots.**
- 24 **(5) This process continues until the earlier of the following:**
- 25 **(A) All ballots have been exhausted.**
 26 **(B) All but the number of candidates to be nominated or**
 27 **elected are eliminated.**
- 28 **(b) Counting ballots in an election when ranked choice voting is**
 29 **required by this chapter shall be done in the following manner:**
- 30 **(1) All #1 rankings are counted first. If a candidate has a**
 31 **majority of the #1 rankings, that candidate is nominated or**
 32 **elected and the counting ends.**
- 33 **(2) If a candidate does not have a majority of the votes under**
 34 **subdivision (1) (first stage), second stage counting begins by**
 35 **eliminating the last place candidate from among the**
 36 **remaining candidates. The following then apply:**
- 37 **(A) The #2 rankings made on ballots for the eliminated**
 38 **candidate become #1 rankings for the #2 choice candidate**
 39 **indicated on the eliminated candidate's ballots.**
- 40 **(B) The #3 rankings made on ballots for the eliminated**
 41 **candidate become #2 rankings for the #3 choice candidate**
 42 **indicated on the eliminated candidate's ballots.**



- 1 **(C) The #n rankings made on ballots for the eliminated**
 2 **candidate become the #(n-1) rankings for the #n choice**
 3 **candidate indicated on the eliminated candidate's ballot.**
 4 **After clauses (A) through (C) are applied, if any candidate**
 5 **then has a majority of the votes, that candidate is nominated**
 6 **or elected and the counting ends.**
 7 **(3) If a candidate does not receive a majority of the votes**
 8 **under subdivision (2) (second stage), the third stage counting**
 9 **begins by eliminating the last place candidate from among the**
 10 **remaining candidates. The third stage counting proceeds as**
 11 **described in subdivision (2).**
 12 **(4) The counting continues through each stage as described in**
 13 **this subsection until a candidate receives a majority of the**
 14 **votes. That candidate is nominated or elected and the**
 15 **counting ends.**
 16 **(c) If at any stage in the counting there are two (2) or more last**
 17 **place candidates, those candidates are eliminated simultaneously,**
 18 **and the next rankings made on ballots that had rankings for one (1)**
 19 **or more eliminated candidates become rankings for the indicated**
 20 **candidates who remain.**
 21 **Sec. 10. Once a ballot is exhausted, it must be disregarded and**
 22 **no longer counted. A ballot assigning the same ranking to more**
 23 **than one (1) candidate for an office is exhausted for that office**
 24 **when the duplicate ranking is reached, in which case a vote may**
 25 **not be recorded for any of the candidates who have the same**
 26 **ranking.**
 27 **Sec. 11. If a ballot skips a ranking, the next ranking below the**
 28 **skipped ranking is moved up and counted as though it were the**
 29 **rank of the skipped ranking.**
 30 **Sec. 12. (a) This section applies only to a candidate who is a**
 31 **declared write-in candidate.**
 32 **(b) A voter may rank a write-in candidate for an office and**
 33 **assign a ranking to that candidate and to the candidates whose**
 34 **names already appear on the ballot.**
 35 **Sec. 13. If ballots do not contain sufficient effective choices for**
 36 **a particular office, so that at the end of the counting a candidate**
 37 **has not received a majority of the votes, the candidate who receives**
 38 **the most votes is nominated or elected.**
 39 **Sec. 14. Votes for an eliminated candidate may not be counted,**
 40 **regardless of how many lower rankings might otherwise have**
 41 **become votes for the candidate at a later stage.**
 42 **SECTION 52. IC 3-12-1-1, AS AMENDED BY P.L.64-2014,**



1 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JANUARY 1, 2017]: Sec. 1. Subject to sections 5, 6, 7, 8, 9, 9.5, and
 3 13 of this chapter, the primary factor to be considered in determining
 4 a voter's choice on a ballot is the intent of the voter. If the voter's intent
 5 can be determined on the ballot or on part of the ballot, the **ranking or**
 6 vote shall be counted for the affected candidate or candidates or on the
 7 public question. However, if it is impossible to determine a voter's
 8 **choice ranking** of candidates on a part of a ballot or vote on a public
 9 question, then the voter's **ranking or** vote concerning those candidates
 10 or public questions may not be counted.

11 SECTION 53. IC 3-12-1-1.7 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1.7. (a) The
 13 following provisions govern the counting of **rankings for** write-in
 14 **votes: candidates:**

15 (1) Except as provided in subsection (b), only ~~votes cast~~ **rankings**
 16 **given** for declared write-in candidates shall be counted and
 17 certified.

18 (2) The name of a candidate, written on the space reserved for
 19 write-in voting, is not considered a distinguishing mark that
 20 would invalidate a ballot under section 3 of this chapter.
 21 However, the name or office of a candidate written in a place on
 22 the ballot other than the place reserved for write-in voting may
 23 not be counted for that office.

24 (3) A **ranking for a** write-in ~~vote~~ **candidate** for an office is void
 25 if the voter attempts to ~~cast~~ **indicate** the ~~vote~~ **ranking** by a means
 26 other than printing the name of the candidate in ink or lead pencil.
 27 The use of stickers, labels, rubber stamps, or other similar device
 28 is not permitted.

29 (4) An abbreviation, a misspelling, or other minor variation in the
 30 form of the name of a candidate or an office shall be disregarded
 31 in determining the validity of the ballot if the intention of the
 32 voter can be ascertained.

33 (5) ~~Write-in votes~~ **Rankings** for each write-in candidate shall be
 34 counted separately using the tally sheets provided by the county
 35 election board.

36 (b) This subsection does not apply to an office for which more than
 37 one (1) individual may be nominated or elected within the same
 38 election district. A **ranking as a** write-in ~~vote cast~~ **given** for an
 39 individual whose name appears on the ballot as a candidate for that
 40 office shall be counted as a ~~vote~~ **ranking given** for the candidate.

41 SECTION 54. IC 3-12-1-5, AS AMENDED BY P.L.219-2013,
 42 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JANUARY 1, 2017]: Sec. 5. (a) This subsection does not apply to a
 2 ballot card voting system or an electronic voting system. A voting mark
 3 made by a voter on or in a ~~voting~~ square at the left of a candidate's
 4 name or political party's name shall be counted as a **vote ranking** for
 5 the candidate or **votes for each of the** candidates of the political party.

6 (b) This subsection applies to a ballot card voting system. A voting
 7 mark made by a voter:

8 (1) on or in a circle, oval, or square; or

9 (2) to connect a connectable arrow;

10 immediately below or beside a candidate's name or political party's
 11 name shall be counted as a **vote ranking** for the candidate or **votes for**
 12 **each of the** candidates of the political party.

13 (c) This subsection applies to a direct record electronic voting
 14 system. A voting mark made by a voter touching a touch sensitive point
 15 or button below or beside a candidate's name or political party's name
 16 shall be counted as a **vote ranking** for the candidate or **votes for each**
 17 **of the** candidates of the political party.

18 SECTION 55. IC 3-12-1-7.5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 7.5. (a) If a voter
 20 votes a straight party ticket for at least one (1) office for which only one
 21 (1) person may be elected and writes in the name of a candidate **and**
 22 **gives that candidate a #1 ranking**, the straight party ticket vote shall
 23 be counted for all offices except the offices for which a write-in vote
 24 was cast. The **#1 ranking for the** write-in ~~vote~~ **candidate** shall be
 25 counted **as a vote for that candidate** if the voter's intent can be
 26 determined.

27 (b) If a voter votes a straight party ticket for an office for which at
 28 least two (2) people may be elected and writes in the name of a
 29 candidate **and gives that candidate a #1 ranking**, the straight party
 30 vote for that office may not be counted unless:

31 (1) fewer candidates appear on the party's ticket than may be
 32 elected; and

33 (2) the voter has not written in a number of names **and gives each**
 34 **of those candidates a #1 ranking** that, when added to the straight
 35 party candidate's name, would be greater than the number of seats
 36 available for that office.

37 (c) If a voter votes for one (1) individual candidate for an office for
 38 which only one (1) person may be elected and also writes in the name
 39 of another candidate for the same office **and gives that candidate a #1**
 40 **ranking**, neither vote may be counted.

41 (d) If a voter votes for at least one (1) individual candidate for an
 42 office for which at least two (2) people may be elected and also writes



1 in the name of at least one (1) candidate **and gives that candidate a #1**
 2 **ranking**, the vote for that office may not be counted unless the number
 3 of individual votes cast for the office, when added to the number of
 4 write-in votes cast for that office, is less than or equal to the number of
 5 seats available for that office.

6 (e) If a voter votes an individual or a straight party vote for a
 7 candidate for an office and also writes in the name of the same
 8 candidate for the same office, only one (1) vote for that candidate may
 9 be counted.

10 SECTION 56. IC 3-12-1-16, AS AMENDED BY P.L.219-2013,
 11 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JANUARY 1, 2017]: Sec. 16. (a) This section applies when:

- 13 (1) a ballot is reprinted under IC 3-11-3-29.5(d) to omit the name
 14 of an individual who is no longer a candidate; and
 15 (2) the candidate vacancy is filled following the reprinting of the
 16 ballots.

17 (b) A ~~vote cast~~ **ranking** on the ballot where the statement "NO
 18 CANDIDATE" or "CANDIDATE DECEASED" appears is considered
 19 a ~~vote cast~~ **the same ranking given** for the successor candidate.

20 SECTION 57. IC 3-12-1-18, AS ADDED BY P.L.66-2010,
 21 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JANUARY 1, 2017]: Sec. 18. (a) This section applies to a federal
 23 write-in absentee ballot cast in a primary election as provided in
 24 IC 3-11-4-12.5(b)(1) by an absent uniformed services voter or overseas
 25 voter.

26 (b) If a voter does any of the following, the voter's ~~vote is~~ **rankings**
 27 **for candidates for that office are** void:

- 28 (1) The voter ~~votes for~~ **gives** more than one (1) candidate a **#1**
 29 **ranking**, and the candidates are not on the official primary ballot
 30 of the same political party.
 31 (2) The voter ~~votes for~~ **gives a #1 ranking to** a candidate who is
 32 not on the official primary ballot of any political party.
 33 (3) The voter ~~votes for~~ **gives a #1 ranking to** a candidate who is
 34 on the official primary ballot of a political party, but the voter
 35 does not indicate the office for which the candidate seeks to be
 36 nominated.

37 (c) If the voter votes for a political party, but the voter does not vote
 38 for any individual candidates who are on that political party's official
 39 primary ballot, the voter's vote is void.

40 SECTION 58. IC 3-12-2-1, AS AMENDED BY P.L.128-2015,
 41 SECTION 208, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JANUARY 1, 2017]: Sec. 1. (a) This chapter:



1 (1) is enacted to comply with 52 U.S.C. 21081 by establishing
 2 uniform and nondiscriminatory standards to define what will be
 3 counted as a vote on a paper ballot; and

4 (2) applies to each precinct where voting is by paper ballot.

5 (b) After the polls have closed, each precinct election board shall
 6 ~~count~~ **tabulate** the paper ballot ~~votes~~ **rankings** for each candidate for
 7 each office and **the votes** on each public question. The ballots shall be
 8 ~~counted~~ **tabulated** by laying each ballot upon a table in the order in
 9 which it is taken from the ballot box.

10 (c) Notwithstanding subsection (b), the precinct election board may
 11 ~~count~~ **tabulate** absentee ballots before the polls have closed. If the
 12 precinct election board ~~counts~~ **tabulates** absentee ballots under this
 13 subsection, a member of the precinct election board may not, before the
 14 polls have closed, provide any person other than a member of the
 15 precinct election board with information concerning the: ~~number of~~
 16 ~~votes~~:

17 (1) **rankings** a candidate received for an office; or

18 (2) **number of votes** cast to approve or reject a public question;
 19 on absentee ballots counted under this subsection.

20 (d) If a precinct election board administers more than one (1)
 21 precinct, the board shall keep the ballots cast in each precinct separate
 22 from ballots cast in any other precinct, so that the ~~votes cast~~ **rankings**
 23 **given** for each candidate and **the votes** on each public question in each
 24 of the precincts administered by the board may be determined.

25 SECTION 59. IC 3-12-2-2 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. During the
 27 ~~counting tabulation~~ of the ~~votes~~; ~~ballots~~, the inspector and the judge
 28 of the opposite political party from the inspector shall view the ballots
 29 as the names of the candidates ~~voted for~~ **and their respective rankings**
 30 are read from the ballots.

31 SECTION 60. IC 3-12-2-3 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. During the
 33 ~~counting tabulation~~ of the ~~votes~~; ~~ballots~~, any member of the precinct
 34 election board may protest the ~~counting tabulation~~ of any ballot or any
 35 part of a ballot.

36 SECTION 61. IC 3-12-2-5 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. Except as
 38 provided in section 1(c) of this chapter, if the polls for more than one
 39 (1) precinct are located in the same room, the inspector of a precinct
 40 using the room may not begin the ~~vote count~~ **ballot tabulation**
 41 procedure until all the polls in the room are officially closed and no
 42 more persons are waiting in line to vote.



1 SECTION 62. IC 3-12-2-6, AS AMENDED BY P.L.221-2005,
 2 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JANUARY 1, 2017]: Sec. 6. When all ~~votes~~ **ballots** have
 4 been ~~counted, tabulated~~, the precinct election board shall prepare a
 5 certificate stating the **following**:

6 (1) **The total** number of ~~votes~~ **each ranking** that each candidate
 7 received for each office. ~~and~~

8 (2) **The total** number of votes cast on each public question.

9 The number of **each ranking that each candidate received and the**
 10 votes that each ~~candidate and~~ public question received shall be written
 11 in words and numbers. ~~The board shall also prepare a memorandum of~~
 12 ~~the total vote cast for each candidate and ensure that each member of~~
 13 ~~the board receives a copy of the memorandum.~~

14 SECTION 63. IC 3-12-2-7.5, AS AMENDED BY P.L.128-2015,
 15 SECTION 209, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JANUARY 1, 2017]: Sec. 7.5. (a) This section applies
 17 to the counting of federal write-in absentee ballots described in
 18 IC 3-11-4-12.5.

19 (b) If a voter writes an abbreviation, misspelling, or other minor
 20 variation instead of the correct name of a candidate or political party,
 21 that vote shall be counted if the intent of the voter can be determined.

22 (c) If a voter ~~casts~~ **gives** a **ballot ranking** under this section for
 23 President or Vice President of the United States and writes in **and**
 24 **ranks** the name of a candidate or political party that has not:

25 (1) certified a list of electors under IC 3-10-4-5; or

26 (2) included a list of electors on the declaration for candidacy
 27 filed by a write-in candidate under IC 3-8-2-2.5;

28 the ~~vote~~ **ranking** for President or Vice President is void. The remaining
 29 **rankings and** votes on the ballot may be counted.

30 (d) As required by 52 U.S.C. 20303(b), and except as provided in
 31 this section, an absentee ballot subject to this section shall be submitted
 32 and processed in the same manner provided by this title for a regular
 33 absentee ballot.

34 (e) IC 3-12-1-7 applies to a ballot subject to this section.

35 (f) As required by 52 U.S.C. 20303(b), a ballot subject to this
 36 section may not be ~~counted~~ **tabulated** if:

37 (1) the ballot was submitted:

38 (A) by an overseas voter who is not an absent uniformed
 39 services voter; and

40 (B) from within the United States;

41 (2) the overseas voter's application for a regular absentee ballot
 42 was received by the county election board after the applicable



1 absentee ballot application deadline set forth in IC 3-11-4-3;
 2 (3) the voter's completed regular state absentee ballot was
 3 received by the county election board by the deadline for
 4 receiving absentee ballots under IC 3-11-10-11; or
 5 (4) the ballot subject to this section was not received by the
 6 county election board by the deadline for receiving absentee
 7 ballots under IC 3-11-10-11.

8 (g) If a federal write-in absentee ballot is received by the county
 9 election board in an envelope that does not indicate that the envelope
 10 contains the ballot, and the envelope is opened by the county election
 11 board, the absentee ballot shall nevertheless be ~~counted~~ **tabulated** if
 12 otherwise valid. The county election board shall:

- 13 (1) immediately seal the absentee ballot and the envelope in
 14 which the ballot was received in a carrier envelope indicating that
 15 a voted absentee ballot is enclosed; and
 16 (2) document the date the absentee ballot was sealed within the
 17 carrier envelope, attested to by the signature of each member of
 18 the county election board.

19 SECTION 64. IC 3-12-2-8 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8. As soon as the
 21 ballots have been ~~counted~~, **tabulated**, the inspector shall, in the
 22 presence of the judges and poll clerks:

- 23 (1) place in a strong and stout paper envelope or bag:
 24 (A) all ballots, voted and not voted, together with all protested,
 25 disputed, and ~~uncounted~~ **untabulated** ballots;
 26 (B) the seals of the ballot packages; and
 27 (C) one (1) copy of each of the certificates, list of voters, and
 28 tally papers;
 29 (2) securely seal the envelope or bag;
 30 (3) have both clerks initial the envelope or bag; and
 31 (4) plainly mark on the outside of the envelope or bag, in ink, the
 32 precinct where the ballots were cast.

33 SECTION 65. IC 3-12-2-9 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 9. The inspector
 35 and the judge of the opposite political party shall deliver the envelope
 36 or bag prepared under section 8 of this chapter to the circuit court clerk
 37 immediately upon tabulation of the ~~votes~~: **ballots**. The inspector shall
 38 notify the clerk of the number of ballots placed in the envelope or bag
 39 and the condition of the seals of the ballot packages.

40 SECTION 66. IC 3-12-2-15 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 15. Immediately
 42 upon completion of the ~~vote count~~, **ballot tabulation**, each precinct



1 election board shall make and sign a certificate for the news media
 2 showing the total number of ~~votes~~ **each ranking** received by each
 3 candidate and **the number of votes** on each public question in the
 4 precinct. The inspector and judge of the opposite political party shall
 5 deliver the certificate to the circuit court clerk at the same time that the
 6 certificates, lists of voters, and tally papers are delivered under section
 7 7 of this chapter. The circuit court clerk immediately shall deliver the
 8 certificate made for the news media to any person designated to receive
 9 the certificate by the editors of the newspapers published in the county
 10 or by the managers of the radio and television stations operating in the
 11 county. The county election board shall furnish each precinct election
 12 board with the forms on which the certificates are to be prepared.

13 SECTION 67. IC 3-12-3-1.2 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1.2. This section
 15 applies to a precinct where votes have been cast on a ballot card system
 16 that is designed to allow the ~~counting and~~ tabulation of ~~votes~~ **ballots** by
 17 the precinct election board. Except as provided in section 14 of this
 18 chapter, if the polls for more than one (1) precinct are located in the
 19 same room, the inspector of a precinct using the room may not begin
 20 the ~~vote counting~~ **ballot tabulation** procedure until all the polls in the
 21 room are officially closed and no more persons are waiting in line to
 22 vote.

23 SECTION 68. IC 3-12-3-1.5 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1.5. (a) During
 25 the tabulation of the ~~votes, ballots~~, any member of the precinct election
 26 board in a precinct where votes have been cast on a ballot card system
 27 that is designed to allow the ~~counting and~~ tabulation of ~~votes~~ **ballots** by
 28 the precinct election board may protest the ~~counting~~ **tabulation** of any
 29 ballot or any part of a ballot cast in that precinct.

30 (b) During the tabulation of ~~votes~~ **ballots** at a central counting
 31 location under section 3 of this chapter:

32 (1) a member of the precinct election board in a precinct where
 33 votes were cast on a ballot card system; or

34 (2) a member of the county election board, if a member of the
 35 precinct election board is not present during the tabulation of the
 36 ~~votes~~ **ballots** of the precinct;

37 may protest the ~~counting~~ **tabulation** of any ballot or part of a ballot
 38 cast in that precinct.

39 (c) If a ballot or any part of a ballot is protested, the poll clerks in
 40 the precinct where votes have been cast or the member of the county
 41 election board, if the poll clerks are not present during the tabulation
 42 of ~~votes~~ **ballots** at a central counting location, immediately shall write



1 on the back of the protested ballot card the word "~~counted~~"
 2 "**tabulated**" or "~~not counted~~ **tabulated**" as appropriate. The clerks or
 3 county election board member then shall officially sign each protested
 4 ballot card.

5 SECTION 69. IC 3-12-3-2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) After the
 7 ballot cards have been ~~counted~~ **tabulated** under section 1 of this
 8 chapter, the precinct election board shall comply with this section.

9 (b) This subsection applies if the votes have been cast on a ballot
 10 card voting system that is not designed to allow the ~~counting and~~
 11 tabulation of ~~votes ballots~~ by the precinct election board. The inspector
 12 shall place all cards that have been cast in the container provided for
 13 that purpose and the container shall be sealed by the inspector in the
 14 presence of the precinct election board. The inspector and the judge of
 15 the opposite political party shall immediately deliver the container,
 16 together with the unused, uncounted, and defective cards and returns,
 17 to the central counting location or other designated place.

18 (c) This subsection applies if the votes have been cast on a ballot
 19 card voting system that is designed to allow the ~~counting and~~ tabulation
 20 of ~~votes ballots~~ by the precinct election board. The precinct election
 21 board shall:

- 22 (1) process the ballot cards with the automatic tabulating machine
 23 provided to the precinct, if the ~~vote ballot~~ is not automatically
 24 registered by the ballot card voting system;
- 25 (2) take the vote as tabulated under subdivision (1) or as
 26 automatically registered by the ballot card voting system; and
- 27 (3) certify the totals and the ballot count as required under section
 28 1 of this chapter on forms supplied to the precinct for that
 29 purpose.

30 Copies of the totals shall be delivered to each member of the precinct
 31 election board. One (1) copy of the ~~vote~~ totals shall be prepared and
 32 signed for the news media on the form furnished by the county election
 33 board.

34 SECTION 70. IC 3-12-3-5, AS AMENDED BY P.L.194-2013,
 35 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JANUARY 1, 2017]: Sec. 5. (a) If a ballot card is damaged or defective
 37 so that it cannot properly be counted by the automatic tabulating
 38 machines, then a remake team composed of one (1) person from each
 39 of the major political parties of the county shall have the card prepared
 40 for processing so as to record accurately the intention of the voter
 41 insofar as it can be ascertained.

42 (b) If the ballot card voting system is designed to allow the ~~counting~~



1 ~~and~~ tabulation of ~~votes~~ **ballots** by the precinct election board, the
 2 members of the remake team must be members of the precinct election
 3 board in which the ballot was cast. If a county provides for the ~~counting~~
 4 ~~and~~ tabulation of ballot card voting systems in a central location, the
 5 members of the remake team shall be appointed by the county election
 6 board.

7 (c) If necessary, a true, duplicate copy shall be made of the damaged
 8 ballot card in the presence of witnesses and substituted for the damaged
 9 card. Similarly, a duplicate ballot card shall be made of a defective
 10 card, not including the uncounted votes.

11 (d) This subsection applies to an absent uniformed services voter or
 12 overseas voter permitted to transmit an absentee ballot by fax or
 13 electronic mail under IC 3-11-4-6. To facilitate the transmittal and
 14 return of the voter's absentee ballot by fax or electronic mail, the county
 15 election board may provide the voter with a paper ballot rather than a
 16 ballot card. The paper ballot must conform with the requirements for
 17 paper ballots set forth in IC 3-10 and IC 3-11. After the voter returns
 18 the ballot by fax or electronic mail, a remake team appointed by the
 19 county election board under this section shall prepare a ballot card for
 20 processing that accurately records the intention of the voter as
 21 indicated on the paper ballot. The ballot card created under this
 22 subsection must be marked and counted as a duplicate ballot under
 23 sections 6 through 7 of this chapter.

24 (e) If an automatic tabulating machine fails during the ~~counting and~~
 25 tabulation of votes following the close of the polls, the county election
 26 board shall immediately arrange for the repair and proper functioning
 27 of the system. The county election board may, by unanimous vote of its
 28 entire membership, authorize the ~~counting and~~ tabulation of votes for
 29 this election on an automatic tabulating machine approved for use in
 30 Indiana by the commission:

31 (1) until the repair and retesting of the malfunctioning machine;
 32 and

33 (2) whether or not the machine was tested under IC 3-11-13-22.

34 SECTION 71. IC 3-12-3-7 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 7. Each duplicate
 36 ballot card shall be ~~counted~~ **tabulated** instead of the damaged or
 37 defective card.

38 SECTION 72. IC 3-12-3-8 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8. If ~~either a test~~
 40 of automatic tabulating machines required by IC 3-11-13-22 ~~and~~
 41 ~~IC 3-11-13-26~~ is not conducted for a particular office or public
 42 question, the ~~votes~~ **rankings** for that office or **the votes for that**



1 question shall be ~~counted~~ **tabulated** manually. If for any reason it
 2 becomes impracticable to ~~count~~ **tabulate** all or some of the ballot cards
 3 with automatic tabulating machines:

4 (1) the precinct election board in which the machine is located, if
 5 the ballot card voting system is designed to allow the ~~counting~~
 6 ~~and~~ tabulation of votes by the precinct election board; or

7 (2) the county election board, if the ballot card voting system is
 8 not designed to allow the ~~counting and~~ tabulation of votes by the
 9 precinct election board;

10 may direct that they be counted manually.

11 SECTION 73. IC 3-12-3-9 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 9. If ballot cards
 13 are ~~counted~~ **tabulated** manually, the tabulation of ~~votes~~ **ballots** must
 14 comply with the standards prescribed by IC 3-11-7.

15 SECTION 74. IC 3-12-3-10 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 10. (a) After the
 17 ~~voting totals~~ **ballots** have been ~~taken~~ **tabulated** and certified by a
 18 precinct election board under section 2(c) of this chapter, the inspector
 19 shall:

20 (1) seal each automatic tabulating machine used in the precinct;

21 (2) place all ballot cards that have been ~~counted~~ **tabulated** in the
 22 container provided for that purpose; and

23 (3) seal the container into which the ballot cards have been
 24 placed;

25 in the presence of the precinct election board. The automatic tabulating
 26 machine may not be moved from the polls after the polls are closed
 27 until collected.

28 (b) The inspector and judge of the opposite political party shall
 29 deliver:

30 (1) the certification of the ~~vote totals~~ **tabulation** and one (1) copy
 31 of the certificate prepared under section 2(c) of this chapter for
 32 the circuit court clerk;

33 (2) the certificate of the ~~vote~~ totals prepared under section 2(c) of
 34 this chapter for the news media;

35 (3) the container in which ballot cards have been placed under
 36 subsection (a); and

37 (4) the unused, uncounted, and defective ballot cards and returns;
 38 to the circuit court clerk.

39 (c) The inspector and judge of the opposite political party shall
 40 deliver the certificates and the list of voters to the county election board
 41 by midnight on election day. However, if:

42 (1) a ballot card voting system failed;



1 (2) the failure of the system was reported as required by this title;
 2 (3) paper ballots were used in place of the system; and
 3 (4) the use of the paper ballots caused a substantial delay in the
 4 vote counting process;
 5 then the certificates, the list of voters, and the tally papers shall be
 6 delivered as soon as possible.

7 (d) Upon delivery of the container to the circuit court clerk under
 8 subsection ~~(c)~~; **(b)**, the inspector shall take and subscribe an oath
 9 before the clerk stating that the inspector:

- 10 (1) closed and sealed the container in the presence of the judges
 11 and poll clerks;
 12 (2) securely kept the ballot cards in the container;
 13 (3) did not permit any person to open the container or to otherwise
 14 touch or tamper with the ballot cards; and
 15 (4) has no knowledge of any other person opening the container.

16 (e) Each oath taken under subsection (d) shall be filed in the circuit
 17 court clerk's office with other election papers.

18 (f) Upon completion of the ~~counting tabulation~~ of the ~~votes ballots~~
 19 by a precinct election board under section 2(c) of this chapter or at a
 20 central location, all ballot cards shall be arranged by precincts and kept
 21 by the circuit court clerk for the period required by IC 3-10-1-31 or
 22 IC 3-10-1-31.1. The clerk shall determine the final disposition of all
 23 voted ballot cards.

24 SECTION 75. IC 3-12-3-11, AS AMENDED BY P.L.230-2005,
 25 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JANUARY 1, 2017]: Sec. 11. (a) The return printed by the automatic
 27 tabulating machines ~~along with and~~ the return of ~~votes~~ by absentee and
 28 provisional voters ~~constitutes constitute~~ the official return of each
 29 precinct. Upon completion of the ~~count~~; **tabulation**, the return is open
 30 to the public.

31 (b) This subsection applies if the votes have been cast on a ballot
 32 card voting system that is not designed to allow the ~~counting and~~
 33 tabulation of ~~votes ballots~~ by the precinct election board. The circuit
 34 court clerk shall, upon request, furnish to the media in the area the
 35 results of the tabulation.

36 (c) This subsection applies if the votes have been cast on a ballot
 37 card voting system that is designed to allow the ~~counting and~~ tabulation
 38 of ~~votes ballots~~ by the precinct election board. Upon receiving the
 39 certificate for the media prepared under section 2(c) of this chapter, the
 40 circuit court clerk shall deliver the certificate to any person designated
 41 to receive the certificate by the editors of the newspapers published in
 42 the county or by the managers of the radio and television stations



1 operating in the county.

2 (d) If a precinct election board administers more than one (1)
3 precinct, the precinct election board or circuit court clerk shall keep the
4 ballots cast in each precinct separate from ballots cast in any other
5 precinct, so that the ~~votes cast~~ **rankings given** for each candidate and
6 **the votes cast** on each public question in each of the precincts
7 administered by the board may be determined.

8 SECTION 76. IC 3-12-3-12 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 12. Votes by
10 absentee voters may be cast on paper ballots or ballot cards, or both
11 methods may be used. The ballots may be ~~counted~~ **tabulated** by an
12 automatic tabulating machine or by special canvassing boards
13 appointed by and under the direction of the county election board. A
14 true copy of each paper absentee ballot may be made on a ballot card,
15 which, after being verified in the presence of witnesses, shall be
16 ~~counted~~ **tabulated** in the same manner as other ballot cards.

17 SECTION 77. IC 3-12-3-12.5 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 12.5. To minimize
19 the delay in the ~~counting~~ **tabulation** of ~~the vote;~~ **ballots,** the ~~count~~
20 **tabulation** must begin immediately upon delivery of the cards to the
21 central counting location under section 2(b) of this chapter or upon the
22 closing of the polls under section 2(c) of this chapter. The tabulation
23 must continue without interruption until all votes are canvassed and all
24 certificates of the ~~vote~~ totals required under section 10(b) of this
25 chapter or totals required under section 11(b) of this chapter are
26 completed and delivered to the persons entitled to receive the
27 certificates or totals.

28 SECTION 78. IC 3-12-3-13 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13. In case of a
30 recount, all ballot cards shall be ~~recounted~~ **retabulated** in the manner
31 prescribed by this chapter unless:

32 (1) the court ordering the ~~recount~~ **retabulation** or the state
33 recount commission directs that they be ~~counted~~ **tabulated**
34 manually; or

35 (2) a request for a manual ~~recount~~ **retabulation** is made under
36 IC 3-12-6 or IC 3-12-11.

37 SECTION 79. IC 3-12-3-14 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 14. (a) The
39 precinct election board may ~~count~~ **tabulate** absentee ballots before the
40 polls have closed.

41 (b) If the precinct election board ~~counts~~ **tabulates** absentee ballots
42 under this section, a member of the precinct election board may not,



1 before the polls have closed, provide any person other than a member
 2 of the precinct election board with information concerning the: ~~number~~
 3 ~~of votes:~~

4 (1) **rankings** a candidate received for an office; or

5 (2) **votes** cast to approve or reject a public question;

6 on absentee ballots ~~counted~~ **tabulated** under this section.

7 SECTION 80. IC 3-12-3.5-1.5 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1.5. Except as
 9 provided in section 7 of this chapter, if the polls for more than one (1)
 10 precinct are located in the same room, the inspector of a precinct using
 11 the room may not begin the ~~vote counting~~ **ballot tabulation** procedure
 12 until all the polls in the room are officially closed and no more persons
 13 are waiting in line to vote.

14 SECTION 81. IC 3-12-3.5-2, AS AMENDED BY P.L.221-2005,
 15 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JANUARY 1, 2017]: Sec. 2. After each electronic voting
 17 system has been secured and the paper ~~vote~~ total printouts obtained, the
 18 inspector shall announce in a distinct tone of voice that the printouts
 19 are available for inspection by the members of the precinct election
 20 board and any watchers present within the polls. The members and
 21 watchers are entitled to inspect and copy the printouts to document the:
 22 ~~votes cast for:~~

23 (1) **rankings given** each candidate on each system; and

24 (2) **votes cast for** each public question on each system.

25 SECTION 82. IC 3-12-3.5-3, AS AMENDED BY P.L.230-2005,
 26 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JANUARY 1, 2017]: Sec. 3. (a) When paper ~~vote~~ total printouts have
 28 been obtained, the precinct election board shall prepare certificates
 29 stating the **total** number of: ~~votes~~

30 (1) **each ranking** that each candidate received for each office;
 31 and

32 (2) the votes on each public question;

33 by attaching the paper ~~vote~~ total printouts to certificate forms supplied
 34 by the county election board.

35 (b) Each member of the board shall be given a copy of the
 36 certificate.

37 (c) If a precinct election board administers more than one (1)
 38 precinct, the board shall keep the ballots cast in each precinct separate
 39 from ballots cast in any other precinct, so that the: ~~votes cast for~~

40 (1) **rankings given** each candidate; and

41 (2) **votes cast** on each public question;

42 in each of the precincts administered by the board may be determined.



1 SECTION 83. IC 3-12-3.5-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4. The inspector
 3 and judge of the opposite political party shall deliver the certificates
 4 prepared under section 3 of this chapter and the list of voters to the
 5 county election board **by not later than midnight on after the election.**
 6 ~~day.~~ However, if:

- 7 (1) an electronic voting system failed;
 8 (2) the failure of the system was reported as required by this title;
 9 (3) paper ballots were used in place of the system; and
 10 (4) the use of the paper ballots caused a substantial delay in the
 11 ~~vote counting~~ **tabulation** process;

12 then the certificates, the list of voters, and the tally papers shall be
 13 delivered as soon as possible.

14 SECTION 84. IC 3-12-3.5-5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. Immediately
 16 upon completion of the ~~vote count,~~ **tabulation,** each precinct election
 17 board shall make and sign a certificate for the news media showing the
 18 total number of ~~votes received by~~ **rankings given** each candidate in the
 19 precinct. The inspector and judge of the opposite political party shall
 20 deliver the certificate to the circuit court clerk at the same time that the
 21 certificates, the list of voters, and the tally papers are delivered under
 22 section 4 of this chapter. The circuit court clerk immediately shall
 23 deliver the certificate made for the news media to any person
 24 designated to receive the certificate by the editors of the newspapers
 25 published in the county or by the managers of the radio and television
 26 stations operating in the county. The county election board shall furnish
 27 each precinct election board with the forms on which the certificates
 28 are to be prepared.

29 SECTION 85. IC 3-12-3.5-6 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. To minimize
 31 the delay in the ~~counting~~ **tabulation** of the ~~vote,~~ **ballots,** canvassing
 32 must begin immediately upon the closing of the polls and continue
 33 without interruption until all the ~~votes~~ **ballots** are canvassed and all
 34 certificates ~~of the vote~~ required under section 3 of this chapter are
 35 completed and delivered to the persons entitled to receive the
 36 certificates.

37 SECTION 86. IC 3-12-3.5-7 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 7. (a) The
 39 precinct election board may ~~count~~ **tabulate** absentee ballots before the
 40 polls have closed.

41 (b) If the precinct election board ~~counts~~ **tabulates** absentee ballots
 42 under this section, a member of the precinct election board may not,



1 before the polls have closed, provide any person other than a member
 2 of the precinct election board with information concerning the: ~~number~~
 3 ~~of votes:~~

4 (1) **rankings** a candidate received for an office; or

5 (2) **number of votes** cast to approve or reject a public question;
 6 on absentee ballots counted under this section.

7 SECTION 87. IC 3-12-3.5-8, AS AMENDED BY P.L.169-2015,
 8 SECTION 148, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JANUARY 1, 2017]: Sec. 8. (a) After each electronic
 10 voting system has been secured and the paper ~~vote total~~ printouts
 11 obtained, the inspector shall announce the total number of ~~votes~~ **ballots**
 12 cast on all electronic voting systems located within the precinct,
 13 including any absentee ballots cast, to determine if the total number of
 14 ~~votes~~ **ballots** cast on the electronic voting systems differs from the
 15 number of voters shown to have received a ballot at the polls or
 16 returned an absentee ballot, according to the poll lists.

17 (b) If the number of ballots received at the polls and returned as
 18 absentee ballots differs from the total number of voters shown on the
 19 poll lists, the inspector and judge of the opposite party shall report this
 20 fact in writing to the county election board together with the reasons for
 21 the discrepancy, if known, at the time that the inspector and judge
 22 return the precinct poll list to the board.

23 (c) If:

24 (1) the total number of ~~votes~~ **ballots** cast, as determined under
 25 subsection (a); and

26 (2) the number of voters who received a ballot at the polls or
 27 returned an absentee ballot according to the poll lists;

28 ~~differs differ~~ by five (5) or more, then the county election board shall
 29 order an audit of the ~~votes~~ **ballots** cast in that precinct under this
 30 section. Before ordering an audit, the county election board shall
 31 recheck the computations reported by the inspector and judge under
 32 subsection (b).

33 (d) The county election board shall confirm that the ~~votes~~ **ballots**
 34 cast in an election:

35 (1) for each candidate and each public question; and

36 (2) on a direct record electronic voting system in the precinct;
 37 were correctly ~~counted:~~ **tabulated.**

38 (e) The county election board shall conduct an audit by means of
 39 tests and procedures that are approved by the commission and
 40 independent of the provider of the direct record electronic voting
 41 system being audited.

42 (f) The county election board shall certify the results of the audit not



1 later than noon thirteen (13) days after the election. The certification
 2 must be on the form prescribed by the election division. One (1) copy
 3 shall be filed with the election returns, and one (1) copy must be
 4 delivered to the election division.

5 (g) Public notice of the time and place of an audit shall be given at
 6 least forty-eight (48) hours before the audit. The notice shall be
 7 published once in accordance with IC 5-3-1-4. However, if publication
 8 in accordance with IC 5-3-1-4 will not allow the county election board
 9 to certify the results of the audit within thirteen (13) days after the
 10 election, notice shall be given by posting at or near the office of the
 11 county election board.

12 SECTION 88. IC 3-12-4-1 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. The members
 14 of each county election board shall canvass the ~~votes~~ **ballots** cast in the
 15 county.

16 SECTION 89. IC 3-12-4-4, AS AMENDED BY P.L.2-2007,
 17 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JANUARY 1, 2017]: Sec. 4. (a) Each county election board may
 19 employ clerical assistants if necessary for the proper canvassing and
 20 tabulating of the vote. However, except as provided in subsection (d),
 21 not more than one-half (1/2) of the assistants employed by the board
 22 may be members of the same political party.

23 (b) The county election board shall appoint the number of two (2)
 24 member write-in teams that are necessary to examine and ~~count~~
 25 **tabulate** write-in votes cast on ballot card voting systems on election
 26 night. The county chairmen of the two (2) major political parties of a
 27 county shall each designate one (1) member of each write-in team. The
 28 write-in teams are considered employees of the county canvassing
 29 board and must meet the qualifications of canvassing board employees.

30 (c) Except as provided in subsection (d), a county election board
 31 may not employ a person to assist with canvassing unless the person
 32 would be eligible to serve as a precinct election officer under
 33 IC 3-6-6-7.

34 (d) The county election board may, by unanimous vote of the entire
 35 membership of the board, employ a student to assist the board under
 36 this section if the student is:

37 (1) enrolled at a postsecondary educational institution (including
 38 a community college); and

39 (2) a registered voter of the county.

40 A student appointed under this subsection must serve the board in a
 41 nonpartisan manner.

42 SECTION 90. IC 3-12-4-10 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 10. (a) The
 2 statement prepared under section 9 of this chapter must contain **the**
 3 **following:**

- 4 (1) The name of each candidate.
 5 (2) The elected offices.
 6 (3) The ~~total number of votes received by following~~ **for** each
 7 candidate:

8 (A) **The total of each ranking.**

9 (B) **The total number of votes received by each candidate**
 10 **as determined under IC 3-12-0.5.**

- 11 (4) **The following for each precinct:**

12 (A) **The following for each candidate:**

13 (i) **The total of each ranking.**

14 (ii) **The total number of votes received by each candidate**
 15 **and as determined under IC 3-12-0.5.**

16 (B) **The total number of votes cast for and against each**
 17 **public question. in each precinct; and**

- 18 (5) The total number of ~~votes~~ **ballots** cast at the election.

19 (b) Notwithstanding IC 33-37-5-1, upon request by a candidate, the
 20 circuit court clerk shall prepare a copy of the statement for the
 21 candidate at a fee not to exceed twenty-five cents (\$0.25) per page.

22 SECTION 91. IC 3-12-4-13 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13. After the
 24 county election board has tabulated the ~~vote:~~ **ballots:**

- 25 (1) the canvass sheets used by the board; and
 26 (2) the certificates, poll lists, and tally papers returned by each
 27 inspector in the county;

28 shall be delivered to the circuit court clerk. The clerk shall file and
 29 preserve all the material in the clerk's office as provided in
 30 IC 3-10-1-31 or IC 3-10-1-31.1.

31 SECTION 92. IC 3-12-4-16 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 16. If there is a
 33 disagreement between the members of a county election board as to
 34 how the ~~vote~~ **ballots** of a precinct should be ~~counted;~~ **tabulated,** the
 35 board shall:

- 36 (1) immediately report the matter in dispute to the judge of the
 37 circuit court; and
 38 (2) provide the judge with a written brief stating the grounds of
 39 the disagreement and all papers concerning the matter.

40 SECTION 93. IC 3-12-4-17 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 17. The judge of
 42 the circuit court shall summarily determine a dispute presented under



1 section 16 of this chapter and direct the county election board how to
 2 ~~count~~ **tabulate** the ~~vote~~ **ballots**. The judge's determination is final with
 3 respect to the action of the board.

4 SECTION 94. IC 3-12-4-18, AS AMENDED BY P.L.194-2013,
 5 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2017]: Sec. 18. If electronic voting systems are used in
 7 a precinct, the county election board may, upon the adoption of an
 8 order by unanimous vote of the entire membership of the board, inspect
 9 the registering counter or other recording device on any electronic
 10 voting system showing the ~~number of votes cast~~ **rankings given** for
 11 any candidate or ~~the number of votes cast for a~~ public question. The
 12 board may conduct an inspection, after filing notice of the order
 13 authorizing the inspection with the secretary of state, either before the
 14 board proceeds to ~~count and~~ tabulate the ~~vote ballots~~ or within one (1)
 15 day after the ~~count and~~ tabulation ~~are~~ **is** finished.

16 SECTION 95. IC 3-12-4-20, AS AMENDED BY P.L.221-2005,
 17 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JANUARY 1, 2017]: Sec. 20. When making an
 19 inspection under section 18 of this chapter, a county election board
 20 shall compare the number ~~of votes~~ registered on the counter or other
 21 recording device on the electronic voting systems with the returns
 22 made by the precinct election board of the precinct in which the
 23 electronic voting system was used.

24 SECTION 96. IC 3-12-4-21, AS AMENDED BY P.L.221-2005,
 25 SECTION 108, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JANUARY 1, 2017]: Sec. 21. If there is a discrepancy
 27 between the number ~~of votes~~ registered on an electronic voting system
 28 and the returns made by the precinct election board, the county election
 29 board shall correct the returns made by the precinct election board so
 30 that the returns conform to the ~~vote number~~ registered on the
 31 electronic voting system. The corrected returns shall be considered the
 32 true and correct returns of the ~~number of votes cast~~ **rankings given** for
 33 each candidate or ~~the number of votes cast~~ on each public question in
 34 the precinct.

35 SECTION 97. IC 3-12-4-22, AS AMENDED BY P.L.221-2005,
 36 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JANUARY 1, 2017]: Sec. 22. If a nomination or election
 38 is contested or a recount is conducted, the returns of each precinct
 39 election board, as corrected by the county election board under section
 40 21 of this chapter, constitute prima facie evidence of the ~~vote east~~
 41 **rankings given** for each candidate and ~~the votes cast~~ on each public
 42 question to the same extent as the tabulation and return of the vote in



1 a precinct where electronic voting systems are not used.

2 SECTION 98. IC 3-12-4-23 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 23. The county
4 election board shall have tally papers printed for use in tabulating the
5 **vote ballots** at each election held under its jurisdiction. The tally
6 papers must:

7 (1) contain the name of each office and candidate ~~to be voted for~~
8 at an election;

9 (2) provide for tallying the votes on each public question
10 submitted to the voters; and

11 (3) list political parties and candidates in the same order on the
12 tally sheet as listed on the ballot printed by the county election
13 board under IC 3-11-2-6.

14 SECTION 99. IC 3-12-5-2 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) Whenever
16 a candidate is elected:

17 (1) to a local or school board office other than:

18 (A) one for which a town clerk-treasurer issues a certificate of
19 election under IC 3-10-7-34; or

20 (B) one commissioned by the governor under IC 4-3-1-5; or

21 (2) a precinct committeeman or state convention delegate;

22 the circuit court clerk shall, when permitted under section 16 of this
23 chapter, prepare and deliver to the candidate on demand a certificate
24 of the candidate's election.

25 (b) This subsection applies to a local or school board office
26 described in subsection (a) with an election district located in more
27 than one (1) county and a local public question placed on the ballot in
28 more than one (1) county. The circuit court clerk of the county that
29 contains the greatest percentage of the population of the election
30 district shall, upon demand of the candidate or a person entitled to
31 request a recount of the votes cast on a public question under
32 IC 3-12-12, **do the following:**

33 (1) Obtain the certified statement of:

34 (A) the ~~votes cast~~ **rankings given to each candidate** for that
35 office; or

36 (B) **the votes cast** on that question;

37 that was prepared under IC 3-12-4-9 from the circuit court clerk
38 in each other county in which the election district is located.

39 (2) Tabulate:

40 (A) the total ~~votes cast~~ **of each ranking given to each**
41 **candidate** for that office **and determine which candidate has**
42 **been elected to that office under IC 3-12-0.5;** or



- 1 **(B) the total votes cast** on that question;
 2 as shown on the certified statement of each county in the election
 3 district. ~~and~~
 4 (3) Issue a certificate:
 5 **(A)** of election to the candidate when permitted under section
 6 16 of this chapter; or a ~~certificate~~
 7 **(B)** declaring the local public question approved or rejected.
- 8 SECTION 100. IC 3-12-5-5, AS AMENDED BY P.L.221-2005,
 9 SECTION 111, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JANUARY 1, 2017]: Sec. 5. (a) Not later than noon on
 11 the second Monday following an election for governor and lieutenant
 12 governor, each circuit court clerk shall prepare a certified statement
 13 under the clerk's seal showing the ~~number total~~ **of votes each ranking**
 14 **that each candidate received in the county.** The clerk shall transmit
 15 the statement to the election division.
- 16 **(b) From the statements delivered under subsection (a), the**
 17 **election division shall do the following:**
 18 **(1) Determine the number of votes each candidate received in**
 19 **the state, as provided under IC 3-12-0.5.**
 20 **(2) Prepare a certified statement of the determination made**
 21 **under subdivision (1).**
- 22 **(c)** The election division shall deliver:
 23 (1) the statement **prepared under subsection (b) and the**
 24 **statements prepared under subsection (a)** to the speaker of the
 25 house of representatives before the date described in subsection
 26 ~~(b)~~; **(d)**; and
 27 (2) a copy of each statement to the office.
- 28 ~~(b)~~ **(d)** The house of representatives and the senate shall meet in
 29 joint convention not later than the date specified in Article 5, Section
 30 9 of the Constitution of the State of Indiana for the commencement of
 31 the term of the governor and the lieutenant governor to hear the
 32 canvass of votes cast for governor and lieutenant governor.
- 33 ~~(c)~~ **(e)** The joint convention shall act to resolve any:
 34 (1) tie vote, as required under Article 5, Section 5 of the
 35 Constitution of the State of Indiana; or
 36 (2) contest under Article 5, Section 6 of the Constitution of the
 37 State of Indiana.
- 38 ~~(d)~~ **(f)** The joint rules that governed the house of representatives and
 39 senate before the general election govern the joint convention until
 40 those rules are amended as provided in those rules.
- 41 ~~(e)~~ **(g)** After resolving any tie or contest, the presiding officer of the
 42 joint convention shall certify to the convention that the individuals



1 receiving the most votes according to the canvass **and as provided in**
 2 **IC 3-12-0.5** have been elected governor and lieutenant governor.

3 SECTION 101. IC 3-12-5-6, AS AMENDED BY P.L.221-2005,
 4 SECTION 112, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JANUARY 1, 2017]: Sec. 6. (a) Not later than noon on
 6 the second Monday following an election, each circuit court clerk shall
 7 prepare a certified statement under the clerk's seal of the **number total**
 8 of ~~votes~~ **each ranking** received by each candidate for:

- 9 (1) federal office;
 10 (2) state office;
 11 (3) legislative office; and
 12 (4) a local office for which a declaration of candidacy must be
 13 filed with the election division under IC 3-8-2.

14 (b) The clerk shall send the statements by certified mail, return
 15 receipt requested, or hand deliver the statements to the election
 16 division.

17 (c) The election division shall provide a copy of each statement to
 18 the office.

19 SECTION 102. IC 3-12-5-7 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 7. Upon receipt
 21 of the certified statements from the circuit court clerks under section 6
 22 of this chapter and not later than noon of the last Tuesday in November,
 23 the election division shall tabulate the number of votes **as provided in**
 24 **IC 3-12-0.5** cast for each candidate for:

- 25 (1) presidential electors;
 26 (2) a state office other than governor and lieutenant governor; and
 27 (3) a local office for which a declaration of candidacy must be
 28 filed with the election division under IC 3-8-2.

29 Immediately following the election division's tabulation, the secretary
 30 of state shall certify to the governor the candidate receiving the highest
 31 number of votes for each office.

32 SECTION 103. IC 3-12-5-8 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 8. (a) If, not later
 34 than the final date and hour for filing a recount or contest petition
 35 under ~~IC 3-12~~, **this article**, a circuit court clerk files a correction with
 36 the election division that amends a certified statement under section 6
 37 of this chapter and the amendment results in a different candidate
 38 receiving the highest number of votes for an office, the election
 39 division shall immediately notify the governor and the office of the
 40 amendment.

41 (b) If no errors are found by the final date and hour for filing a
 42 recount or contest under ~~IC 3-12~~ **this article** and not later than noon on



1 the first Tuesday in December following the election, the governor
2 shall prepare the candidate's commission for each candidate certified
3 under section 7 of this chapter.

4 (c) Immediately upon preparing the commissions under subsection
5 (b), the governor shall deliver the commissions to the election division.
6 Not later than the second Tuesday in December, the election division
7 shall transmit the commission to each candidate at the address set forth
8 in the declaration of candidacy filed with the division, or to any more
9 recent address furnished to the division by the candidate.

10 SECTION 104. IC 3-12-5-9 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 9. (a) Upon
12 receipt of the certified statements from the circuit court clerks under
13 section 6 of this chapter, the election division shall **do the following:**

14 (1) Tabulate the number of votes cast for each candidate for
15 United States Senator and United States Representative **and as**
16 **provided in IC 3-12-0.5.**

17 (2) Prepare a certificate of election for the secretary of state to
18 transmit to:

19 (A) the governor for signature and certification to the secretary
20 of the United States Senate, setting forth the name of the
21 candidate receiving the highest number of votes for the office
22 of United States Senator, in the manner required by 2 U.S.C.
23 1; and

24 (B) the clerk of the United States House of Representatives,
25 setting forth the name of each candidate receiving the highest
26 number of votes for United States Representative, in the
27 manner required by 2 U.S.C. 26.

28 (b) The secretary of state shall promptly execute the certificate
29 prepared under subsection (a)(2)(A) and transmit the certificate to the
30 governor. The governor shall promptly execute the certificate and
31 transmit the certificate to the election division for attestation by the
32 secretary of state and transmission to the secretary of the United States
33 Senate.

34 (c) The secretary of state shall promptly execute the certificate
35 prepared under subsection (a)(2)(B) and transmit the certificate to the
36 clerk of the United States House of Representatives.

37 SECTION 105. IC 3-12-5-11, AS AMENDED BY P.L.221-2005,
38 SECTION 113, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JANUARY 1, 2017]: Sec. 11. (a) As soon as practical,
40 but no later than noon on the second Monday following an election for
41 a legislative office, each circuit court clerk shall **do the following:**

42 (1) Prepare a certified statement under the clerk's seal specifying



- 1 the ~~number total~~ of ~~votes each ranking~~ received in the county by
 2 each candidate for legislative office. ~~and~~
 3 (2) Send the statement by certified mail, return receipt requested,
 4 or hand deliver the statement to the election division.
 5 (b) The election division shall provide a copy of each statement to
 6 the office.
 7 SECTION 106. IC 3-12-5-12 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 12. (a) Upon
 9 receipt of the certified statements under section 11 of this chapter, the
 10 election division shall **do the following:**
 11 (1) ~~immediately total all certified statements~~ **Tabulate the**
 12 **number of votes cast for each candidate for a legislative office**
 13 **as provided in IC 3-12-0.5** from each senate and house district.
 14 ~~and~~
 15 (2) Promptly prepare and transmit to the candidate receiving the
 16 highest number of votes for each legislative office a certificate of
 17 the candidate's election.
 18 (b) The secretary of state shall sign the certificates prepared by the
 19 election division under subsection (a). However, if two (2) or more
 20 candidates receive the highest and an equal number of votes according
 21 to the tabulation prepared by the election division, the secretary of state
 22 shall immediately certify the tie vote to the governor.
 23 SECTION 107. IC 3-12-6-3 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. Each petition
 25 filed under section 2 of this chapter must state the following:
 26 (1) The office for which the petitioner desires a recount.
 27 (2) The precincts within the county in which the petitioner desires
 28 a recount.
 29 (3) That the petitioner is entitled to a recount under section 1 of
 30 this chapter.
 31 (4) That the nomination or office was voted upon in the precincts
 32 specified.
 33 (5) The name of each candidate for the nomination or office as set
 34 forth on the ballot for the election and the address of each
 35 candidate for nomination or election to the office as set forth in
 36 the records of the county election board or election division.
 37 (6) That the petitioner in good faith believes that the votes cast for
 38 nomination or election to the office at the election in the precincts
 39 were not correctly **tabulated**, counted, and returned.
 40 (7) That the petitioner desires a recount of all of the votes cast for
 41 nomination or election to the office in the precincts specified.
 42 SECTION 108. IC 3-12-6-6 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. Each
 2 cross-petition filed under section 4 of this chapter must state the
 3 following:

- 4 (1) The office for which the cross-petitioner desires a recount.
 5 (2) The precincts within the county in which the cross-petitioner
 6 desires a recount.
 7 (3) That the cross-petitioner was a candidate at the election for
 8 nomination or election to the office and that the nomination or
 9 office was voted upon in the precincts specified.
 10 (4) The name and address of the cross-petitioner's opposing
 11 candidate or candidates.
 12 (5) That the cross-petitioner in good faith believes that the votes
 13 cast for nomination or election to the office at the election in the
 14 precincts were not correctly **tabulated**, counted, and returned.
 15 (6) That the cross-petitioner desires a recount of all of the votes
 16 cast for nomination or election to the office in the precincts
 17 specified.

18 SECTION 109. IC 3-12-6-22 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 22. (a) When a
 20 recount is completed by a commission appointed under this chapter, the
 21 commission shall **do the following**:

- 22 (1) Make and sign a certificate showing the total **number of votes**
 23 **each ranking** received in the precincts by each candidate for
 24 nomination or election to the office.
 25 (2) State in its certificate the candidate who received the highest
 26 number of votes in the precincts for nomination or election to the
 27 office **as determined under IC 3-12-0.5** and by what plurality.
 28 **and**
 29 (3) File its certificate with the circuit court clerk.
 30 (b) The circuit court clerk shall:
 31 (1) enter the certificate in the order book of the court;
 32 (2) file a copy of the certificate in the minutes of the county
 33 election board; and
 34 (3) if the recount concerned an office for which a declaration of
 35 candidacy must be filed with the election division under IC 3-8-2,
 36 file a copy of the certificate with the election division not later
 37 than seven (7) days after the date the recount commission filed
 38 the certificate with the clerk of the circuit court.
 39 (c) If a certificate is filed with the election division under subsection
 40 (b), the election division shall provide a copy of the certificate to the
 41 office.

42 SECTION 110. IC 3-12-6-27 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 27. If a recount
 2 is made under this chapter for nomination or election to an office for
 3 which votes were cast in more than one (1) county, each circuit court
 4 clerk where the recount was made shall determine whether the ~~votes~~
 5 **rankings** in the precincts shown by the recount certificate differ from
 6 the ~~votes~~ **rankings** that were tabulated by the county election board. If
 7 a circuit court clerk finds that there is a difference between the ~~votes~~
 8 **rankings** shown by the recount certificate and the ~~votes~~ **rankings**
 9 tabulated by the county election board, the clerk shall prepare a
 10 certificate showing the total ~~vote of each ranking~~ in the county for
 11 each candidate for nomination or election to the office as corrected in
 12 accordance with the recount certificate.

13 SECTION 111. IC 3-12-6-28 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 28. (a) A circuit
 15 court clerk shall immediately transmit a certificate prepared under
 16 section 27 of this chapter showing the ~~votes cast~~ **rankings given** for
 17 nomination or election to an office to the election division if the
 18 recount concerned an office for which a declaration of candidacy must
 19 be filed with the election division under IC 3-8-2.

20 (b) The election division shall provide a copy of a certificate
 21 transmitted to the election division under this section to the office.

22 SECTION 112. IC 3-12-6-29 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 29. Upon receipt
 24 of a circuit court clerk's certificate under section 28 of this chapter, the
 25 election division shall tabulate the ~~vote~~ **rankings** from the county for
 26 the office in accordance with the certificate. If the election division
 27 previously included in a tabulation the votes cast for the office as
 28 returned by the county election board, the election division shall
 29 correct the tabulation in accordance with the certificate.

30 SECTION 113. IC 3-12-11-3, AS AMENDED BY P.L.221-2005,
 31 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) Each petition for a
 33 recount filed under section 2 of this chapter must state the following:

- 34 (1) The office for which the petitioner desires a recount.
- 35 (2) The precincts in which the petitioner desires a recount.
- 36 (3) That the individual is entitled to a recount under this chapter
 37 and that the nomination or election to office at issue was voted
 38 upon in the precincts specified.
- 39 (4) The name of the candidates as set forth on the ballot for the
 40 election and address of the candidates as set forth in the records
 41 of the election division.
- 42 (5) That the petitioner in good faith believes that the votes cast for



- 1 nomination or election to the office at the election in the precincts
 2 were not correctly **tabulated**, counted, and returned.
- 3 (6) That the petitioner desires a recount of all of the votes cast for
 4 nomination or election to the office in the precincts specified.
- 5 (b) Each petition for a contest filed under section 2 of this chapter
 6 must state the following:
- 7 (1) The nomination or election to office that the petitioner
 8 contests.
- 9 (2) That the individual is entitled to contest an election or a
 10 nomination to office under this chapter.
- 11 (3) The name of the candidates as set forth on the ballot for the
 12 election and address of each of the candidates as set forth in the
 13 records of the election division.
- 14 (4) That the petitioner in good faith believes that one (1) or more
 15 of the following occurred:
- 16 (A) The person declared nominated or elected does not comply
 17 with a specific constitutional or statutory requirement set forth
 18 in the petition that is applicable to a candidate for the office.
- 19 (B) A mistake was made in the printing or distribution of
 20 ballots used in the election that makes it impossible to
 21 determine which candidate received the highest number of
 22 votes cast in the election.
- 23 (C) A mistake occurred in the programming of an electronic
 24 voting system, making it impossible to determine the
 25 candidate who received the highest number of votes.
- 26 (D) An electronic voting system malfunctioned, making it
 27 impossible to determine the candidate who received the
 28 highest number of votes.
- 29 (E) A deliberate act or series of actions occurred making it
 30 impossible to determine the candidate who received the
 31 highest number of votes cast in the election.
- 32 (c) A petition stating that the petitioner believes that a mistake
 33 described in subsection (b)(4)(B), (b)(4)(C), or (b)(4)(D) has occurred
 34 must identify each precinct in which:
- 35 (1) ballots:
 36 (A) containing the printing mistake; or
 37 (B) distributed by mistake;
 38 were cast;
- 39 (2) a mistake occurred in the programming of an electronic voting
 40 system; or
 41 (3) an electronic voting system malfunctioned.
- 42 (d) A petition stating that the petitioner believes that an act or series



1 of actions described in subsection (b)(4)(E) occurred must identify
 2 each precinct or other location in which the act or series of actions
 3 occurred to the extent known to the petitioner.

4 SECTION 114. IC 3-12-11-6 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. Each
 6 cross-petition filed under section 4 of this chapter must state the
 7 following:

- 8 (1) The office for which the cross-petitioner desires a recount.
- 9 (2) The precincts in which the cross-petitioner desires a recount.
- 10 (3) That the cross-petitioner was a candidate at the election for
 11 nomination or election to the office and that the nomination or
 12 election to office was voted upon in the precincts specified.
- 13 (4) The name and address of the cross-petitioner's opposing
 14 candidate or candidates.
- 15 (5) That the cross-petitioner in good faith believes that the votes
 16 cast for nomination or election to the office at the election in the
 17 precincts were not correctly **tabulated**, counted, and returned.
- 18 (6) That the cross-petitioner desires a recount of all of the votes
 19 cast for nomination or election to the office in the precincts
 20 specified.

21 SECTION 115. IC 3-12-11-18, AS AMENDED BY P.L.221-2005,
 22 SECTION 130, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JANUARY 1, 2017]: Sec. 18. (a) When a recount is
 24 completed by the state recount commission or its designee, the
 25 commission shall **do the following**:

- 26 (1) Make and sign a certificate showing the total **number of votes**
 27 **each ranking** received in the precincts by each candidate for
 28 nomination or election to the office.
- 29 (2) State in its certificate the candidate who received the highest
 30 number of votes in the precincts for nomination or election to the
 31 office **as determined under IC 3-12-0.5**, and by what plurality.
 32 **and**
- 33 (3) File its certificate with the election division.
- 34 (b) When a contest proceeding in which a candidate is alleged to be
 35 ineligible is completed by the state recount commission or its designee,
 36 the commission shall make a final determination concerning the
 37 eligibility of the candidate for nomination or election to the office.
- 38 (c) If the state recount commission or its designee determines that:
 39 (1) a mistake was made in the printing or distribution of ballots
 40 used in the election;
 41 (2) a mistake was made in the programming of an electronic
 42 voting system;



1 (3) an electronic voting system malfunctioned; or
 2 (4) a deliberate act or series of actions occurred;
 3 that makes it impossible to determine which candidate received the
 4 highest number of votes cast, the commission shall order that a special
 5 election be conducted under IC 3-10-8.

6 (d) The special election ordered under subsection (c) shall be held
 7 in the precincts identified in the petition in which the commission
 8 determines that:

9 (1) ballots containing the printing mistake or distributed by
 10 mistake were cast;

11 (2) a mistake occurred in the programming of an electronic voting
 12 system;

13 (3) an electronic voting system malfunctioned; or

14 (4) a deliberate act or series of actions occurred.

15 SECTION 116. IC 3-12-11-19 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 19. Except in
 17 recount proceedings for an election to the offices of governor and
 18 lieutenant governor and legislative offices, a recount certificate made
 19 under section 18 of this chapter supersedes all previous returns made
 20 in any form of the recounted votes. A certified copy of a recount
 21 certificate constitutes prima facie evidence of the ~~votes cast~~ **rankings**
 22 **given** for nomination or election to the office in the precincts in any
 23 proceeding in which there is an issue as to the votes cast at the election
 24 for the nomination or election to office.

25 SECTION 117. IC 3-12-11-23 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 23. (a) If a
 27 recount is made:

28 (1) in a presidential primary election;

29 (2) for nomination to a federal, state, or legislative office in a
 30 primary election;

31 (3) in an election to a federal office; or

32 (4) in an election to a state office other than governor and
 33 lieutenant governor;

34 the election division shall determine whether the ~~votes~~ **rankings** in the
 35 precincts shown by the recount certificate differ from the ~~votes~~
 36 **rankings** that were tabulated by any county election board. If the
 37 election division previously included in a tabulation the ~~votes~~ **rankings**
 38 cast for the office as returned by the county election board, the election
 39 division shall correct the tabulation in accordance with the certificate.

40 (b) The election division shall provide a copy of the corrected
 41 tabulation for each precinct to the office.

42 SECTION 118. IC 3-14-4-10, AS AMENDED BY P.L.158-2013,



1 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2017]: Sec. 10. ~~A person who knowingly violates:~~ **(a) As**
3 **used in this section, "applicable statute" refers to any of the**
4 **following:**
5 (1) IC 3-11.5-5.
6 (2) IC 3-11.5-6.
7 (3) IC 3-12-2-1.
8 (4) IC 3-12-3-14. ~~or~~
9 (5) IC 3-12-3.5-7.
10 **(b) A person who knowingly violates an applicable statute** by
11 providing any other person with information concerning:
12 **(1) the:**
13 **(A) rankings; or**
14 **(B) number of votes;**
15 a candidate received for an office; or
16 **(2) the number of votes** cast to approve or reject a public
17 question;
18 on absentee ballots counted under IC 3-11.5-5, IC 3-11.5-6, or IC 3-12
19 before the closing of the polls commits a Level 6 felony.

