

2014 General Election Ballot Specification Checklist

- ✓ IED “Official” Ballot Information:
 - Official ballot information: 1) IED’s **official certification** of primary, convention and vacancy candidates for federal office, statewide, state legislative, judicial, and prosecutor offices as well as judicial retention questions; 2) IED write-in candidates certified; and 3) Local candidates and public questions filed with the county election board.
- ✓ Where to Find Ballot Instructions in the Election Code:
 - Cautionary Statement at extreme top of ballot: “It is a crime to falsify this ballot or to violate Indiana election laws.” (IC 3-11-2-7[paper]; IC 3-11-13-11(k)[ballot card]; IC 3-11-14-3.5(k)[DRE])
 - Straight party and party device instructions: (IC 3-11-2-9 and 10(c) [paper]; IC 3-11-13-11(d) and (l) [ballot card]; IC 3-11-14-3.5 (d) and (l)[DRE])
 - Write-in instruction: (IC 3-11-2-10(e)[paper]; IC 3-11-13-11(k)[ballot card]; IC 3-11-14-3.5(l)[DRE])
 - Independent candidate: (IC 3-11-2-10(d)[paper]; IC 3-11-13-11(k)[ballot card]; IC 3-11-14-3.5(l)[DRE])
 - Public Question: (IC 3-11-2-15 [paper]; IC 3-11-13-11(m) [ballot card]; IC 3-11-14-3.5(n) [DRE])
 - Judicial Retention: (IC 3-11-2-14[paper]; IC 3-11-13-11(e)[ballot card]; IC 3-11-14-3.59(e)[DRE])
 - “Vote for one (1) only” if only one candidate can be elected and “Vote for not more than...” if multiple candidates can be elected: (IC 3-11-2-14.5[paper]; IC 3-11-13-11(f)[ballot card]; IC 11-14-3.5(f)[DRE])
 - How to cast a voting mark based on voting system (various in IC 3-11-2; 3-11-13, and IC 3-11-14)
- ✓ Ballot Order- Order of Public Questions, Offices, Judicial Retention:
 - Public Question (other than judicial retention) listed first on ballot after voting instructions and before offices: (IC 3-11-2-10(a)[paper]; IC 3-11-13-11(e)[ballot card]);
 - Offices listed as follows: 1) General order of offices listed in IC 3-11-2-12; 2) At-large seats for an office (county council, for example) are listed before districts and district seats are listed in alpha or numeric order per district designation per IC 3-11-2-12.2 and IC 3-11-2-12.7; 3) School board offices are listed next per IC 3-11-2-12.9; and 3) State level and local retention of judges or nonpartisan judges as set forth in IC 3-11-2-13 and IC 3-11-2-14. (See also IC 3-11-13-11(e)[ballot card; IC 3-11-14-3.5(e) [DRE]) * *Note: In 2014 the retention question for Justice Loretta Rush is listed first because she is “Chief” Justice.*
 - Party order within office (except school board): Major parties (D and R) according to 2010 Secretary of State vote in your county and then Libertarian per IC 3-11-2-6, IC 3-11-13-11(g) and IC 3-11-14-3.5(g).
 - Candidates within party for at-large seats and school board candidates listed in alpha order by surname (IC 3-11-2-14.4(b)[paper]; IC 3-11-13-11(e)[ballot card]; IC 3-11-14-3.5(e)[DRE]).
- ✓ Public questions & judicial retention questions in a separate column for paper ballots only. (IC 3-11-2-10(a); IC 3-11-2-13(d)) There is not a separate page or column requirement for ballot card or DRE (IC 3-11-13-11(e)[ballot card]; IC 3-11-14-3.5(e)[DRE]).
- ✓ Write-in candidates are not placed on ballot (IC 3-11-2-11.5, IC 3-11-13-11(g)(7), IC 3-11-14-3.5(g)(7)). Write-in space required for all federal offices (US House only in 2014) but only need a write-in space for state and local offices if a write-in candidate filed for that office (IC 3-11-2-6(e) [paper], 3-11-13-11-18(d) [ballot card], and IC 3-11-14-3.5(g)(6)[DRE]).
- ✓ Unopposed Candidates are all placed on the ballot in a general election year except for town office candidate in certain circumstances if board passes unanimous resolution (IC 3-11-2-2.1; IC 3-10-7-6[small town])
- ✓ Unique designation for candidates on the ballot (5A, for example) is a county option. (IC 3-11-15-13.1).
- ✓ Federal Only Ballots: Federal ballot only for overseas voters who checked “my return is uncertain” box on new FPCA or ABS-15 (“I do not intend to return” or “indefinitely” overseas on older forms) (IC 3-11-4-8).
- ✓ Uniform device must be used in the place of signature/seal requirement if clerk is on ballot for any office. (IC 3-5-4-9, IC 3-11-4-19)
- ✓ School board: “Each candidate for office must be designated nonpartisan.” (IC 3-11-2-12.9(a)). (Prior law required school board offices to be placed under a “nonpartisan title”) You do not need separate school board only or public question only ballot in a general election.
- ✓ No candidate runs (or not enough run) for an office then hold over provisions apply (Art. 15 § 3 Ind. Const.; IC 3-13-10-6.5[township board]; IC 3-13-9-5.6[town council])

Ballot Errors and What to Do About Them

- ✓ Ballot Printing Errors: Omission of a race or candidate or error in ballot instructions, for example.
 - Option: Reprint ballot.
 - Option: Conduct a CEB hearing per IC 3-11-2-16. If hearing held provide notice to interested political parties and candidates. If CEB finds that error not likely to cause confusion or mistakes and no objection is filed before end then CEB may decide to use the ballot with error. If objection filed then CEB must reprint. If absentee voters have voted use ABS-5 procedure to provide voters an opportunity to obtain a replacement absentee ballot. (IC 3-11-4-17.7; IC 3-11-10-1.5)

- ✓ Absentee ballots without bipartisan initials: Absentee ballots must have bipartisan initials (IC 3-11-4-19; IC 3-11-10-27) or ballot may not be counted. (IC 3-12-1-13)
 - Option: If you discover absentee voters have been provided absentee ballots without bipartisan initials use ABS-5 procedure to provide voters an opportunity to obtain a replacement absentee ballot. (IC 3-11-4-17.7; IC 3-11-10-1.5) Many counties will contact voters involved if this can be determined.

- ✓ Not sending absentee ballots out on time. Remember, federal law (for military/overseas voters) and state law (for all absentee voters) requires that absentee ballots be sent to those with pending absentee ballot applications no later than 45 days before the election. (IC 3-11-4-18)

- ✓ Ballot Distribution Errors: Voter receives wrong ballot variation.
 - Option: Separate poll books and special poll worker training to manage risk in situations like split precincts or consolidated polling places.
 - Option: If ballot distributions error occurs on election day use spoiled ballot procedure. (IC 3-11-13-35; IC 3-11-14-23(d); IC 3-11-8-25.5)
 - Option: If you discover absentee voters have been provided the incorrect absentee ballot variation use ABS-5 procedure to provide voters an opportunity to obtain a replacement absentee ballot. (IC 3-11-4-17.7; IC 3-11-10-1.5)

- ✓ Running out of ballots
 - Option: Even though DRE available and you must provide ballot card or paper as “emergency ballots.” In worst case scenario you can copy blank ballots.
 - Option: Try to have contingency plans. Be prepared for repair and replacement of voting system and vendor support.

Question: Two seats up but only one candidate filed- do we say vote for “no more than one candidate” or “no more than two candidates” for this office?

Response: The statute (IC 3-11-13-11(f)) says: “A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office." “To be elected” could mean “seats that are up for election” or it could mean the total candidates that could be voted on. However, if two are up but only one may be elected I’d be inclined to indicate “one” but I don’t think you could go wrong either way. The language is designed to prevent an overvote. However, one note of caution-since the write-in deadline for school board is not until noon September 12 you do not know whether you will have a write-in candidate for school board until then. That said, you may need to have your ballot proofs finalized before noon September 12 so, if that is the case, I would recommend that you put “not more than 2” if you have only one petition candidate but may yet have a write in candidate and two seats are up this year. It may still cause confusion if there is no write-in candidate but its harmless confusion and much better than saying “not more than 1” when you have 2 candidates, one petition and one write-in candidate for school board.

Question: Should we put “no candidate” filed on the ballot when fewer than the total number of candidates that could file have filed?

Response: You are not required by state law to include “No Candidate Filed” language on your ballot when an office is up but there is no candidate. Some counties have included some variation on “No Candidate” on the ballot in primaries when they thought it made sense to preemptively answer voter questions where the Democratic or Republican Parties did not have a candidate in the primary for an office that voters generally knew was up for election that year. It probably has been used in some general elections where there has been a shortage candidates who filed (like for township offices) but I think it is used less commonly in general election years.

Question: Am I required to place a “split-ticket instruction” on the ballot?

Response: No. The straight-party instruction in fact concludes by instructing the voter “make no other voting mark on this ballot.” Of course, there is also an instruction regarding public questions. IC 3-11-2-8 permits