
HOUSE BILL No. 1344

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-6-8-1; IC 3-8; IC 3-10-2; IC 3-13-1.

Synopsis: Ballot access; candidate deadlines. Reduces the number of signatures of registered voters required by a political party or an independent candidate to gain ballot access for all federal, state, and local offices and for local offices in a single political subdivision, and allows a political party obtaining ballot access by these methods to nominate its candidates by a state or local convention. Provides certain filing, certification, and withdrawal deadlines for petitions of nomination and candidates nominated by a state convention. Allows a party whose candidate obtains at least 0.5% of the total vote cast for federal or state office to remain on the ballot for all federal, state, and local offices until none of the party's candidates for federal or state office meet that requirement in two consecutive elections. Provides for certain deadlines for filling state convention candidate and early candidate vacancies.

Effective: Upon passage.

Kruzan, Atterholt

January 15, 2002, read first time and referred to Committee on Elections and Apportionment.

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Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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HOUSE BILL No. 1344



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 3-6-8-1 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Each bona fide political
- 3 party or an independent candidate for a federal or a state office is
- 4 entitled to appoint watchers at each precinct in which the political party
- 5 or independent candidate is on the ballot.
- 6 (b) This subsection applies to a public question that is submitted to
- 7 the electorate. A county election board may appoint watchers if a
- 8 petition requesting the appointment is filed with the board. The petition
- 9 must be signed by:
- 10 (1) the chairman of a political action committee organized under
- 11 IC 3-9 to support or oppose the approval of the public question;
- 12 and
- 13 (2) at least the number of voters equal to ~~two~~ **one-half** percent
- 14 (~~2%~~) **(0.5%)** of the votes cast in the last election for secretary of
- 15 state in the county.
- 16 (c) At any time during election day, each political action committee,
- 17 each political party, or an independent candidate for a federal or a state



1 office may have only one (1) watcher present at each precinct's polls.

2 SECTION 2. IC 3-8-4-1 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to each
4 political party in the state:

5 (1) whose nominee for:

6 (A) any federal office (excluding the office of
7 representative in the Congress of the United States); or

8 (B) any state office;

9 received at least one-half percent (0.5%) of the total vote cast
10 at the last election for that office; or

11 (2) that, under section 1.5 of this chapter, obtains by petition
12 the signatures of the number of registered voters equal to at
13 least ~~two~~ one-half percent (~~2%~~) (0.5%) of the total vote cast for
14 secretary of state at the last election.

15 SECTION 3. IC 3-8-4-1.5 IS ADDED TO THE INDIANA CODE
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: Sec. 1.5. (a) A petition described in section 1(2)
18 of this chapter must be signed by the number of voters equal to at
19 least one-half percent (0.5%) of the total vote cast for secretary of
20 state at the last election.

21 (b) A person signing a petition described in section 1(2) of this
22 chapter must be registered to vote at the time of signing the
23 petition.

24 (c) A petition must contain the following information:

25 (1) A brief name of the political party circulating the petition.

26 (2) The signature of each person signing the petition.

27 (3) The name of each person signing the petition, legibly
28 printed.

29 (4) The residence mailing address of each person signing the
30 petition.

31 (5) A statement that the person is a registered and qualified
32 voter.

33 (d) Each person signing a petition described in section 1(2) of
34 this chapter must sign the person's name or have the person's
35 mark on the petition attested.

36 (e) For a petition described in section 1(2) of this chapter to be
37 considered valid, each person signing the petition must be certified
38 as being a voter in a particular county by the circuit court clerk or
39 board of registration of the county in which the person is
40 registered. The certification must accompany and be part of each
41 petition.

42 (f) A petition described in section 1(2) of this chapter,

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1 accompanied by the certification described in subsection (e), must
 2 be submitted to the office of the election division or circuit court
 3 clerk by noon July 15 of the year in which the party plans to
 4 conduct a state convention to nominate its candidates.

5 (g) If the office of the election division or the circuit court clerk
 6 determines that a petition described in section 1(2) of this chapter
 7 does not comply with the requirements of this section, the office or
 8 the clerk shall notify the party's state chairman not later than
 9 thirty (30) days after the petition is submitted, specifically stating
 10 the reason or reasons why the petition does not comply with this
 11 section.

12 SECTION 4. IC 3-8-4-10 IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) This section applies to
 14 a political party:

15 (1) whose nominee for:

16 (A) any federal office (excluding the office of
 17 representative in the Congress of the United States); or

18 (B) any state office;

19 received at least ~~two one-half~~ percent (~~2%~~) (0.5%) but less than
 20 ten percent (10%) of the votes cast for ~~secretary of state that~~
 21 ~~office~~ at the last election for that office; or

22 (2) that, under section 1.5 of this chapter, obtains by petition
 23 the signatures of the number of registered voters equal to at
 24 least one-half percent (0.5%) of the total vote cast for
 25 secretary of state at the last election.

26 (b) A political party subject to this section shall also nominate the
 27 party's candidates for the following offices at the state convention of
 28 the party:

29 (1) United States Senator.

30 (2) United States Representative.

31 (3) Governor.

32 (4) Legislative office.

33 (5) A local office listed in IC 3-8-2-5.

34 SECTION 5. IC 3-8-6-3 IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A petition of nomination
 36 must be signed by the number of voters equal to ~~two one-half~~ percent
 37 (~~2%~~) (0.5%) of the total vote cast at the last election for secretary of
 38 state in the election district that the candidate seeks to represent.

39 (b) In determining the number of signatures required under this
 40 section, any fraction in excess of a whole number must be disregarded.

41 SECTION 6. IC 3-8-6-10, AS AMENDED BY P.L.260-2001,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 10. (a) Except as provided in section 11 of
 2 this chapter, a petition of nomination must be submitted to the county
 3 voter registration office of each county in which the election district is
 4 located.

5 (b) The petition must be filed during the period beginning January
 6 1 of the year in which the election will be held and ending at noon ~~June~~
 7 ~~30~~ **July 15** before the election.

8 (c) The county voter registration office shall certify and file a
 9 petition that complies with the requirements of this chapter with the
 10 public official authorized to place names on the ballot (and with the
 11 town clerk-treasurer, if the petition of nomination is for a town office)
 12 not later than noon ~~July 15~~ **August 1**. Following certification of a
 13 petition under this section, the office may, upon the request of a
 14 candidate named in the petition, return the original petition to the
 15 candidate for filing with the appropriate official in accordance with this
 16 subsection.

17 (d) During a year in which a federal decennial census, federal
 18 special census, special tabulation, or corrected population count
 19 becomes effective under IC 1-1-3.5, a petition of nomination may be
 20 filed for an office that will appear on the primary election ballot that
 21 year as a result of the new tabulation of population or corrected
 22 population count.

23 SECTION 7. IC 3-8-6-13.5, AS AMENDED BY P.L.260-2001,
 24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 13.5. A candidate may withdraw a petition of
 26 nomination by noon:

- 27 (1) ~~July 15~~ **August 1** before a general or municipal election; or
- 28 (2) forty-five (45) days before a special election.

29 SECTION 8. IC 3-8-7-8, AS AMENDED BY P.L.260-2001,
 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: Sec. 8. (a) Either the chairman and secretary of a
 32 state convention or the state chairman and state secretary of the
 33 political party holding the state convention shall certify each candidate
 34 nominated at the convention to the secretary of state not later than noon
 35 ~~July 15~~ **August 1** before the general election.

36 (b) The certificate must state the following:

- 37 (1) Whether each candidate nominated by the convention has
 38 complied with IC 3-9-1-5 by filing a campaign finance statement
 39 of organization.
- 40 (2) That the candidate:
 - 41 (A) is aware of the provisions of IC 3-9 regarding campaign
 42 finance and the reporting of campaign contributions and

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1 expenditures; and

2 (B) agrees to comply with the provisions of IC 3-9.

3 The candidate must separately sign the statement required by this
4 subdivision.

5 (c) The commission shall prescribe the form of the certificate of
6 nomination for the offices. The commission shall provide that the form
7 of the certificate of nomination include the following information near
8 the separate signature required by subsection (b)(2):

9 (1) The dates for filing campaign finance reports under IC 3-9.

10 (2) The penalties for late filing of campaign finance reports under
11 IC 3-9.

12 (d) A certificate of nomination must include a statement that the
13 candidate requests the name on the candidate's voter registration record
14 be the same as the name the candidate uses on the certificate of
15 nomination. If there is a difference between the name on the candidate's
16 certificate of nomination and the name on the candidate's voter
17 registration record, the officer with whom the certificate of nomination
18 is filed shall forward the information to the voter registration officer of
19 the appropriate county as required by IC 3-5-7-6(e). The voter
20 registration officer of the appropriate county shall change the name on
21 the candidate's voter registration record to be the same as the name on
22 the candidate's certificate of nomination.

23 SECTION 9. IC 3-8-7-14, AS AMENDED BY P.L.260-2001,
24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: Sec. 14. A certificate of nomination required to be
26 filed with the election division or circuit court clerk shall be filed not
27 later than noon ~~July 15~~ **August 1** before the date fixed for the election
28 of the person nominated.

29 SECTION 10. IC 3-8-7-21, AS AMENDED BY P.L.260-2001,
30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 UPON PASSAGE]: Sec. 21. (a) If a person has been nominated by two
32 (2) or more political parties, or as an independent candidate and as the
33 nominee of at least one (1) political party, the person must elect which
34 of the nominations the person will accept.

35 (b) The election must be in writing, signed, acknowledged before an
36 officer authorized to take acknowledgments, and filed in the office
37 where a declaration of candidacy must be filed for the office under
38 IC 3-8-2 or where a certificate of nomination by a convention must be
39 filed under this chapter by noon ~~July 15~~ **August 1** before the election.

40 SECTION 11. IC 3-8-7-25 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) The election
42 division and each county election board shall have printed on the

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1 respective general, special, or municipal election ballots the names of
2 the following candidates:

3 (1) Nominees chosen at a primary election under IC 3-10 and
4 certified as required by this chapter.

5 (2) Nominees chosen by a convention of a political party in the
6 state whose candidate **for:**

7 **(A) any federal office (excluding the office of**
8 **representative in the Congress of the United States); or**

9 **(B) any state office;**

10 received at least ~~two~~ **one-half** percent (~~2%~~) **(0.5%)** of the total
11 vote cast for ~~secretary of state~~ **that office** at the last election and
12 **was** certified under section 8 of this chapter.

13 (3) Nominees nominated by petition under IC 3-8-6.

14 (4) Nominees selected to fill a candidate vacancy under IC 3-13-1
15 or IC 3-13-2.

16 **(b) Candidates of a political party who are listed on an election**
17 **ballot under subsection (a)(2) are entitled to be listed on the ballot**
18 **for all general, special, and municipal elections until none of the**
19 **political party's candidates for:**

20 **(1) any federal office (excluding the office of representative in**
21 **the Congress of the United States); or**

22 **(2) any state office;**

23 **receives at least one-half percent (0.5%) of the total vote cast for**
24 **any of those offices in two (2) consecutive elections.**

25 SECTION 12. IC 3-10-2-15, AS AMENDED BY P.L.202-1999,
26 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: Sec. 15. (a) This section applies to a political
28 party:

29 **(1) whose nominee for:**

30 **(A) any federal office (excluding the office of**
31 **representative in the Congress of the United States); or**

32 **(B) any state office;**

33 received at least ~~two~~ **one-half** percent (~~2%~~) **(0.5%)** but less than
34 ten percent (10%) **of the total vote cast at the last election for**
35 **that office; or**

36 **(2) that, under section 15.2 of this chapter, obtains by petition**
37 **the signatures of the number of registered voters equal to at**
38 **least one-half percent (0.5%) of the votes cast for secretary of**
39 **state at the last election for that office in a political subdivision.**

40 (b) This section applies only to a local office that is:

41 (1) not listed in IC 3-8-2-5; and

42 (2) not a municipal office subject to IC 3-8-5-17 or IC 3-10-6-12.

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1 (c) A political party subject to this section shall nominate the party's
2 candidate for a local office at a county convention of the party.

3 (d) The chairman and secretary of the convention shall execute a
4 certificate of nomination in writing, setting out the following:

5 (1) The name of each nominee as:

6 (A) the nominee wants the nominee's name to appear on the
7 ballot; and

8 (B) the nominee's name is permitted to appear on the ballot
9 under IC 3-5-7.

10 (2) The residence address of each nominee.

11 (3) The office for which each nominee was nominated.

12 (4) That each nominee is legally qualified to hold office.

13 (5) The political party device or emblem by which the ticket will
14 be designated on the ballot.

15 Both the chairman and secretary shall acknowledge the certificate
16 before an officer authorized to take acknowledgment of deeds.

17 (e) Each candidate nominated under this section shall execute a
18 consent to the nomination in the same form as a candidate nominated
19 by petition under IC 3-8-6.

20 (f) The certificate required by subsection (d) and the consent
21 required by subsection (e) must be filed with the circuit court clerk of
22 the county containing the greatest percentage of population of the
23 election district for which the candidate has been nominated by the
24 convention not later than noon August 1.

25 (g) A candidate's consent to the nomination must include a
26 statement that the candidate requests the name on the candidate's voter
27 registration record be the same as the name the candidate uses on the
28 consent to the nomination. If there is a difference between the name on
29 the candidate's consent to the nomination and the name on the
30 candidate's voter registration record, the officer with whom the consent
31 to the nomination is filed shall forward the information to the voter
32 registration officer of the appropriate county. The voter registration
33 officer of the appropriate county shall change the name on the
34 candidate's voter registration record to be the same as the name on the
35 candidate's consent to the nomination.

36 SECTION 13. IC 3-10-2-15.2 IS ADDED TO THE INDIANA
37 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
38 **[EFFECTIVE UPON PASSAGE]: Sec. 15.2. (a) A petition described**
39 **in section 15(a)(2) of this chapter must be signed by the number of**
40 **voters equal to at least one-half percent (0.5%) of the total vote**
41 **cast for secretary of state at the last election in a political**
42 **subdivision.**



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1 **(b) A person signing a petition described in section 15(a)(2) of**
 2 **this chapter must be registered to vote at the time of signing the**
 3 **petition.**

4 **(c) A petition must contain the following information:**

5 **(1) A brief name of the political party circulating the petition.**

6 **(2) The signature of each person signing the petition.**

7 **(3) The name of each person signing the petition, legibly**
 8 **printed.**

9 **(4) The residence mailing address of each person signing the**
 10 **petition.**

11 **(5) A statement that the person is a registered and qualified**
 12 **voter.**

13 **(d) Each person signing a petition described in section 15(a)(2)**
 14 **of this chapter must sign the person's name or have the person's**
 15 **mark on the petition attested.**

16 **(e) For a petition described in section 15(a)(2) of this chapter to**
 17 **be considered valid, each person signing the petition must be**
 18 **certified as being a voter in a particular county by the circuit court**
 19 **clerk or board of registration of the county in which the person is**
 20 **registered. The certification must accompany and be part of each**
 21 **petition.**

22 **(f) A petition described in section 15(a)(2) of this chapter,**
 23 **accompanied by the certification described in subsection (e), must**
 24 **be submitted to the circuit court clerk of the county in which the**
 25 **political subdivision is located by noon July 15 of the year in which**
 26 **the party plans to conduct a convention in the political subdivision**
 27 **to nominate its candidates.**

28 **(g) If the circuit court clerk of the county in which the political**
 29 **subdivision is located determines that a petition described in**
 30 **section 15(a)(2) of this chapter does not comply with the**
 31 **requirements of this section, the clerk shall notify the party's**
 32 **county chairman not later than thirty (30) days after the petition**
 33 **is submitted, specifically stating the reason or reasons why the**
 34 **petition does not comply with this section.**

35 SECTION 14. IC 3-13-1-2, AS AMENDED BY P.L.260-2001,
 36 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 2. A candidate vacancy that exists on a
 38 primary election ballot may not be filled for the primary election. The
 39 resulting vacancy on the following general or municipal election ballot
 40 may be filled in the manner prescribed by this chapter, but only if it is
 41 filled by noon ~~June 30~~ **August 1** before election day.

42 SECTION 15. IC 3-13-1-7, AS AMENDED BY P.L.260-2001,

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1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 7. (a) Except as provided in subsection (b),
3 action to fill a candidate vacancy must be taken:

4 (1) not later than noon ~~June 30~~ **August 1** after the primary
5 election if the vacancy exists on a general or municipal election
6 ballot; and

7 (2) within thirty (30) days after the occurrence of the vacancy, if
8 the vacancy exists on a special election ballot, subject to section
9 2 of this chapter.

10 (b) This subsection applies to a candidate vacancy that exists before
11 the thirtieth day before a general, municipal, or special election and
12 that is due to any of the following:

13 (1) The death of a candidate.

14 (2) The withdrawal of a candidate.

15 (3) The disqualification of a candidate under IC 3-8-1-5.

16 (4) A court order issued under IC 3-8-7-29(d).

17 Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this
18 chapter for reasons permitted under this subsection must be taken
19 within thirty (30) days after the occurrence of the vacancy.

20 SECTION 16. IC 3-13-1-15, AS AMENDED BY P.L.260-2001,
21 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 15. (a) A county chairman filling a candidate
23 vacancy under section 6(a)(2) of this chapter or the chairman of a
24 meeting filling a candidate vacancy under this chapter shall file a
25 written certificate of candidate selection on a form prescribed by the
26 commission stating the following information for each candidate
27 selected:

28 (1) The name of each candidate as:

29 (A) the candidate wants the candidate's name to appear on the
30 ballot; and

31 (B) the candidate's name is permitted to appear on the ballot
32 under IC 3-5-7.

33 (2) The address of each candidate.

34 (b) The certificate shall be filed with:

35 (1) the election division for:

36 (A) a committee acting under section 3, 4, 5, or 6(b) of this
37 chapter; or

38 (B) a committee acting under section 6(a) of this chapter to fill
39 a candidate vacancy in the office of judge of a circuit, superior,
40 probate, county, or small claims court or prosecuting attorney;

41 or

42 (2) the circuit court clerk, for a committee acting under section

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1 6(a) of this chapter to fill a candidate vacancy for a local office
2 not described in subdivision (1).
3 (c) This subsection applies to a candidate vacancy resulting from a
4 vacancy on the primary election ballot as described in section 2 of this
5 chapter. The certificate required by subsection (a) shall be filed not
6 later than noon ~~July 3~~ **August 4** before election day.
7 (d) This subsection applies to all candidate vacancies not described
8 by subsection (c). The certificate required by subsection (a) shall be
9 filed not more than three (3) days (excluding Saturdays and Sundays)
10 after selection of the candidates.
11 SECTION 17. IC 3-13-1-20, AS AMENDED BY P.L.260-2001,
12 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 20. (a) This section applies to a political party
14 subject to IC 3-8-4-10.
15 (b) A candidate vacancy that exists following the convention of the
16 party shall be filled by the state committee of the political party not
17 later than noon ~~June 30~~ **August 1** before election day. The chairman of
18 the state committee shall act in accordance with section 15 of this
19 chapter to certify the candidate selected to fill the vacancy.
20 (c) This subsection applies to a candidate vacancy resulting from a
21 vacancy on the general election ballot resulting from the failure of the
22 convention to nominate a candidate for an office. The certificate
23 required by subsection (b) shall be filed not later than noon ~~July 3~~
24 **August 4** before election day.
25 (d) This subsection applies to all candidate vacancies not described
26 by subsection (c). The certificate required by subsection (b) shall be
27 filed not more than three (3) days (excluding Saturdays and Sundays)
28 after selection of the candidates.
29 SECTION 18. **An emergency is declared for this act.**

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