
SENATE BILL No. 205

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8.

Synopsis: Candidates' consumer credit scores. Requires a candidate for a state office, legislative office, local office, or school board office that includes: (1) the duty to prepare a budget estimate, an annual budget, or a biennial budget; or (2) the power to adopt or fix an annual or biennial budget; to submit with the individual's declaration of candidacy the candidate's current consumer credit score from at least one consumer reporting agency.

Effective: July 1, 2008.

Walker

January 8, 2008, read first time and referred to Committee on Local Government and Elections.

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Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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SENATE BILL No. 205



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 3-8-2-2.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.5. (a) A person who
3 desires to be a write-in candidate for a federal, state, legislative, or
4 local office or school board office in a general, municipal, or school
5 board election must file a declaration of intent to be a write-in
6 candidate with the officer with whom declaration of candidacy must be
7 filed under sections 5 and 6 of this chapter.

8 (b) The declaration of intent to be a write-in candidate required
9 under subsection (a) must be signed before a person authorized to
10 administer oaths and must certify the following information:

- 11 (1) The candidate's name must be printed or typewritten as:
12 (A) the candidate wants the candidate's name to be certified;
13 and
14 (B) the candidate's name is permitted to appear under IC 3-5-7.
15 (2) A statement that the candidate is a registered voter and the
16 location of the candidate's precinct and township (or ward and
17 city or town), county, and state.



- 1 (3) The candidate's complete residence address, and if the
- 2 candidate's mailing address is different from the residence
- 3 address, the mailing address.
- 4 (4) The candidate's party affiliation or a statement that the
- 5 candidate is an independent candidate (not affiliated with any
- 6 party). For purposes of this subdivision, a candidate is affiliated
- 7 with a political party only if the candidate satisfies section 7(a)(4)
- 8 of this chapter.
- 9 (5) A statement of the candidate's intention to be a write-in
- 10 candidate, the name of the office, including the district, and the
- 11 date and type of election.
- 12 (6) If the candidate is a candidate for the office of President or
- 13 Vice President of the United States, a statement declaring the
- 14 names of the individuals who have consented and are eligible to
- 15 be the candidate's candidates for presidential electors.
- 16 (7) A statement that the candidate:
- 17 (A) is aware of the provisions of IC 3-9 regarding campaign
- 18 finance and the reporting of campaign contributions and
- 19 expenditures; and
- 20 (B) agrees to comply with the provisions of IC 3-9.
- 21 The candidate must separately sign the statement required by this
- 22 subdivision.
- 23 (8) A statement as to whether the candidate has:
- 24 (A) been a candidate for state or local office in a previous
- 25 primary or general election; and
- 26 (B) filed all reports required by IC 3-9-5-10 for all previous
- 27 candidacies.
- 28 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
- 29 candidate has filed a campaign finance statement of organization
- 30 for the candidate's principal committee or is aware that the
- 31 candidate may be required to file a campaign finance statement of
- 32 organization not later than noon seven (7) days after the final date
- 33 to file the declaration of intent to be a write-in candidate under
- 34 section 4 of this chapter.
- 35 (10) If the candidate is subject to IC 3-9-1-5.5, a statement that
- 36 the candidate is required to file a campaign finance statement of
- 37 organization under IC 3-9 after the first of either of the following
- 38 occurs:
- 39 (A) The candidate receives more than five hundred dollars
- 40 (\$500) in contributions.
- 41 (B) The candidate makes more than five hundred dollars
- 42 (\$500) in expenditures.

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1 (11) A statement that the candidate complies with all
2 requirements under the laws of Indiana to be a candidate for the
3 above named office, including any applicable residency
4 requirements, and that the candidate is not ineligible to be a
5 candidate due to a criminal conviction that would prohibit the
6 candidate from serving in the office.

7 (12) The candidate's signature and telephone number.

8 (c) At the time of filing the declaration of intent to be a write-in
9 candidate, the write-in candidate is considered a candidate for all
10 purposes.

11 (d) A write-in candidate must comply with the requirements under
12 IC 3-8-1 that apply to the office to which the write-in candidate seeks
13 election.

14 (e) A person may not be a write-in candidate in a contest for
15 nomination or for election to a political party office.

16 (f) A write-in candidate for the office of President or Vice President
17 of the United States must list at least one (1) candidate for presidential
18 elector and may not list more than the total number of presidential
19 electors to be chosen in Indiana.

20 (g) The commission shall provide that the form of a declaration of
21 intent to be a write-in candidate includes the following information
22 near the separate signature required by subsection (b)(7):

- 23 (1) The dates for filing campaign finance reports under IC 3-9.
- 24 (2) The penalties for late filing of campaign finance reports under
25 IC 3-9.

26 (h) A declaration of intent to be a write-in candidate must include
27 a statement that the candidate requests the name on the candidate's
28 voter registration record be the same as the name the candidate uses on
29 the declaration of intent to be a write-in candidate. If there is a
30 difference between the name on the candidate's declaration of intent to
31 be a write-in candidate and the name on the candidate's voter
32 registration record, the officer with whom the declaration of intent to
33 be a write-in candidate is filed shall forward the information to the
34 voter registration officer of the appropriate county as required by
35 IC 3-5-7-6(e). The voter registration officer of the appropriate county
36 shall change the name on the candidate's voter registration record to be
37 the same as the name on the candidate's declaration of intent to be a
38 write-in candidate.

39 (i) **This subsection applies to a candidate for a state office,
40 legislative office, local office, or school board office that includes:**

- 41 **(1) the duty to prepare a budget estimate, an annual budget,**
- 42 **or a biennial budget; or**

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(2) the power to adopt or fix an annual budget or a biennial budget.

At the time of the filing of the declaration of intent to be a write-in candidate after December 31, 2008, the candidate shall submit with the declaration the candidate's current consumer credit score from at least one (1) consumer reporting agency (as defined in IC 24-5-24-3).

SECTION 2. IC 3-8-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

- (1) The candidate's name, printed or typewritten as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
- (2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.
- (3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.
- (4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:
 - (A) The most recent primary election in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.
 - (B) The candidate has never voted in a primary election and claims a party affiliation.
 - (C) The county chairman of:
 - (i) the political party with which the candidate claims affiliation; and
 - (ii) the county in which the candidate resides;

certifies that the candidate is a member of the political party. The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A), (B), or (C) applies to the candidate. If a candidate claims party affiliation under clause (C), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (C).

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- 1 (5) A statement that the candidate complies with all requirements
- 2 under the laws of Indiana to be a candidate for the above named
- 3 office, including any applicable residency requirements, and that
- 4 the candidate is not ineligible to be a candidate due to a criminal
- 5 conviction that would prohibit the candidate from serving in the
- 6 office.
- 7 (6) A request that the candidate's name be placed on the official
- 8 primary ballot of that party to be voted on, the office for which the
- 9 candidate is declaring, and the date of the primary election.
- 10 (7) A statement that the candidate:
- 11 (A) is aware of the provisions of IC 3-9 regarding campaign
- 12 finance and the reporting of campaign contributions and
- 13 expenditures; and
- 14 (B) agrees to comply with the provisions of IC 3-9.
- 15 The candidate must separately sign the statement required by this
- 16 subdivision.
- 17 (8) A statement as to whether the candidate has been a candidate
- 18 for state or local office in a previous primary or general election
- 19 and whether the candidate has filed all reports required by
- 20 IC 3-9-5-10 for all previous candidacies.
- 21 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
- 22 candidate has filed a campaign finance statement of organization
- 23 for the candidate's principal committee or is aware that the
- 24 candidate may be required to file a campaign finance statement of
- 25 organization not later than noon seven (7) days after the final date
- 26 to file the declaration of candidacy under section 11 of this
- 27 chapter.
- 28 (10) The candidate's signature.
- 29 (b) The commission shall provide that the form of a declaration of
- 30 candidacy includes the following information near the separate
- 31 signature required by subsection (a)(7):
- 32 (1) The dates for filing campaign finance reports under IC 3-9.
- 33 (2) The penalties for late filing of campaign finance reports under
- 34 IC 3-9.
- 35 (c) A declaration of candidacy must include a statement that the
- 36 candidate requests the name on the candidate's voter registration record
- 37 be the same as the name the candidate uses on the declaration of
- 38 candidacy. If there is a difference between the name on the candidate's
- 39 declaration of candidacy and the name on the candidate's voter
- 40 registration record, the officer with whom the declaration of candidacy
- 41 is filed shall forward the information to the voter registration officer of
- 42 the appropriate county as required by IC 3-5-7-6(e). The voter

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1 registration officer of the appropriate county shall change the name on
2 the candidate's voter registration record to be the same as the name on
3 the candidate's declaration of candidacy.

4 **(d) This subsection applies to a candidate for a state office,
5 legislative office, local office, or school board office that includes:**

6 **(1) the duty to prepare a budget estimate, an annual budget,
7 or a biennial budget; or**

8 **(2) the power to adopt or fix an annual budget or a biennial
9 budget.**

10 **At the time of the filing of the declaration of candidacy after
11 December 31, 2008, the candidate shall submit with the declaration
12 the candidate's current consumer credit score from at least one (1)
13 consumer reporting agency (as defined in IC 24-5-24-3).**

14 SECTION 3. IC 3-8-5-10.5 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10.5. (a) A person who
16 desires to be nominated for a town office by a major political party
17 must file a declaration of candidacy with the circuit court clerk of the
18 county containing the greatest percentage of population of the town.

19 (b) A declaration of candidacy must be filed:

20 (1) not earlier than January 1; and

21 (2) not later than:

22 (A) noon August 1 before a municipal election if the town
23 nominates its candidates by convention; and

24 (B) the date that a declaration of candidacy must be filed under
25 IC 3-8-2-4 if the town nominates its candidates by a primary
26 election.

27 (c) The declaration must be subscribed and sworn to (or affirmed)
28 before a notary public or other person authorized to administer oaths.

29 (d) The declaration of each candidate required by this section must
30 certify the following information:

31 (1) The candidate's name, printed or typewritten as:

32 (A) the candidate wants the candidate's name to appear on the
33 ballot; and

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

36 (2) That the candidate is a registered voter and the location of the
37 candidate's precinct and township (or the ward and town), county,
38 and state.

39 (3) The candidate's complete residence address and the
40 candidate's mailing address if the mailing address is different
41 from the residence address.

42 (4) The candidate's party affiliation and the office to which the

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1 candidate seeks nomination, including the district designation if
 2 the candidate is seeking a town legislative body seat.
 3 (5) That the candidate complies with all requirements under the
 4 laws of Indiana to be a candidate for the above named office,
 5 including any applicable residency requirements, and is not
 6 ineligible to be a candidate due to a criminal conviction that
 7 would prohibit the candidate from serving in the office.
 8 (6) The candidate's signature.
 9 (e) This subsection does not apply to a town whose municipal
 10 election is to be conducted by a county. Immediately after the deadline
 11 for filing, the circuit court clerk shall do all of the following:
 12 (1) Certify to the town clerk-treasurer and release to the public a
 13 list of the candidates of each political party for each office. The
 14 list shall indicate any candidates of a political party nominated for
 15 an office under this chapter because of the failure of any other
 16 candidates of that political party to file a declaration of candidacy
 17 for that office.
 18 (2) Post a copy of the list in a prominent place in the circuit court
 19 clerk's office.
 20 (3) File a copy of each declaration of candidacy with the town
 21 clerk-treasurer.
 22 (f) A person who files a declaration of candidacy for an elected
 23 office for which a per diem or salary is provided for by law is
 24 disqualified from filing a declaration of candidacy for another office for
 25 which a per diem or salary is provided for by law until the original
 26 declaration is withdrawn.
 27 (g) A person who files a declaration of candidacy for an elected
 28 office may not file a declaration of candidacy for that office in the same
 29 year as a member of a different political party until the original
 30 declaration is withdrawn.
 31 (h) A person who files a declaration of candidacy under this section
 32 may file a written notice withdrawing the person's declaration of
 33 candidacy in the same manner as the original declaration was filed, if
 34 the notice of withdrawal is filed not later than:
 35 (1) noon August 1 before the municipal election if the town
 36 nominates its candidates by convention; and
 37 (2) the date that a declaration of candidacy may be withdrawn
 38 under IC 3-8-2-20 if the town nominates its candidates in a
 39 primary election.
 40 (i) A declaration of candidacy must include a statement that the
 41 candidate requests the name on the candidate's voter registration record
 42 be the same as the name the candidate uses on the declaration of

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1 candidacy. If there is a difference between the name on the candidate's
2 declaration of candidacy and the name on the candidate's voter
3 registration record, the officer with whom the declaration of candidacy
4 is filed shall forward the information to the voter registration officer of
5 the appropriate county as required by IC 3-5-7-6(e). The voter
6 registration officer of the appropriate county shall change the name on
7 the candidate's voter registration record to be the same as the name on
8 the candidate's declaration of candidacy.

9 **(j) This subsection applies to a candidate for a town office that**
10 **includes:**

11 **(1) the duty to prepare a budget estimate, an annual budget,**
12 **or a biennial budget; or**

13 **(2) the power to adopt or fix an annual budget or a biennial**
14 **budget.**

15 **At the time of the filing of the declaration of candidacy after**
16 **December 31, 2008, the candidate shall submit with the declaration**
17 **the candidate's current consumer credit score from at least one (1)**
18 **consumer reporting agency (as defined in IC 24-5-24-3).**

19 SECTION 4. IC 3-8-6-5, AS AMENDED BY P.L.230-2005,
20 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2008]: Sec. 5. (a) A petition of nomination must state all of
22 the following:

23 (1) The name of each candidate as:

24 (A) the candidate wants the candidate's name to appear on the
25 ballot; and

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

28 (2) The address of each candidate, including the mailing address,
29 if different from the residence address of the candidate.

30 (3) The office that each candidate seeks.

31 (4) The information required under IC 3-10-4-5, if the petition
32 nominates candidates for presidential electors.

33 (5) That the petitioners desire and are registered and qualified to
34 vote for each candidate.

35 (6) Whether the candidate is affiliated with the same political
36 party as any other candidate or group of candidates that has filed
37 or will be filing a petition of nomination with the county voter
38 registration office under section 10 of this chapter. This
39 subdivision does not apply to an independent candidate.

40 (b) A petition of nomination must:

41 (1) designate a brief name of the political party that the candidates
42 represent;

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- 1 (2) indicate that the candidate is an independent candidate; or
 2 (3) indicate that the candidates are an independent ticket.
- 3 (c) If a political party has previously filed a device with the election
 4 division under IC 3-8-7-11, the petition may incorporate that device by
 5 reference in the petition. If a political party has not previously filed a
 6 device under IC 3-8-7-11, or the petition is for an independent ticket,
 7 the petition of nomination may include a device for designating the
 8 party or ticket on the ballot.
- 9 **(d) This subsection applies to a candidate for a state office,
 10 legislative office, local office, or school board office that includes:**
 11 **(1) the duty to prepare a budget estimate, an annual budget,
 12 or a biennial budget; or**
 13 **(2) the power to adopt or fix an annual budget or a biennial
 14 budget.**
- 15 **At the time of the filing of the petition of nomination after
 16 December 31, 2008, the candidate shall submit with the petition the
 17 candidate's current consumer credit score from at least one (1)
 18 consumer reporting agency (as defined in IC 24-5-24-3).**
- 19 SECTION 5. IC 3-8-7-8 IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) Either the chairman and
 21 secretary of a state convention or the state chairman and state secretary
 22 of the political party holding the state convention shall certify each
 23 candidate nominated at the convention to the secretary of state not later
 24 than noon July 15 before the general election.
- 25 (b) The certificate must state the following:
 26 (1) Whether each candidate nominated by the convention has
 27 complied with IC 3-9-1-5 by filing a campaign finance statement
 28 of organization.
 29 (2) That the candidate:
 30 (A) is aware of the provisions of IC 3-9 regarding campaign
 31 finance and the reporting of campaign contributions and
 32 expenditures; and
 33 (B) agrees to comply with the provisions of IC 3-9.
 34 The candidate must separately sign the statement required by this
 35 subdivision.
- 36 (c) The commission shall prescribe the form of the certificate of
 37 nomination for the offices. The commission shall provide that the form
 38 of the certificate of nomination include the following information near
 39 the separate signature required by subsection (b)(2):
 40 (1) The dates for filing campaign finance reports under IC 3-9.
 41 (2) The penalties for late filing of campaign finance reports under
 42 IC 3-9.

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1 (d) A certificate of nomination must include a statement that the
 2 candidate requests the name on the candidate's voter registration record
 3 be the same as the name the candidate uses on the certificate of
 4 nomination. If there is a difference between the name on the candidate's
 5 certificate of nomination and the name on the candidate's voter
 6 registration record, the officer with whom the certificate of nomination
 7 is filed shall forward the information to the voter registration officer of
 8 the appropriate county as required by IC 3-5-7-6(e). The voter
 9 registration officer of the appropriate county shall change the name on
 10 the candidate's voter registration record to be the same as the name on
 11 the candidate's certificate of nomination.

12 (e) **This subsection applies to a candidate nominated at a state
 13 convention for a state office, legislative office, or local office that
 14 includes:**

- 15 (1) **the duty to prepare a budget estimate, an annual budget,
 16 or a biennial budget; or**
- 17 (2) **the power to adopt or fix an annual budget or a biennial
 18 budget.**

19 **At the time the certificate of nomination for the candidate is filed
 20 with the secretary of state after December 31, 2008, the candidate
 21 shall submit with the certificate the candidate's current consumer
 22 credit score from at least one (1) consumer reporting agency (as
 23 defined in IC 24-5-24-3).**

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