

SENATE BILL No. 335

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8-7.

Synopsis: Multiple party candidate. Provides procedures to determine placement on a ballot of an individual who is nominated for an elected office by a political party and subsequently is nominated as a candidate for the same office by another political party. (Current law prohibits a candidate from appearing on a ballot for the same office for more than one political party.)

Effective: Upon passage.

Landske, Skillman

January 8, 1998, read first time and referred to Committee on Elections.

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Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

SENATE BILL No. 335

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 3-8-7-19 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Except as provided in
3 subsection (b) **or (c)**, the name of a person who has been nominated as
4 a candidate for an elected office may not appear in more than one (1)
5 place on a ballot.
6 (b) The name of a person who is nominated as a candidate of a
7 political party:
8 (1) for a federal office in a primary election; and
9 (2) for Vice President of the United States during the same year;
10 may appear on the general election ballot as a candidate for the federal
11 office and for Vice President of the United States.
12 (c) **An individual who is:**
13 (1) **nominated as a candidate for an elected office by a**
14 **political party; and**
15 (2) **subsequently nominated as a candidate for the same office**
16 **by another political party;**
17 **may appear on the ballot as the candidate of both political parties**

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1 **for that office only if the individual obtains the written consent of**
 2 **the first political party that nominated the candidate in accordance**
 3 **with this chapter.**

4 SECTION 2. IC 3-8-7-20 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE UPON PASSAGE]: Sec. 20. **(a) Except as provided in**
 6 **subsection (e), if a person has been nominated as a candidate for the**
 7 **same office by both:**

- 8 (1) convention and petition;
 9 (2) **primary election and petition; or**
 10 (3) **primary election and convention;**

11 the person's name may be placed on the ballot only once.

12 **(b) This subsection applies only to a person nominated by both**
 13 **convention and petition.** The person's name shall be placed on the list
 14 of candidates nominated by convention, and the place occupied by the
 15 person's name in the petition must be left blank. However, if the
 16 candidate files a written statement:

- 17 (1) acknowledged before a person authorized to take
 18 acknowledgments;
 19 (2) in the office where a petition of nomination for the office must
 20 be filed;
 21 (3) no later than noon of the last day for filing a **petition of**
 22 **nomination under IC 3-8-6-10(c);** and
 23 (4) requesting that the person's name be printed as nominated by
 24 petition;

25 the person's name must be so printed and omitted from the list
 26 nominated by convention.

27 **(c) This subsection applies only to a person nominated by both**
 28 **primary election and petition.** The person's name must be placed
 29 on the list of candidates nominated by primary election, and the
 30 place occupied by the person's name in the petition must be left
 31 blank. However, if the candidate files a written statement:

- 32 (1) acknowledged before a person who is authorized to take
 33 acknowledgments;
 34 (2) in the office where a petition of nomination for the office
 35 must be filed;
 36 (3) not later than noon the last day for filing a petition of
 37 nomination under IC 3-8-6-10(c); and
 38 (4) requesting that the person's name be printed as nominated
 39 by petition;

40 the person's name must be so printed and omitted from the list
 41 nominated by primary election.

42 **(d) This subsection applies only to a person nominated by both**

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1 primary election and convention. The person's name must be
 2 placed on the list of candidates nominated by primary election, and
 3 the place occupied by the person's name in the certificate of
 4 nomination of the convention must be left blank. However, if the
 5 candidate files a written statement:

6 (1) acknowledged before a person who is authorized to take
 7 acknowledgments;

8 (2) in the office where a certificate of nomination for the office
 9 must be filed;

10 (3) not later than noon the last day for filing a certificate of
 11 nomination; and

12 (4) requesting that the person's name be printed as nominated
 13 by convention;

14 the person's name must be so printed and omitted from the list
 15 nominated by primary election.

16 (e) This subsection applies to an individual described by
 17 subsection (b), (c), or (d). Notwithstanding any other law, the name
 18 of an individual may not be placed on the ballot as both an
 19 independent candidate and as the candidate of a political party.
 20 However, if the individual wishes to appear on the general election
 21 ballot as a candidate nominated by more than one (1) political
 22 party for the same office, the individual must obtain the written
 23 consent of the political party that first nominated the candidate for
 24 the office. The party's written consent must be given by:

25 (1) the state chairman of the political party, if the individual
 26 is a candidate for a federal, state, or state legislative office; or

27 (2) the county chairman of the county in which the greatest
 28 percentage of population of the election district for the office
 29 resides, if the individual is a candidate for a local office.

30 (f) The written consent required by subsection (e) must be filed:

31 (1) not later than the deadline for filing a written statement;
 32 and

33 (2) with the office where the candidate's written statement
 34 must be filed;

35 under subsection (b), (c), or (d).

36 (g) If a candidate fails to:

37 (1) obtain or file the written consent required by subsection
 38 (e); or

39 (2) file a statement under this chapter:

40 (A) refusing to accept the subsequent nomination;

41 (B) electing to be placed on the ballot as the candidate of
 42 the first political party that nominated the candidate; or

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1 **(C) withdrawing as the candidate of the political party that**
 2 **gave the subsequent nomination to the candidate;**
 3 **the chairman of the political party entitled to give the written**
 4 **consent under subsection (e) may remove the individual as the**
 5 **candidate of that political party for the office.**

6 **(h) If a chairman elects to remove an individual as candidate**
 7 **under subsection (g), the chairman must file the statement of**
 8 **removal of the candidate:**

9 **(1) with the office where written consent was required to be**
 10 **filed; and**

11 **(2) not later than noon seven (7) days following the final date**
 12 **for filing of the written consent.**

13 **(i) If an individual is nominated as a candidate under IC 3-13-1**
 14 **to fill a candidate vacancy, the individual is considered for**
 15 **purposes of this section to have been nominated in the same**
 16 **manner as the candidate whom the individual succeeded or in the**
 17 **same manner as a candidate would have been nominated if no**
 18 **nomination is made. If an individual is nominated as a candidate**
 19 **under IC 3-13-2 to fill a candidate vacancy, the individual may not**
 20 **be placed on the ballot as the candidate of any other political party.**

21 SECTION 3. IC 3-8-7-21, AS AMENDED BY P.L.3-1997,
 22 SECTION 161, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) If a person has been
 24 nominated by two (2) or more political parties, or as an independent
 25 candidate and as the nominee of at least one (1) political party, the
 26 person must elect which of the nominations the person will accept
 27 **unless, in the manner prescribed by section 20 of this chapter, the**
 28 **person files the written consent of the first political party to**
 29 **nominate the person as a candidate for the office.**

30 (b) The election must be in writing, signed, acknowledged before an
 31 officer authorized to take acknowledgments, and filed in the office
 32 where a declaration of candidacy must be filed for the office under
 33 IC 3-8-2 or where a certificate of nomination by a ~~state~~ convention
 34 must be filed under this chapter by noon August 1 before the election.

35 SECTION 4. IC 3-8-7-22, AS AMENDED BY P.L.3-1997,
 36 SECTION 162, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) **This section applies** if
 38 a person nominated by two (2) or more political parties or as an
 39 independent candidate and as the nominee of at least one (1) political
 40 party does not make and file an election as required by section 21 of
 41 this chapter.

42 **(b) If:**



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- 1 **(1) the person does not file the written consent; or**
- 2 **(2) the chairman of a political party does not file a statement**
- 3 **removing the person as the candidate of the political party;**
- 4 **in the manner prescribed by section 20 of this chapter,** the election
- 5 division or circuit court clerk shall make the election for the person.
- 6 **(c) The election division or clerk shall give preference ~~shall be~~**
- 7 **given to the nomination made by primary election and secondly to**
- 8 **the nomination given by convention.**
- 9 **SECTION 5. An emergency is declared for this act.**

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