



Reprinted
March 31, 1999

ENGROSSED HOUSE BILL No. 1313

DIGEST OF HB 1313 (Updated March 30, 1999 2:49 pm - DI 101)

Citations Affected: IC 3-5; IC 3-8; IC 3-10; IC 3-11; IC 3-13; IC 4-5; IC 4-7; IC 4-8.1; IC 33-2.1.

Synopsis: Candidate names on the ballot. Provides that a candidate may use only the candidate's legal name, initials of the candidate's legal name, a nickname, and certain other designations on the ballot. Defines a candidate's legal name for purposes of placement of the name on the ballot. Requires a candidate's voter registration record to use the same name that the candidate uses on the ballot. (Under current law, a candidate's name appears on the ballot as the candidate's name appears on the candidate's voter registration record.) Provides that a voter in the election district of a candidate that does not use the candidate's legal name on the ballot may file a challenge with the Indiana election
(Continued next page)

Effective: November 3, 1998 (retroactive); upon passage; January 1, 2000.

Crawford, Young M, Mahern, Richardson, Burton

(SENATE SPONSORS — CLARK, BREAUX)

January 12, 1999, read first time and referred to Committee on Elections and Apportionment.

February 8, 1999, amended, reported — Do Pass.

February 11, 1999, read second time, ordered engrossed. Engrossed.

February 15, 1999, read third time, passed. Yeas 91, nays 5.

SENATE ACTION

February 25, 1999, read first time and referred to Committee on Elections.

March 23, 1999, amended, reported favorably — Do Pass.

March 30, 1999, read second time, amended, ordered engrossed.

EH 1313—LS 7627/DI 75+



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commission or a county election board. Provides that if the commission or board finds that a candidate has not used the candidate's legal name on the ballot the candidate is considered to have withdrawn the candidate's candidacy. Makes technical changes in the statutes to conform to the ballot name rule. Makes election materials available to the public following an election after expiration of the recount filing period. Requires a circuit court clerk to keep confidential that portion of election material necessary to protect the secrecy of a voter's ballot. Clarifies when a primary must be conducted in a city or town when the only contested nomination is within a legislative body district with an election district that does not include the entire city or town. Sets a deadline for certain third party candidates nominated at conventions to withdraw their nominations. Prohibits a voter who changes residence from outside a municipality to a location within a municipality from returning to the precinct where the voter formerly resided to vote in a municipal election or special election held only within the municipality. Repeals current statutes that cross reference those provisions in the Indiana Constitution that, prior to their repeal, required the secretary of state, auditor of state, and treasurer of state to reside at the seat of government.

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Reprinted
March 31, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1313

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 3-5-7 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2000]:

4 **Chapter 7. Candidate Designations on the Ballot**

5 **Sec. 1. This chapter does not apply to the following:**

6 (1) A candidate for precinct committeeman.

7 (2) A candidate for delegate to a political party convention.

8 **Sec. 2. As used in this chapter, "designation" refers to a name,
9 a nickname, an initial, an abbreviation, or a number used to
10 identify an individual.**

11 **Sec. 3. As used in this chapter, "name" refers to any of the
12 following:**

13 (1) An individual's given name.

14 (2) An individual's surname.

15 (3) An individual's middle name.

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1 **Sec. 4. (a) For purposes of placement of a candidate's name on**
 2 **the ballot, a candidate's legal name is determined under this**
 3 **section.**

4 **(b) Except as provided in subsection (c), a candidate's legal**
 5 **name is considered to be the name shown on the candidate's birth**
 6 **certificate.**

7 **(c) If a candidate:**

8 **(1) uses a name after marriage as described in subsection (d);**
 9 **or**

10 **(2) takes a name through a judicial proceeding that is**
 11 **different from the name shown on the candidate's birth**
 12 **certificate;**

13 **the most recent name used after marriage or taken in the judicial**
 14 **proceeding is considered to be the candidate's legal name.**

15 **(d) A name a candidate uses after marriage is considered the**
 16 **candidate's legal name if the name satisfies any of the following:**

17 **(1) The name is the name appearing on the candidate's birth**
 18 **certificate.**

19 **(2) The name is the name used by the candidate as an**
 20 **applicant for the marriage license.**

21 **(3) The name is any combination of the names the candidate**
 22 **and the candidate's spouse used as applicants for their**
 23 **marriage license.**

24 **Sec. 5. (a) A candidate may use on the ballot any combination of**
 25 **designations permitted by this section.**

26 **(b) A candidate may not use on the ballot a designation other**
 27 **than a designation permitted by this section.**

28 **(c) Subject to subsections (d) and (e), a candidate may use**
 29 **designations on the ballot as follows:**

30 **(1) The first designation that a candidate uses on the ballot**
 31 **may be one (1) of the following:**

32 **(A) The candidate's legal given name.**

33 **(B) The initial of the candidate's legal given name.**

34 **(C) The candidate's legal middle name.**

35 **(D) The initial of the candidate's legal middle name.**

36 **(E) The candidate's nickname.**

37 **(2) After the designation used under subdivision (1), a**
 38 **candidate may use any of the following designations if not**
 39 **used under subdivision (1):**

40 **(A) The candidate's legal middle name.**

41 **(B) The initial of the candidate's legal middle name.**

42 **(C) The candidate's nickname.**



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- 1 **(D) The candidate's legal surname.**
 2 **(3) After a designation used under subdivision (2), a candidate**
 3 **may use the following if not used under subdivision (1) or (2):**
 4 **(A) The candidate's nickname.**
 5 **(B) The candidate's legal surname.**
 6 **(4) After a designation used under subdivision (3), a candidate**
 7 **may use the candidate's legal surname on the ballot if not**
 8 **used under subdivision (1), (2), or (3).**
 9 **(5) After a candidate's legal surname, a candidate may use**
 10 **any of the following designations:**
 11 **(A) Sr.**
 12 **(B) Jr.**
 13 **(C) A numerical designation such as "II" or "III".**
 14 **(d) A candidate may use a nickname on the ballot only if the**
 15 **nickname satisfies the following:**
 16 **(1) The nickname is a name by which the candidate is**
 17 **commonly known.**
 18 **(2) The nickname does not exceed twenty (20) characters.**
 19 **(3) The nickname complies with subsection (e).**
 20 **(4) Unless the candidate uses the nickname as the first**
 21 **designation under subsection (c)(1), the nickname must**
 22 **appear in parentheses.**
 23 **(e) A candidate may not use a:**
 24 **(1) title or degree as a designation; or**
 25 **(2) designation that implies a title or degree.**
 26 **Sec. 6. (a) This section does not apply to any of the following:**
 27 **(1) A candidate in a presidential primary election under**
 28 **IC 3-8-3.**
 29 **(2) A candidate for President of the United States.**
 30 **(3) A candidate for Vice President of the United States.**
 31 **(b) As used in this section, "candidacy document" refers to any**
 32 **of the following:**
 33 **(1) A declaration of intent to be a write-in candidate.**
 34 **(2) A declaration of candidacy.**
 35 **(3) A consent to the nomination.**
 36 **(4) A consent to become a candidate.**
 37 **(5) A certificate of candidate selection.**
 38 **(6) A consent filed under IC 3-13-2-7.**
 39 **(7) A statement filed under IC 33-2.1-2-6.**
 40 **(c) Whenever a candidate files a candidacy document on which**
 41 **the candidate uses a name that is different from the name set forth**
 42 **on the candidate's voter registration record, the candidate's**



1 signature on the candidacy document constitutes a request to the
 2 county voter registration office that the name on the candidate's
 3 voter registration record be the same as the name the candidate
 4 uses on the candidacy document.

5 (d) A request by a candidate under this section is considered
 6 filed with the county voter registration office when the candidacy
 7 document is filed with the election division or the county election
 8 board.

9 (e) The election division or the county election board shall
 10 forward a request filed under this section to the county voter
 11 registration office not later than seven (7) days after receiving the
 12 request.

13 **Sec. 7. (a) A registered voter of the election district a candidate**
 14 **seeks to represent may file a sworn statement with the commission**
 15 **or a county election board under IC 3-8-1-2 if a candidate uses on**
 16 **the ballot a designation not permitted by section 5 of this chapter.**

17 (b) A complaint filed under this section must contain the
 18 following information:

19 (1) The legal name of the candidate who has used a
 20 designation not permitted by section 5 of this chapter.

21 (2) The designation the candidate has used that is not
 22 permitted under section 5 of this chapter.

23 (c) If the commission or county election board finds that the
 24 candidate used a designation not permitted by section 5 of this
 25 chapter, the candidate is considered to have withdrawn the
 26 candidate's candidacy.

27 SECTION 2. IC 3-8-2-2.5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2.5. (a) A person
 29 who desires to be a write-in candidate for a federal, state, legislative,
 30 or local office or school board office in a general, municipal, or school
 31 board election must file a declaration of intent to be a write-in
 32 candidate with the officer with whom declaration of candidacy must be
 33 filed under sections 5 and 6 of this chapter.

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

37 (1) The candidate's name must be printed or typewritten as:

38 (A) the candidate ~~has set forth~~ **wants** the candidate's name ~~in~~
 39 ~~the candidate's voter registration record, along with any~~
 40 ~~nickname of the candidate permitted under IC 3-10-1-14 if the~~
 41 ~~candidate wishes it to appear on the ballot; and~~

42 (B) **the candidate's name is permitted to appear on the**

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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) The candidate's party affiliation or a statement that the candidate is an independent candidate (not affiliated with any party).

(5) A statement of the candidate's intention to be a write-in candidate, the name of the office, including the district, and the date and type of election.

(6) If the candidate is a candidate for the office of President or Vice President of the United States, a statement declaring the names of the individuals who have consented and are eligible to be the candidate's candidates for presidential electors.

(7) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

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

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

(8) A statement as to whether the candidate has:

(A) been a candidate for state or local office in a previous primary or general election; and

(B) filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of intent to be a write-in candidate under section 4 of this chapter.

(10) A statement that if the individual is a candidate for a school board office, the candidate is required to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions as a school board candidate.

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- 1 (B) The candidate makes more than five hundred dollars
 2 (\$500) in expenditures as a school board candidate.
- 3 (11) A statement that the candidate complies with all
 4 requirements under the laws of the state of Indiana to be a
 5 candidate for the above named office, including any applicable
 6 residency requirements, and that the candidate is not ineligible to
 7 be a candidate due to a criminal conviction that would prohibit
 8 the candidate from serving in the office.
- 9 (12) The candidate's signature and telephone number.
- 10 (c) At the time of filing the declaration of intent to be a write-in
 11 candidate, the write-in candidate is considered a candidate for all
 12 purposes.
- 13 (d) A write-in candidate must comply with the requirements under
 14 IC 3-8-1 that apply to the office to which the write-in candidate seeks
 15 election.
- 16 (e) A person may not be a write-in candidate in a contest for
 17 nomination or for election to a political party office.
- 18 (f) A write-in candidate for the office of President or Vice President
 19 of the United States must list at least one (1) candidate for presidential
 20 elector and may not list more than the total number of presidential
 21 electors to be chosen in Indiana.
- 22 (g) The commission shall provide that the form of a declaration of
 23 intent to be a write-in candidate includes the following information
 24 near the separate signature required by subsection (b)(7):
- 25 (1) The dates for filing campaign finance reports under IC 3-9.
 26 (2) The penalties for late filing of campaign finance reports under
 27 IC 3-9.
- 28 **(h) A declaration of intent to be a write-in candidate must**
 29 **include a statement that the candidate requests the name on the**
 30 **candidate's voter registration record be the same as the name the**
 31 **candidate uses on the declaration of intent to be a write-in**
 32 **candidate. If there is a difference between the name on the**
 33 **candidate's declaration of intent to be a write-in candidate and the**
 34 **name on the candidate's voter registration record, the officer with**
 35 **whom the declaration of intent to be a write-in candidate is filed**
 36 **shall forward the information to the voter registration officer of**
 37 **the appropriate county as required by IC 3-5-7-6(e). The voter**
 38 **registration officer of the appropriate county shall change the**
 39 **name on candidate's voter registration record to be the same as the**
 40 **name on the candidate's declaration of intent to be a write-in**
 41 **candidate.**
- 42 SECTION 3. IC 3-8-2-7 IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JANUARY 1, 2000]: Sec. 7. (a) The declaration of each
 2 candidate required by this chapter must be signed before a person
 3 authorized to administer oaths and contain the following information:

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

5 (A) the candidate ~~has set forth~~ **wants** the candidate's name ~~in~~
 6 ~~the candidate's voter registration record, along with any~~
 7 ~~nickname of the candidate permitted under IC 3-10-1-14 if the~~
 8 ~~candidate wishes it to appear on the ballot; and~~

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

11 (2) A statement that the candidate is a registered voter and the
 12 location of the candidate's precinct and township (or ward and
 13 city or town), county, and state.

14 (3) The candidate's complete residence address, and if the
 15 candidate's mailing address is different from the residence
 16 address, the mailing address.

17 (4) A statement of the candidate's party affiliation.

18 (5) A statement that the candidate complies with all requirements
 19 under the laws of the state of Indiana to be a candidate for the
 20 above named office, including any applicable residency
 21 requirements, and that the candidate is not ineligible to be a
 22 candidate due to a criminal conviction that would prohibit the
 23 candidate from serving in the office.

24 (6) A request that the candidate's name be placed on the official
 25 primary ballot of that party to be voted on, the office for which the
 26 candidate is declaring, and the date of the primary election.

27 (7) A statement that the candidate:

28 (A) is aware of the provisions of IC 3-9 regarding campaign
 29 finance and the reporting of campaign contributions and
 30 expenditures; and

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

32 The candidate must separately sign the statement required by this
 33 subdivision.

34 (8) A statement as to whether the candidate has been a candidate
 35 for state or local office in a previous primary or general election
 36 and whether the candidate has filed all reports required by
 37 IC 3-9-5-10 for all previous candidacies.

38 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
 39 candidate has filed a campaign finance statement of organization
 40 for the candidate's principal committee or is aware that the
 41 candidate may be required to file a campaign finance statement of
 42 organization not later than noon seven (7) days after the final date

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1 to file the declaration of candidacy under section 11 of this
2 chapter.

3 (10) The candidate's signature.

4 (b) The commission shall provide that the form of a declaration of
5 candidacy includes the following information near the separate
6 signature required by subsection (a)(7):

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

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

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

22 SECTION 4. IC 3-8-5-10.5 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10.5. (a) A person
24 who desires to be nominated for a town office by a major political party
25 must file a declaration of candidacy with the circuit court clerk of the
26 county containing the greatest percentage of population of the town.

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

28 (1) not earlier than January 1; and

29 (2) not later than noon September 1;

30 before a municipal election.

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

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

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

36 **(A) the candidate has set forth wants the candidate's name in**
37 **the candidate's voter registration record; along with**
38 **any nickname of the candidate permitted under IC 3-10-1-14**
39 **if the candidate wishes it to appear on the ballot; and**

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

42 (2) That the candidate is a registered voter and the location of the

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

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

11 SECTION 5. IC 3-8-5-13 IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JANUARY 1, 2000]: Sec. 13. (a) The chairman and
 13 secretary of a town convention shall execute a certificate of nomination
 14 in writing, setting out the following:

15 (1) The name of each nominee as:

16 (A) the nominee wants the nominee's name to appear on
 17 the ballot; and

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

20 (2) The residence address of each nominee.

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

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

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

25 (b) Both the chairman and secretary shall acknowledge the
 26 certificate before an officer authorized to take acknowledgment of
 27 deeds.

28 (c) The certificate must be filed with the circuit court clerk of the
 29 county having the greatest percentage of the population of the town.

30 (d) The certificate must be filed with the circuit court clerk no later
 31 than noon September 21 before the municipal election.

32 (e) The circuit court clerk shall file a copy of each certificate with
 33 the town clerk-treasurer no later than noon September 30.

34 SECTION 6. IC 3-8-5-17 IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JANUARY 1, 2000]: Sec. 17. (a) This section applies to
 36 a political party:

37 (1) not qualified to conduct a primary election under IC 3-10; and

38 (2) not required to nominate candidates by a petition of
 39 nomination under IC 3-8-6.

40 (b) The political party shall conduct a convention to nominate
 41 candidates for town office not later than the date for conducting a
 42 major party town convention under section 10 of this chapter.



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1 (c) The chairman and secretary of the town convention shall
2 execute, acknowledge, and file a certificate setting forth the nominees
3 of the convention in accordance with section 13 of this chapter.

4 (d) Each candidate nominated under this section shall execute a
5 consent to the nomination in the same form as a candidate nominated
6 by petition under IC 3-8-6. The consent must be filed with the
7 certificate under subsection (c).

8 (e) The circuit court clerk shall file a copy of each certificate and
9 each candidate's consent with the town clerk-treasurer in accordance
10 with section 13 of this chapter.

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

23 SECTION 7. IC 3-8-6-5 IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JANUARY 1, 2000]: Sec. 5. (a) A petition of nomination
25 **must state all of the following:**

26 (1) ~~must state~~ **The name and of each candidate as:**

27 **(A) the candidate wants the candidate's name to appear on**
28 **the ballot; and**

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

31 **(2) The address of each candidate, including the mailing address,**
32 **if different from the residence address of the candidate.**

33 ~~(2) must state~~ **(3) The office that each candidate seeks.**

34 ~~(3) must state~~ **(4) The information required under IC 3-10-4-5, if**
35 **the petition nominates candidates for presidential electors.**

36 ~~(4) must state~~ **(5) That the petitioners desire and are registered**
37 **and qualified to vote for each candidate. and**

38 ~~(5)~~ **(b) A petition of nomination may designate a brief name of the**
39 **political party that the candidates represent, or indicate that the**
40 **candidate is an independent candidate, together with a simple figure or**
41 **device by which its lists of candidates may be designated on the ballot.**

42 ~~(b)~~ **Each candidate's given name and surname as set forth in the**

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1 candidate's voter registration record must be stated in full on the
 2 petition. In addition to the candidate's given name, and surname, the
 3 candidate may include initials or a nickname on the petition if the
 4 candidate's choice of initials or nickname does not exceed twenty (20)
 5 characters. Any nickname used must appear in parenthesis between the
 6 candidate's given name and the candidate's surname.

7 (c) A candidate may not use a designation such as a title or degree
 8 or a nickname that implies a title or a degree.

9 SECTION 8. IC 3-8-6-12 IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JANUARY 1, 2000]: Sec. 12. (a) A petition of
 11 nomination for an office filed under section 10 of this chapter must be
 12 filed with and certified by the person with whom a declaration of
 13 candidacy must be filed under IC 3-8-2.

14 (b) The petition of nomination must be accompanied by the
 15 following:

16 (1) Each candidate's written consent to become a candidate.

17 (2) A statement that the candidate:

18 (A) is aware of the provisions of IC 3-9 regarding campaign
 19 finance and the reporting of campaign contributions and
 20 expenditures; and

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

22 The candidate must separately sign the statement required by this
 23 subdivision.

24 (3) If the candidate is subject to IC 3-9-1-5, a statement by the
 25 candidate that the candidate has filed a campaign finance
 26 statement of organization under IC 3-9-1-5 or is aware that the
 27 candidate may be required to file a campaign finance statement of
 28 organization not later than noon seven (7) days after the final date
 29 for filing a petition for nomination under section 10 of this
 30 chapter.

31 (4) A statement that if the individual is a candidate for a school
 32 board office, the candidate is aware of the requirement to file a
 33 campaign finance statement of organization under IC 3-9 after the
 34 first of either of the following occurs:

35 (A) The candidate receives more than five hundred dollars
 36 (\$500) in contributions as a school board candidate.

37 (B) The candidate makes more than five hundred dollars
 38 (\$500) in expenditures as a school board candidate.

39 (5) A statement indicating whether or not each candidate:

40 (A) has been a candidate for state or local office in a previous
 41 primary or general election; and

42 (B) has filed all reports required by IC 3-9-5-10 for all

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previous candidacies.
(6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

- (c) The statement required under subsection (b)(7) must:
 - (1) be certified by each circuit court clerk; and
 - (2) indicate the number of votes cast for secretary of state:
 - (A) at the last election for secretary of state; and
 - (B) in the part of the county included in the election district of the office sought by the individual filing the petition.

(d) The secretary of state shall, by noon August 20, certify each petition of nomination filed in the secretary of state's office to the appropriate county.

(e) The commission shall provide that the form of a petition of nomination includes the following information near the separate signature required by subsection (b)(2):

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

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

SECTION 9. IC 3-8-6-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 17. (a) If:

- (1) a petition of nomination contains the name of at least one (1) candidate who seeks to be placed on the ballot as the candidate of a political party described by section 1 of this chapter; and

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1 (2) a candidate listed on the petition ceases to be a candidate after
 2 the petition is circulated for signature or filed;
 3 the candidate may be replaced on the petition in accordance with this
 4 section.

5 (b) This subsection applies to a candidate described in subsection
 6 (a) who sought a federal, state, or legislative office. The state chairman
 7 of the political party may file a written statement with the election
 8 division stating the name of the substitute candidate. The statement
 9 must:

10 (1) be on a form prescribed by the commission;

11 (2) state the following:

12 (A) the name of the individual who ceased to be a candidate;

13 (B) the date and reason the individual ceased to be a
 14 candidate; and

15 (C) the name of the individual who will replace the candidate
 16 as:

17 (i) **the individual wants the individual's name to appear**
 18 **on the ballot; and**

19 (ii) **the individual's name is permitted to appear on the**
 20 **ballot under IC 3-5-7; and**

21 (3) be accompanied by the following:

22 (A) The replacement candidate's consent to be nominated by
 23 the petition and, if other candidates were listed on the petition,
 24 the signed consent of those candidates to be the replacement.

25 (B) The former candidate's statement of withdrawal in a form
 26 substantially similar to the form prescribed under IC 3-8-7-28
 27 if the individual withdrew as a candidate.

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

40 (c) This subsection applies to a candidate described in subsection
 41 (a) who sought a local office. The county, city, or town chairman of the
 42 political party may file a written statement that conforms with

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1 subsection (b) with the election board conducting the election for the
2 local office.

3 (d) The statement required under subsection (b) or (c) must be filed
4 not later than the final date and time for the certification of presidential
5 and vice presidential nominees under IC 3-10-4-5.

6 (e) If a petition of nomination is circulated or filed by an
7 independent candidate and that individual ceases to be a candidate,
8 another candidate may not be substituted on the petition of nomination.

9 SECTION 10. IC 3-8-7-8 IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JANUARY 1, 2000]: Sec. 8. (a) Either the chairman and
11 secretary of a state convention or the state chairman and state secretary
12 of the political party holding the state convention shall certify each
13 candidate nominated at the convention to the secretary of state by noon
14 August 1 before the general election.

15 (b) The certification must state the following:

16 (1) Whether each candidate nominated by the convention has
17 complied with IC 3-9-1-5 by filing a campaign finance statement
18 of organization.

19 (2) That the candidate:

20 (A) is aware of the provisions of IC 3-9 regarding campaign
21 finance and the reporting of campaign contributions and
22 expenditures; and

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

24 The candidate must separately sign the statement required by this
25 subdivision.

26 (c) The commission shall prescribe the form of the certification of
27 nomination for the offices. The commission shall provide that the form
28 of the certification of nomination include the following information
29 near the separate signature required by subsection (b)(2):

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

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

33 **(d) A certificate of nomination must include a statement that the**
34 **candidate requests the name on the candidate's voter registration**
35 **record be the same as the name the candidate uses on the**
36 **certificate of nomination. If there is a difference between the name**
37 **on the candidate's certificate of nomination and the name on the**
38 **candidate's voter registration record, the officer with whom the**
39 **certificate of nomination is filed shall forward the information to**
40 **the voter registration officer of the appropriate county as required**
41 **by IC 3-5-7-6(e). The voter registration officer of the appropriate**
42 **county shall change the name on the candidate's voter registration**



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1 **record to be the same as the name on the candidate's certificate of**
 2 **nomination.**

3 SECTION 11. IC 3-8-7-10 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10. A certificate
 5 of nomination by convention or primary election must **satisfy all of the**
 6 **following:**

7 (1) Be in writing.

8 (2) Contain **all of the following information for each person**
 9 **nominated:**

10 (A) **The name of each person nominated as:**

11 (i) **the person wants the person's name to appear on the**
 12 **ballot; and**

13 (ii) **the person's name is permitted to appear on the**
 14 **ballot under IC 3-5-7.**

15 (B) **Each person's residence address. and**

16 (C) **The office for which ~~the~~ each person is nominated.**

17 (3) Designate a title for the political party or principle that the
 18 convention or primary election represents, together with a simple
 19 figure or device by which its lists of candidates may be designated
 20 on the ballot. ~~and~~

21 (4) Be signed by the chairman and secretary of the convention, or
 22 by the chairman and secretary of the state, county, city, or town
 23 committee, who shall also give their respective places of
 24 residence and acknowledge the certificate before an officer
 25 authorized to take acknowledgments of deeds. The certificate of
 26 acknowledgment must be appended to the certificate of
 27 nomination.

28 SECTION 12. IC 3-8-7-25.5 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 25.5. (a) This
 30 section does not apply to the change of a candidate's **legal** name that
 31 occurs after absentee ballots have been printed bearing the candidate's
 32 name.

33 (b) A candidate who:

34 (1) is nominated for election; and

35 (2) ~~wishes to change~~ **changed** the candidate's **legal** name after the
 36 candidate has been nominated;

37 ~~may~~ **shall** file a statement setting forth the former and current **legal**
 38 name of the candidate with the office where a declaration of candidacy
 39 or certificate of nomination for the office is required to be filed.

40 (c) The statement filed under subsection (b) must also indicate **the**
 41 **following:**

42 (1) That the candidate has previously filed a change of name

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1 request with a county voter registration office so that the name set
2 forth in the statement is identical to the candidate's name on the
3 county voter registration record.

4 **(2) How the candidate's legal name was changed.**

5 (d) Upon the filing of the statement, the election division and each
6 county election board shall print the candidate's **legal** name on the
7 ballot as set forth in the statement.

8 SECTION 13. IC 3-10-1-14 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 14. (a) All the
10 candidates for each office who have qualified in the manner prescribed
11 by IC 3-8 for placement on the primary election ballot shall be grouped
12 together under the name of the office and printed in type with uniform
13 capital letters, with uniform space between each name. At the head of
14 each group where only one (1) candidate for each group is to be voted
15 for, the words "vote for one (1) only" shall be printed. If more than one
16 (1) candidate in a group is to be voted for, the number to be voted for
17 shall be specified at the head of the group.

18 (b) A candidate's given name and surname as set forth in the
19 candidate's voter registration record shall be printed in full:

20 (c) In addition to the candidate's given name and surname, the
21 candidate may use:

22 (1) initials; or

23 (2) a nickname by which the candidate is commonly known;

24 if the candidate's choice of initials or nickname does not exceed twenty
25 (20) characters. Any nickname used must appear in parentheses
26 between the candidate's given name and the candidate's surname:

27 (d) A candidate may not use a designation such as a title or degree
28 or a nickname that implies a title or degree:

29 (e) (b) A candidate's name must be printed on the ballot exactly as
30 the name appears on the candidate's certificate of nomination, petition
31 of nomination, or declaration of candidacy.

32 SECTION 14. IC 3-10-1-31 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) The
34 inspector of each precinct shall deliver the bags required by section
35 30(a) and 30(c) of this chapter in good condition, together with poll
36 lists, tally sheets, and other forms, to the circuit court clerk when
37 making returns.

38 (b) Except for unused ballots disposed of under IC 3-11-3-31 or
39 **affidavits received by the county election board under IC 3-14-5-2**
40 **for delivery to the foreman of a grand jury**, the circuit court clerk
41 shall carefully preserve seal the ballots and other material and keep all
42 seats intact during the time allowed to file a verified petition for a



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1 **recount of votes. After the recount filing period, the election**
 2 **material (except for ballots, which must remain confidential) shall**
 3 **be made available for copying and inspection under IC 5-14-3. The**
 4 **circuit court clerk shall carefully preserve the sealed ballots and**
 5 **other material for twenty-two (22) months, as required by 42 U.S.C.**
 6 **1974, after which they may be destroyed the sealed ballots and other**
 7 **material are subject to IC 5-15-6 unless:**

- 8 (1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or
 9 (2) 42 U.S.C. 1973;

10 requires the continued preservation of the ballots or other material.

11 **(c) If a petition for a recount or contest is filed, the material for**
 12 **that election must remain confidential until completion of the**
 13 **recount or contest.**

14 ~~(c)~~ **(d) Upon delivery of the poll lists, the circuit court clerk or board**
 15 **of county voter registration office may unseal the envelopes**
 16 **containing the poll lists. For the purposes of:**

- 17 (1) a cancellation of registration conducted under IC 3-7-43
 18 through IC 3-7-46; or
 19 (2) a transfer of registration conducted under IC 3-7-39,
 20 IC 3-7-40, or IC 3-7-42; or

21 **(3) a change of name performed in accordance with IC 3-7-41;**
 22 **the clerk or board county voter registration office may inspect the**
 23 **poll lists and update the registration record of the county. Upon**
 24 **completion of the inspection, the poll list shall be reseated and**
 25 **preserved with the ballots and other materials in the manner**
 26 **prescribed by subsection (b) and for the time period prescribed by**
 27 **subsection (b) or (c).**

28 **(e) This subsection does not apply to ballots, which remain**
 29 **confidential. Notwithstanding subsection (b), if a county voter**
 30 **registration office determines that the inspection and copying of**
 31 **precinct election material would reveal the political parties,**
 32 **candidates, and public questions for which an individual cast an**
 33 **absentee ballot, the circuit court clerk shall keep confidential only**
 34 **that part of the election material necessary to protect the secrecy**
 35 **of the voter's ballot.**

36 ~~(d)~~ **(f) After the expiration of the period described in subsection (b),**
 37 **the ballots may be destroyed in the manner provided by IC 3-11-3-31**
 38 **or transferred to a state educational institution as provided by**
 39 **IC 3-12-2-12.**

40 SECTION 15. IC 3-10-2-15 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 15. (a) This
 42 section applies to a political party whose nominee received at least two

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1 percent (2%) but less than ten percent (10%) of the votes cast for
2 secretary of state at the last election for that office.

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

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

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

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

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

10 (1) The name of each nominee **as:**

11 **(A) the nominee wants the nominee's name to appear on**
12 **the ballot; and**

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

15 (2) The residence address of each nominee.

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

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

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

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

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

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

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

42 SECTION 16. IC 3-10-6-4 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **Except as**
 2 **otherwise provided in this section, all candidates for nomination to**
 3 **an office of the municipality by a major political party must be**
 4 **placed on a primary election ballot for the candidate's party.**

5 (b) **If no candidate has filed for the nomination of a party to any**
 6 **office of the municipality, the party may not hold a primary**
 7 **election in the municipality.**

8 (c) Whenever there is no contest in a political party for the
 9 nomination of a candidate or candidates for an office, **but at least one**
 10 **(1) candidate has filed for the nomination by that political party,**
 11 the party may hold a primary election for that nomination.

12 (d) **If a party wants to conduct a primary under subsection (c),**
 13 **the county chairman of the party must file a notice with the county**
 14 **election board not later than noon seven (7) days after the final**
 15 **date for filing a declaration of candidacy, stating that the party will**
 16 **hold a primary.**

17 (e) The county election board of the county in which the greatest
 18 percentage of the population of the municipality is located shall certify
 19 the names of the candidates for each nomination for which there is no
 20 contest as though a primary election had been held.

21 (f) If:

22 (1) there is a contest in a ~~precinct~~ **an election district comprising**
 23 **all or part of a municipality** in any party for a nomination for an
 24 office; or

25 (2) a party has decided to hold a primary election for an office
 26 under subsection ~~(a)~~; (c);

27 the name of each candidate of ~~each the political party for that office~~
 28 **within the election district** shall be placed on the primary election
 29 ballot for ~~that precinct;~~ **the election district**, whether or not the
 30 candidate is opposed.

31 (g) **This subsection applies when:**

32 (1) **there is a contest for nomination by a major political party**
 33 **for at least one (1) of the municipality's legislative body**
 34 **members;**

35 (2) **only the voters who reside in a legislative body district are**
 36 **eligible to vote in the primary election for the political party's**
 37 **nomination of the legislative body member; and**

38 (3) **there is no contest for nomination to an office to be voted**
 39 **on by all voters of the political party of the municipality.**

40 **The county election board may, by unanimous vote of the entire**
 41 **membership of the board, adopt a resolution providing that a**
 42 **primary election for the party will be held only in the legislative**



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1 **body election districts in which voters will nominate candidates**
 2 **under subdivision (2). The names of unopposed candidates for the**
 3 **party's nomination for an office to be voted on by all voters of the**
 4 **municipality may not be placed on the ballot used within the**
 5 **election districts for the nomination of candidates under this**
 6 **subsection.**

7 ~~(d)~~ **(h)** If:

8 (1) there is no contest in a ~~precinct~~ **an election district** in any
 9 party for a nomination for an office; and

10 (2) no party has decided to hold a primary election for any office
 11 under subsection ~~(a)~~; **(c)**;

12 a primary election may not be held for any municipal office in the
 13 ~~precinct.~~ **election district.**

14 SECTION 17. IC 3-10-6-12 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 12. (a) This
 16 section applies to a political party:

17 (1) not qualified to conduct a primary election under IC 3-10; and

18 (2) not required to nominate candidates by a petition of
 19 nomination under IC 3-8-6.

20 (b) The political party may conduct a convention to nominate
 21 candidates for city or town office.

22 (c) The chairman and secretary of the convention shall execute and
 23 acknowledge a certificate setting forth the nominees of the convention
 24 in accordance with IC 3-8-5-13. The certificate must be filed with the
 25 circuit court clerk of the county containing the greatest percentage of
 26 population of the municipality not later than noon August 1.

27 (d) Each candidate nominated under this section shall execute a
 28 consent to the nomination in the same form as a candidate nominated
 29 by petition under IC 3-8-6. The consent must be filed with the
 30 certificate under subsection (c).

31 (e) **A candidate's consent to the nomination must include a**
 32 **statement that the candidate requests the name on the candidate's**
 33 **voter registration record be the same as the name the candidate**
 34 **uses on the consent to the nomination. If there is a difference**
 35 **between the name on the candidate's consent to the nomination and**
 36 **the name on the candidate's voter registration record, the officer**
 37 **with whom the consent to the nomination is filed shall forward the**
 38 **information to the voter registration officer of the appropriate**
 39 **county as required by IC 3-5-7-6(e). The voter registration officer**
 40 **of the appropriate county shall change the name on the candidate's**
 41 **voter registration record to be the same as the name on the**
 42 **candidate's consent to the nomination.**



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1 SECTION 18. IC 3-10-6-12.5 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: **Sec. 12.5. (a) This section applies**
 4 **to a candidate:**

- 5 (1) **of a political party that is not a major political party; and**
 6 (2) **nominated by a convention under section 12 of this**
 7 **chapter.**

8 (b) **A county election board may not include the name of a**
 9 **candidate on the municipal election ballot if the person files a**
 10 **notice to withdraw with the board. The notice must:**

- 11 (1) **be signed and acknowledged before an officer authorized**
 12 **to take acknowledgments of deeds;**
 13 (2) **have the certificate of acknowledgment appended to the**
 14 **notice; and**
 15 (3) **be filed with the board not later than noon three (3) days**
 16 **after the adjournment of the convention.**

17 SECTION 19. IC 3-10-12-3 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. (a) This section**
 19 **applies to a voter who:**

- 20 (1) **changes residence from a precinct in a county to another**
 21 **precinct:**
 22 (A) **in the same county; and**
 23 (B) **in the same congressional district;**
 24 **as the former precinct; and**
 25 (2) **does not notify the circuit court clerk or board of county voter**
 26 **registration office of the change of address before election day.**

27 (b) **A voter described by subsection (a) may:**

- 28 (1) **correct the voter registration record; and**
 29 (2) **vote in the precinct where the voter formerly resided;**

30 **if the voter makes an oral or a written affirmation as described in**
 31 **section 4 of this chapter of the voter's current residence address.**
 32 **However, a voter described by subsection (a) who ~~moved~~ changes**
 33 **residence from outside of a municipality to a location within a**
 34 **municipality may not return to the precinct where the voter formerly**
 35 **resided to vote in a municipal election or special election held only**
 36 **within the municipality.**

37 (c) **A person entitled to make a written affirmation under subsection**
 38 **(b) may make an oral affirmation. The person must make the oral**
 39 **affirmation before the poll clerks of the precinct. After the person**
 40 **makes an oral affirmation under this subsection, the poll clerks shall:**

- 41 (1) **reduce the substance of the affirmation to writing at an**
 42 **appropriate location on the poll list; and**

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1 (2) initial the affirmation.

2 SECTION 20. IC 3-11-3-29 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 29. (a) If a new
4 candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after
5 the printing of ballots and before the election, the election division or
6 the election board may print ballots containing the name of the new
7 candidate.

8 (b) If the election division or the election board determines that
9 printing ballots under subsection (a) would be uneconomical or
10 impractical, the chairman or committee that made the appointment or
11 selection shall provide to the division or the election board the number
12 of pasters the division or the board determines to be necessary for all
13 ballots to reflect the appointment or selection. Pastors may not be given
14 to or received by any person except the co-directors of the election
15 division (or the election board and the board's chairman).

16 (c) If a candidate entitled to be placed on the ballot changes the
17 candidate's **legal** name after the printing of ballots and before the
18 election, the candidate who has changed the candidate's **legal** name
19 shall provide to the election division or the election board the number
20 of pasters the division or the board determines to be necessary for all
21 ballots to reflect the change of name. If a candidate declines to do so
22 under this subsection, the division or the board is not required to
23 reprint ballots to reflect the change of **legal** name.

24 SECTION 21. IC 3-13-1-10.5 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10.5. (a) A person
26 who wishes to be a candidate for appointment to fill a candidate
27 vacancy under this chapter must file a declaration of candidacy on a
28 form prescribed by the commission with:

29 (1) the chairman of the caucus; and

30 (2) the official who is required to receive a certificate of candidate
31 selection following the caucus under section 15 of this chapter;
32 at least seventy-two (72) hours before the time fixed for the caucus.

33 (b) **A candidate's declaration of candidacy must include a**
34 **statement that the candidate requests the name on the candidate's**
35 **voter registration record be the same as the name the candidate**
36 **uses on the declaration of candidacy. If there is a difference**
37 **between the name on the candidate's declaration of candidacy and**
38 **the name on the candidate's voter registration record, the officer**
39 **with whom the declaration of candidacy is filed shall forward the**
40 **information to the voter registration officer of the appropriate**
41 **county as required by IC 3-5-7-6(e). The voter registration officer**
42 **of the appropriate county shall change the name on the candidate's**



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1 **voter registration record to be the same as the name on the**
 2 **candidate's declaration of candidacy.**

3 SECTION 22. IC 3-13-1-15 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 15. (a) A county
 5 chairman filling a candidate vacancy under section 6(a)(2) of this
 6 chapter or the chairman of a meeting filling a candidate vacancy under
 7 this chapter shall file a written certificate of candidate selection on a
 8 form prescribed by the commission stating the **following information**
 9 **for each candidate selected:**

10 (1) **The name and of each candidate as:**

11 (A) **the candidate wants the candidate's name to appear on**
 12 **the ballot; and**

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

15 (2) **The address of each candidate. selected to:**

16 (b) **The certificate shall be filed with:**

17 (1) the election division for:

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

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

24 (2) the circuit court clerk, for a committee acting under section
 25 6(a) of this chapter to fill a candidate vacancy for a local office
 26 not described in subdivision (1).

27 ~~(b)~~ (c) This subsection applies to a candidate vacancy resulting from
 28 a vacancy on the primary election ballot as described in section 2 of
 29 this chapter. The certificate required by subsection (a) shall be filed not
 30 later than noon, August 4, before election day.

31 ~~(c)~~ (d) This subsection applies to all candidate vacancies not
 32 described by subsection ~~(b)~~ (c). The certificate required by subsection
 33 (a) shall be filed not more than three (3) days (excluding Saturdays and
 34 Sundays) after selection of the candidates.

35 SECTION 23. IC 3-13-1-16 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 16. The election
 37 division shall furnish the circuit court clerk with a certified list of the
 38 name and address of each candidate selected under section ~~15~~ (1) 15 of
 39 this chapter. If a certificate of candidate selection filed with the election
 40 division is questioned under IC 3-8-1-2, the election division shall
 41 indicate on the certified list that candidate's name is not to be printed
 42 on the ballot until the question is resolved by the commission or a court

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1 with jurisdiction in the matter.

2 SECTION 24. IC 3-13-2-7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 7. (a) The
4 selection of a person as a candidate under this chapter is not effective
5 unless:

6 (1) the person's written consent is obtained and filed:

7 (A) in the office in which certificates and petitions of
8 nomination must be filed; and

9 (B) when the certificate is filed; and

10 (2) the candidate has complied with any requirement under
11 IC 3-8-1-33 to file a statement of economic interests.

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

23 SECTION 25. IC 3-13-2-8 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 8. (a) The
25 chairman or chairmen filling a candidate vacancy under this chapter
26 shall immediately file a written certificate of candidate selection on a
27 form prescribed by the commission stating the **following information**
28 **for each candidate selected:**

29 **(1) The name and of each candidate as:**

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

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

34 **(2) The address of each candidate. selected to:**

35 **(b) The certificate shall be filed with:**

36 (1) the election division for:

37 (A) one (1) or more chairmen acting under section 2, 3, 4, or
38 5(b) of this chapter; or

39 (B) a committee acting under section ~~5(a)~~ **5(b)** of this chapter
40 to fill a candidate vacancy for the office of judge of a circuit,
41 superior, probate, county, or small claims court or prosecuting
42 attorney; or



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1 (2) the circuit court clerk of the county in which the greatest
 2 percentage of the population of the election district is located, for
 3 a chairman acting under section 5(a) of this chapter to fill a
 4 candidate vacancy for a local office not described in subdivision
 5 (1).

6 ~~(b)~~ (c) The certificate required by section (a) shall be filed not more
 7 than three (3) days (excluding Saturdays and Sundays) after selection
 8 of the candidate.

9 SECTION 26. IC 3-13-2-9 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9. The election
 11 division shall furnish each circuit court clerk of a county in which the
 12 election district is located with a certified list of the name and address
 13 of each candidate selected under section ~~8(1)~~ 8 of this chapter. If a
 14 certificate of candidate selection filed with the election division is
 15 questioned under IC 3-8-1-2, the election division shall indicate on the
 16 certified list that the candidate's name is not to be printed on the ballot
 17 until the question is resolved by the commission or by a court with
 18 jurisdiction in the matter.

19 SECTION 27. IC 33-2.1-2-6 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 6. (a) Justices and
 21 judges of the supreme court and the court of appeals shall be approved
 22 or rejected by the electorate of the state pursuant to Article 7, Section
 23 11 of the Constitution of the State of Indiana.

24 (b) A justice or judge who wishes to be retained in office shall file
 25 a statement with the secretary of state, not later than noon July 15 of
 26 the year in which the question of retention of the justice or judge is to
 27 be placed on the general election ballot, indicating that the justice or
 28 judge wishes to have the question of the justice's or judge's retention
 29 placed on the ballot. **The justice or judge's statement must include**
 30 **a statement of the judge's name as:**

31 (1) **the justice or judge wants the justice's or judge's name to**
 32 **appear on the ballot; and**

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

35 (c) This subsection applies to a justice or judge:

36 (1) who does not file a statement under subsection (b); and

37 (2) whose term expires under Article 7, Section 11 of the
 38 Constitution of the State of Indiana during the year in which the
 39 question of the retention of the justice or judge would have been
 40 placed on the general election ballot.

41 The term of a justice or judge expires December 31 of the year in
 42 which the question of the justice's or judge's retention would have been

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1 placed on the ballot.

2 (d) This subsection applies to a justice or judge:

3 (1) who files a statement under subsection (b); and

4 (2) whose retention is rejected by the electorate.

5 The term of a justice or judge ends when the secretary of state issues
6 a certificate under IC 3-12-5-1 stating that the justice or judge has been
7 removed. However, if the justice or judge has filed a petition for a
8 recount under IC 3-12-11, the term of the justice or judge does not end
9 until the state recount commission has issued a certificate under
10 IC 3-12-11-18 stating that the electorate has rejected the retention of
11 the justice or judge.

12 (e) The question of approval or rejection of a justice or judge shall
13 be placed on the general election ballot in the form prescribed by
14 IC 3-11-2 and must state "Shall Judge or Justice (insert name (**as**
15 **permitted under IC 3-5-7**) here) be retained in office?".

16 (f) **The statement filed under subsection (b) must include a**
17 **statement that the judge or justice requests the name on the judge's**
18 **or justice's voter registration record be the same as the name the**
19 **judge or justice uses on the statement. If there is a difference**
20 **between the name on the judge's or justice's statement and the**
21 **name on the judge's or justice's voter registration record, the**
22 **officer with whom the statement is filed shall forward the**
23 **information to the voter registration officer of the appropriate**
24 **county as required by IC 3-5-7-6(e). The voter registration officer**
25 **of the appropriate county shall change the name on the judge's or**
26 **justice's voter registration record to be the same as the name on**
27 **the judge's or justice's statement.**

28 SECTION 28. THE FOLLOWING ARE REPEALED [EFFECTIVE
29 NOVEMBER 3, 1998 (RETROACTIVE)]: IC 4-5-1-10; IC 4-7-1-17;
30 IC 4-8.1-2-15.

31 SECTION 29. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1313, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1313 as introduced.)

KROMKOWSKI, Chair

Committee Vote: yeas 10, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, to which was referred House Bill No. 1313, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, between lines 26 and 27, begin a new paragraph and insert: "SECTION 2. IC 3-7-31-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The registration forms prescribed under section 1 of this chapter must:

- (1) provide for the residence address and the mailing address of the individual completing the forms;
- (2) contain a statement that a notice of disposition of the person's registration application will be mailed to the mailing address of the individual; and
- (3) **request the require the applicant to provide the last four (4) digits of the applicant's Social Security number, of the applicant, as permitted under the federal Privacy Act of 1974 (5 U.S.C. 552a) if any.**"

Page 17, between lines 31 and 32, begin a new paragraph and insert: "SECTION 15. IC 3-10-1-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(b) **Except for unused ballots disposed of under IC 3-11-3-31 or affidavits received by the county election board under IC 3-14-5-2 for delivery to the foreman of a grand jury, the circuit court clerk shall carefully preserve seal the ballots and other material and keep all seals intact during the time allowed to file a verified petition for a recount of votes. After the recount filing period, the election material (except for ballots, which must remain confidential) shall be made available for copying and inspection under IC 5-14-3. The circuit court clerk shall carefully preserve the sealed ballots and other material for twenty-two (22) months, as required by 42 U.S.C. 1974, after which they may be destroyed the sealed ballots and other material are subject to IC 5-15-6 unless:**

- (1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or
- (2) 42 U.S.C. 1973;

requires the continued preservation of the ballots or other material.

(c) **If a petition for a recount or contest is filed, the material for that election must remain confidential until completion of the**

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recount or contest.

~~(c)~~ **(d)** Upon delivery of the poll lists, the ~~circuit court clerk or board of county voter~~ **registration office** may unseal the envelopes containing the poll lists. For the purposes of:

- (1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46; ~~or~~
- (2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42; ~~or~~

(3) a change of name performed in accordance with IC 3-7-41; the ~~clerk or board~~ **county voter registration office** may inspect the poll lists and update the registration record of the county. Upon completion of the inspection, the poll list shall be ~~resealed and~~ preserved with the ballots and other materials **in the manner prescribed by subsection (b) and** for the time period prescribed by subsection (b) ~~or (c)~~.

(e) This subsection does not apply to ballots, which remain confidential. Notwithstanding subsection (b), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the circuit court clerk shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot.

~~(d)~~ **(f)** After the expiration of the period described in subsection (b), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12."

Page 19, between lines 20 and 21, begin a new paragraph and insert:
"SECTION 18. IC 3-10-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section applies to a voter who:

- (1) changes residence from a precinct in a county to another precinct:
 - (A) in the same county; and
 - (B) in the same congressional district;
 as the former precinct; and
 - (2) does not notify the ~~circuit court clerk or board of county voter~~ **registration office** of the change of address before election day.
- (b) A voter described by subsection (a) may:
- (1) correct the voter registration record; and
 - (2) vote in the precinct where the voter formerly resided;
- if the voter makes an oral or a written affirmation as described in



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section 4 of this chapter of the voter's current residence address. However, a voter **described by subsection (a)** who ~~moved~~ **changes residence from** outside of a municipality **to a location within a municipality** may not return to the precinct where the voter formerly resided to vote in a municipal election **or special election held only within the municipality.**

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

- (1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and
- (2) initial the affirmation."

Page 24, after line 4, begin a new paragraph and insert:

"SECTION 27. THE FOLLOWING ARE REPEALED [EFFECTIVE NOVEMBER 3, 1998 (RETROACTIVE)]: IC 4-5-1-10; IC 4-7-1-17; IC 4-8.1-2-15.

SECTION 28. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1313 as printed February 9, 1999.)

LANDSKE, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Engrossed House Bill 1313 be amended to read as follows:

Page 4, delete lines 27 through 38.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1313 as printed March 24, 1999.)

CLARK

 SENATE MOTION

Mr. President: I move that Engrossed House Bill 1313 be amended to read as follows:

Page 20, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 17. IC 3-10-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **Except as otherwise provided in this section, all candidates for nomination to an office of the municipality by a major political party must be placed on a primary election ballot for the candidate's party.**

(b) If no candidate has filed for the nomination of a party to any office of the municipality, the party may not hold a primary election in the municipality.

(c) Whenever there is no contest in a political party for the nomination of a candidate or candidates for an office, **but at least one (1) candidate has filed for the nomination by that political party,** the party may hold a primary election for that nomination.

(d) If a party wants to conduct a primary under subsection (c), the county chairman of the party must file a notice with the county election board not later than noon seven (7) days after the final date for filing a declaration of candidacy, stating that the party will hold a primary.

~~(b)~~ (e) The county election board of the county in which the greatest percentage of the population of the municipality is located shall certify the names of the candidates for each nomination for which there is no contest as though a primary election had been held.

~~(c)~~ (f) If:

(1) there is a contest in a **precinct an election district comprising all or part of a municipality** in any party for a nomination for an office; or

(2) a party has decided to hold a primary election for an office under subsection ~~(a)~~; (c);



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the name of each candidate of ~~each~~ **the political** party for ~~that office~~ **within the election district** shall be placed on the primary election ballot for ~~that precinct; the election district~~, whether or not the candidate is opposed.

(g) This subsection applies when:

- (1) there is a contest for nomination by a major political party for at least one (1) of the municipality's legislative body members;**
- (2) only the voters who reside in a legislative body district are eligible to vote in the primary election for the political party's nomination of the legislative body member; and**
- (3) there is no contest for nomination to an office to be voted on by all voters of the political party of the municipality.**

The county election board may, by unanimous vote of the entire membership of the board, adopt a resolution providing that a primary election for the party will be held only in the legislative body election districts in which voters will nominate candidates under subdivision (2). The names of unopposed candidates for the party's nomination for an office to be voted on by all voters of the municipality may not be placed on the ballot used within the election districts for the nomination of candidates under this subsection.

~~(d)~~ **(h) If:**

- (1) there is no contest in a ~~precinct~~ **an election district** in any party for a nomination for an office; and**
- (2) no party has decided to hold a primary election for any office under subsection ~~(a)~~; (c);**

a primary election may not be held for any municipal office in the ~~precinct: election district.~~".

Page 20, between lines 40 and 41, begin a new paragraph and insert:
"SECTION 19. IC 3-10-6-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12.5. (a) This section applies to a candidate:**

- (1) of a political party that is not a major political party; and**
- (2) nominated by a convention under section 12 of this chapter.**

(b) A county election board may not include the name of a candidate on the municipal election ballot if the person files a notice to withdraw with the board. The notice must:

- (1) be signed and acknowledged before an officer authorized to take acknowledgments of deeds;**



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- (2) have the certificate of acknowledgment appended to the notice; and**
- (3) be filed with the board not later than noon three (3) days after the adjournment of the convention."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1313 as printed March 24, 1999.)

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