

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.

HOUSE ENROLLED ACT No. 1313

AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

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

Chapter 7. Candidate Designations on the Ballot

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

- (1) A candidate for precinct committeeman.
- (2) A candidate for delegate to a political party convention.

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

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

- (1) An individual's given name.
- (2) An individual's surname.
- (3) An individual's middle name.

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

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

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certificate.

(c) If a candidate:

- (1) uses a name after marriage as described in subsection (d);
- or
- (2) takes a name through a judicial proceeding that is different from the name shown on the candidate's birth certificate;

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

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

- (1) The name is the name appearing on the candidate's birth certificate.
- (2) The name is the name used by the candidate as an applicant for the marriage license.
- (3) The name is any combination of the names the candidate and the candidate's spouse used as applicants for their marriage license.

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

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

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

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

- (A) The candidate's legal given name.
- (B) The initial of the candidate's legal given name.
- (C) The candidate's legal middle name.
- (D) The initial of the candidate's legal middle name.
- (E) The candidate's nickname.

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

- (A) The candidate's legal middle name.
- (B) The initial of the candidate's legal middle name.
- (C) The candidate's nickname.
- (D) The candidate's legal surname.

(3) After a designation used under subdivision (2), a candidate may use the following if not used under subdivision (1) or (2):

- (A) The candidate's nickname.
- (B) The candidate's legal surname.

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(4) After a designation used under subdivision (3), a candidate may use the candidate's legal surname on the ballot if not used under subdivision (2) or (3).

(5) After a candidate's legal surname, a candidate may use any of the following designations:

(A) Sr.

(B) Jr.

(C) A numerical designation such as "II" or "III".

(d) A candidate may use a nickname on the ballot only if the nickname satisfies the following:

(1) The nickname is a name by which the candidate is commonly known.

(2) The nickname does not exceed twenty (20) characters.

(3) The nickname complies with subsection (e).

(4) Unless the candidate uses the nickname as the first designation under subsection (c)(1), the nickname must appear in parentheses.

(e) A candidate may not use a:

(1) title or degree as a designation; or

(2) designation that implies a title or degree.

Sec. 6. (a) This section does not apply to any of the following:

(1) A candidate in a presidential primary election under IC 3-8-3.

(2) A candidate for President of the United States.

(3) A candidate for Vice President of the United States.

(b) As used in this section, "candidacy document" refers to any of the following:

(1) A declaration of intent to be a write-in candidate.

(2) A declaration of candidacy.

(3) A consent to the nomination.

(4) A consent to become a candidate.

(5) A certificate of candidate selection.

(6) A consent filed under IC 3-13-2-7.

(7) A statement filed under IC 33-2.1-2-6.

(c) Whenever a candidate files a candidacy document on which the candidate uses a name that is different from the name set forth on the candidate's voter registration record, the candidate's signature on the candidacy document constitutes a request to the county voter registration office that the name on the candidate's voter registration record be the same as the name the candidate uses on the candidacy document.

(d) A request by a candidate under this section is considered

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filed with the county voter registration office when the candidacy document is filed with the election division or the county election board.

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

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

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

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

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

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

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

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

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

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

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

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

(3) The candidate's complete residence address, and if the

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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.

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

(11) A statement that the candidate complies with all requirements under the laws of ~~the state of~~ Indiana to be a candidate for the above named office, including any applicable

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residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

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

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

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

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

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

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

(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.

(h) A declaration of intent to be a write-in 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 declaration of intent to be a write-in candidate. If there is a difference between the name on the candidate's declaration of intent to be a write-in candidate and the name on the candidate's voter registration record, the officer with whom the declaration of intent to be a write-in 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 declaration of intent to be a write-in candidate.

SECTION 3. IC 3-8-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

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

(A) the candidate ~~has set forth~~ **wants** the candidate's name in

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the candidate's voter registration record, along with any nickname of the candidate permitted under IC 3-10-1-14 if the candidate wishes it to appear on the ballot; and

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

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

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

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

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

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

(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 been a candidate for state or local office in a previous primary or general election and whether the candidate has 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 candidacy under section 11 of this chapter.

(10) The candidate's signature.

(b) The commission shall provide that the form of a declaration of candidacy includes the following information near the separate

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signature required by subsection (a)(7):

- (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.

(c) A declaration of candidacy 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 declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy 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 declaration of candidacy.

SECTION 4. IC 3-8-5-10.5, AS AMENDED BY SEA 175-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.

(b) A declaration of candidacy must be filed:

- (1) not earlier than January 1; and
- (2) not later than noon August 1;

before a municipal election.

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

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

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

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

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

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

(3) The candidate's complete residence address and the candidate's mailing address if the mailing address is different

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from the residence address.

(4) The candidate's party affiliation and the office to which the candidate seeks nomination, including the district designation if the candidate is seeking a town legislative body seat.

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

(6) The candidate's signature.

(e) Immediately after the deadline for filing, the circuit court clerk shall do all of the following:

(1) Certify to the town clerk-treasurer and release to the public a list of the candidates of each political party for each office. The list shall indicate any candidates of a political party nominated for an office under this chapter because of the failure of any other candidates of that political party to file a declaration of candidacy for that office.

(2) Post a copy of the list in a prominent place in the circuit court clerk's office.

(3) File a copy of each declaration of candidacy with the town clerk-treasurer.

(f) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(g) A person who files a declaration of candidacy for an elected office may not file a declaration of candidacy for that office in the same year as a member of a different political party until the original declaration is withdrawn.

(h) A person who files a declaration of candidacy under this section may file a written notice withdrawing the person's declaration of candidacy in the same manner as the original declaration was filed, if the notice of withdrawal is filed by noon August 1 before the municipal election.

(i) A declaration of candidacy 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 declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the

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declaration of candidacy 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 declaration of candidacy.

SECTION 5. IC 3-8-5-13, AS AMENDED BY SEA 175-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 13. (a) The chairman and secretary of a town convention shall execute a certificate of nomination in writing, setting out the following:

- (1) The name of each nominee as:
 - (A) the nominee wants the nominee's name to appear on the ballot; and**
 - (B) the nominee's name is permitted to appear on the ballot under IC 3-5-7.**
- (2) The residence address of each nominee.
- (3) The office for which each nominee was nominated.
- (4) That each nominee is legally qualified to hold office.
- (5) The political party device or emblem by which the ticket will be designated on the ballot.

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

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

(d) The certificate must be filed with the circuit court clerk no later than noon August 28 before the municipal election.

(e) The circuit court clerk shall file a copy of each certificate with the town clerk-treasurer no later than noon September 4.

SECTION 6. IC 3-8-5-17, AS AMENDED BY HEA 1079-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 17. (a) This section applies to a political party:

- (1) not qualified to conduct a primary election under IC 3-10; and
- (2) not required to nominate candidates by a petition of nomination under IC 3-8-6.

(b) An individual who desires to be nominated for a town office by the political party must file a declaration of candidacy in the same manner as a candidate for nomination by a major political party under section 10.5 of this chapter. If a convention would be required for the political party under section 10 of this chapter, the political party shall conduct a convention to nominate candidates for town office not later

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than the date for conducting a major party town convention under section 10 of this chapter.

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

(d) Each candidate nominated under this section shall execute a consent to the nomination in the same form as a candidate nominated by petition under IC 3-8-6. The consent must be filed with the certificate under subsection (c). An individual who wishes to withdraw as a candidate after nomination by the convention must do so in the manner prescribed by section 14.5 of this chapter.

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

(f) A candidate's consent to the nomination 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 declaration of candidacy. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination 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 the nomination.

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

- (1) ~~must state~~ **The name and of each candidate as:**
 - (A) **the candidate wants the candidate's name to appear on the ballot; and**
 - (B) **the candidate's name is permitted to appear on the ballot under IC 3-5-7.**
- (2) **The address of each candidate, including the mailing address, if different from the residence address of the candidate.**
- ~~(2) must state~~ (3) **The office that each candidate seeks.**
- ~~(3) must state~~ (4) **The information required under IC 3-10-4-5, if the petition nominates candidates for presidential electors.**
- ~~(4) must state~~ (5) **That the petitioners desire and are registered and qualified to vote for each candidate. and**
- ~~(5)~~ (b) **A petition of nomination may designate a brief name of the**



political party that the candidates represent, or indicate that the candidate is an independent candidate, together with a simple figure or device by which its lists of candidates may be designated on the ballot.

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

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

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

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

- (1) Each candidate's written consent to become a candidate.
- (2) 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.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 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 for filing a petition for nomination under section 10 of this chapter.

(4) A statement that if the individual is a candidate for a school board office, the candidate is aware of the requirement 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.
- (B) The candidate makes more than five hundred dollars (\$500) in expenditures as a school board candidate.

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- (5) A statement indicating whether or not each candidate:
 - (A) has been a candidate for state or local office in a previous primary or general election; and
 - (B) has filed all reports required by IC 3-9-5-10 for all 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

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[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
- (2) a candidate listed on the petition ceases to be a candidate after the petition is circulated for signature or filed;

the candidate may be replaced on the petition in accordance with this section.

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

- (1) be on a form prescribed by the commission;
- (2) state the following:
 - (A) the name of the individual who ceased to be a candidate;
 - (B) the date and reason the individual ceased to be a candidate; and
 - (C) the name of the individual who will replace the candidate **as:**
 - (i) **the individual wants the individual's name to appear on the ballot; and**
 - (ii) **the individual's name is permitted to appear on the ballot under IC 3-5-7; and**
- (3) be accompanied by the following:
 - (A) The replacement candidate's consent to be nominated by the petition and, if other candidates were listed on the petition, the signed consent of those candidates to be the replacement.
 - (B) The former candidate's statement of withdrawal in a form substantially similar to the form prescribed under IC 3-8-7-28 if the individual withdrew as a candidate.

A replacement candidate's consent to the nomination 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 the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination 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

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as the name on the candidate's consent to the nomination.

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

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

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

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

(b) The certification must state the following:

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

(2) 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.

(c) The commission shall prescribe the form of the certification of nomination for the offices. The commission shall provide that the form of the certification of nomination include 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.

(d) A certificate of nomination 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 certificate of nomination. If there is a difference between the name on the candidate's certificate of nomination and the name on the candidate's voter registration record, the officer with whom the

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certificate of nomination 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 certificate of nomination.

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

- (1) Be in writing.
- (2) Contain **all of the following information for each person nominated:**
 - (A) **The name of each person nominated as:**
 - (i) **the person wants the person's name to appear on the ballot; and**
 - (ii) **the person's name is permitted to appear on the ballot under IC 3-5-7.**
 - (B) **Each person's residence address. and**
 - (C) **The office for which ~~the~~ each person is nominated.**
- (3) Designate a title for the political party or principle that the convention or primary election represents, together with a simple figure or device by which its lists of candidates may be designated on the ballot. ~~and~~
- (4) Be signed by the chairman and secretary of the convention, or by the chairman and secretary of the state, county, city, or town committee, who shall also give their respective places of residence and acknowledge the certificate before an officer authorized to take acknowledgments of deeds. The certificate of acknowledgment must be appended to the certificate of nomination.

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

- (b) A candidate who:
 - (1) is nominated for election; and
 - (2) ~~wishes to change~~ **changed** the candidate's **legal** name after the candidate has been nominated;

~~may~~ **shall** file a statement setting forth the former and current **legal** name of the candidate with the office where a declaration of candidacy

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or certificate of nomination for the office is required to be filed.

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

(1) That the candidate has previously filed a change of name request with a county voter registration office so that the name set forth in the statement is identical to the candidate's name on the county voter registration record.

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

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

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

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

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

(1) initials; or

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

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

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

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

SECTION 14. IC 3-10-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 15. (a) This section applies to a political party whose nominee received at least two percent (2%) but less than ten percent (10%) of the votes cast for secretary of state at the last election for that office.

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

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

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

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

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

(1) The name of each nominee as:

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

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

(2) The residence address of each nominee.

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

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

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

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

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

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

(g) A candidate's consent to the nomination 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 the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination is filed shall forward the information to the voter registration officer of the appropriate county. 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 the nomination.

SECTION 15. 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.**

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(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);

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

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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.**

SECTION 16. IC 3-10-6-12, AS AMENDED BY SEA 175-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 12. (a) This section applies to a political party:

- (1) not qualified to conduct a primary election under IC 3-10; and
- (2) not required to nominate candidates by a petition of nomination under IC 3-8-6.

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

(c) The chairman and secretary of the convention shall execute and acknowledge a certificate setting forth the nominees of the convention in accordance with IC 3-8-5-13. The certificate must be filed with the circuit court clerk of the county containing the greatest percentage of population of the municipality not later than noon August 28.

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

(e) A candidate's consent to the nomination 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 the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination 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 the nomination.

SECTION 17. 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:**

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- (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;
- (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.

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 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.

SECTION 19. IC 3-11-3-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 29. (a) If a new candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after

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the printing of ballots and before the election, the election division or the election board may print ballots containing the name of the new candidate.

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

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

SECTION 20. IC 3-13-1-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10.5. (a) A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the commission with:

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

(b) A candidate's declaration of candidacy 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 declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy 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 declaration of candidacy.

SECTION 21. IC 3-13-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 15. (a) A county

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chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the **following information for each candidate selected:**

(1) The name and of each candidate as:

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

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

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

(b) The certificate shall be filed with:

(1) the election division for:

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

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

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

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

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

SECTION 22. IC 3-13-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 16. The election division shall furnish the circuit court clerk with a certified list of the name and address of each candidate selected under section ~~15~~ **15** of this chapter. If a certificate of candidate selection filed with the election division is questioned under IC 3-8-1-2, the election division shall indicate on the certified list that candidate's name is not to be printed on the ballot until the question is resolved by the commission or a court with jurisdiction in the matter.

SECTION 23. IC 3-13-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 7. **(a)** The selection of a person as a candidate under this chapter is not effective

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unless:

- (1) the person's written consent is obtained and filed:
 - (A) in the office in which certificates and petitions of nomination must be filed; and
 - (B) when the certificate is filed; and
- (2) the candidate has complied with any requirement under IC 3-8-1-33 to file a statement of economic interests.

(b) A candidate's consent 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. If there is a difference between the name on the candidate's consent and the name on the candidate's voter registration record, the officer with whom the consent 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.

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

- (1) **The name and of each candidate as:**
 - (A) **the candidate wants the candidate's name to appear on the ballot; and**
 - (B) **the candidate's name is permitted to appear on the ballot under IC 3-5-7.**
- (2) **The address of each candidate. ~~selected to:~~**
- (b) The certificate shall be filed with:**
 - (1) the election division for:
 - (A) one (1) or more chairmen acting under section 2, 3, 4, or 5(b) of this chapter; or
 - (B) a committee acting under section ~~5(a)~~ **5(b)** of this chapter to fill a candidate vacancy for the office of judge of a circuit, superior, probate, county, or small claims court or prosecuting attorney; or
 - (2) the circuit court clerk of the county in which the greatest percentage of the population of the election district is located, for a chairman acting under section 5(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision

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(1).

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

SECTION 25. IC 3-13-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9. The election division shall furnish each circuit court clerk of a county in which the election district is located with a certified list of the name and address of each candidate selected under section ~~8(4)~~ 8 of this chapter. If a certificate of candidate selection filed with the election division is questioned under IC 3-8-1-2, the election division shall indicate on the certified list that the candidate's name is not to be printed on the ballot until the question is resolved by the commission or by a court with jurisdiction in the matter.

SECTION 26. IC 33-2.1-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 6. (a) Justices and judges of the supreme court and the court of appeals shall be approved or rejected by the electorate of the state pursuant to Article 7, Section 11 of the Constitution of the State of Indiana.

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

- (1) the justice or judge wants the justice's or judge's name to appear on the ballot; and**
- (2) the candidate's name is permitted to appear on the ballot under IC 3-5-7.**

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

- (1) who does not file a statement under subsection (b); and
- (2) whose term expires under Article 7, Section 11 of the Constitution of the State of Indiana during the year in which the question of the retention of the justice or judge would have been placed on the general election ballot.

The term of a justice or judge expires December 31 of the year in which the question of the justice's or judge's retention would have been placed on the ballot.

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

- (1) who files a statement under subsection (b); and
- (2) whose retention is rejected by the electorate.

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

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

(f) The statement filed under subsection (b) must include a statement that the judge or justice requests the name on the judge's or justice's voter registration record be the same as the name the judge or justice uses on the statement. If there is a difference between the name on the judge's or justice's statement and the name on the judge's or justice's voter registration record, the officer with whom the statement 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 judge's or justice's voter registration record to be the same as the name on the judge's or justice's statement.

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.

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