

HOUSE BILL No. 1288

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-13.

Synopsis: Ballot vacancies. Provides that a major political party may not fill an early candidate vacancy on a general, municipal, or special election ballot if the political party did not have a candidate on the primary election ballot. Provides that a candidate vacancy that occurs after 31 days before a primary election may be filled under the conditions for filling late candidate vacancies for a general, municipal, or special election unless the political party has candidates remaining on the primary election ballot after the vacancy occurs. Provides that a candidate vacancy that occurs on a general election ballot for an office nominated at a state convention may not be filled if the vacancy results from the failure of the convention to nominate a candidate.

Effective: January 1, 2000.

Ruppel

January 11, 1999, read first time and referred to Committee on Elections and Apportionment.

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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.

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HOUSE BILL No. 1288



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 3-13-1-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JANUARY 1, 2000]: Sec. 1. Except as provided in
3 section 2, 18, or 20 of this chapter, this chapter applies to the filling of
4 a candidate vacancy that arises for any reason if the vacancy leaves a
5 major political party without a candidate for the office and occurs
6 before the thirtieth day before a general, special, or municipal election.

7 SECTION 2. IC 3-13-1-2 IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JANUARY 1, 2000]: Sec. 2. (a) A candidate vacancy
9 that exists on a primary election ballot may ~~not~~ be filled for the primary
10 election ~~The resulting as provided in IC 3-13-2.~~

11 (b) A vacancy on ~~the following~~ a general or municipal election
12 ballot may ~~not~~ be filled ~~in the manner prescribed by this chapter, but~~
13 ~~only if it is filled by noon August 1 before election day: the political~~
14 ~~party did not have a candidate on the ballot at the primary~~
15 ~~election.~~

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



1 chairman filling a candidate vacancy under section 6(a)(2) of this
 2 chapter or the chairman of a meeting filling a candidate vacancy under
 3 this chapter shall file a written certificate of candidate selection on a
 4 form prescribed by the commission stating the name and address of
 5 each candidate selected to:

6 (1) the election division for:

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

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

13 (2) the circuit court clerk, for a committee acting under section
 14 6(a) of this chapter to fill a candidate vacancy for a local office
 15 not described in subdivision (1).

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

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

24 SECTION 4. IC 3-13-1-16 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 16. The election
 26 division shall furnish the circuit court clerk with a certified list of the
 27 name and address of each candidate selected under ~~section 15(1)~~
 28 **section 15(a)(1)** of this chapter. If a certificate of candidate selection
 29 filed with the election division is questioned under IC 3-8-1-2, the
 30 election division shall indicate on the certified list that ~~the~~ candidate's
 31 name is not to be printed on the ballot until the question is resolved by
 32 the commission or a court with jurisdiction in the matter.

33 SECTION 5. IC 3-13-1-20 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 20. (a) This
 35 section applies to a political party subject to IC 3-8-4-10.

36 (b) A candidate vacancy that exists following the convention of the
 37 party shall be filled by the state committee of the political party. The
 38 chairman of the state committee shall act in accordance with section 15
 39 of this chapter to certify the candidate selected to fill the vacancy.

40 (c) ~~This subsection applies to~~ A candidate vacancy ~~resulting from~~
 41 ~~a vacancy~~ on the general election ballot resulting from the failure of the
 42 convention to nominate a candidate for an office ~~The certificate~~

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1 required by subsection (b) shall be filed not later than noon, August 4,
 2 before election day. **may not be filled.**

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

7 SECTION 6. IC 3-13-2-1 IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JANUARY 1, 2000]: Sec. 1. (a) This chapter applies to
 9 the filling of a candidate vacancy that exists due to the:

- 10 (1) death of a political party's candidate;
 11 (2) withdrawal of a candidate who has moved from the election
 12 district;
 13 (3) disqualification of a candidate under IC 3-8-1-5; or
 14 (4) issuance of a court order under IC 3-8-7-29(d);

15 for nomination or election to an office at a **primary**, general,
 16 municipal, or special election after the thirty-first day before a
 17 **primary**, general, municipal, or special election.

18 (b) **A candidate vacancy described in subsection (a) at a primary**
 19 **election may not be filled if any candidates remain on the political**
 20 **party's primary election ballot after the vacancy occurs.**

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