
HOUSE BILL No. 1313

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-7; IC 3-8; IC 3-10; IC 3-11-3-29; IC 3-13; IC 33-2.1-2-6.

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, and a nickname on the ballot. Provides that a candidate's legal name is either the name shown on the candidate's birth certificate or the most recent name the candidate has taken at marriage or in a judicial proceeding. (Under current law, a candidate's name appears on the ballot as the candidate's name appears on the candidate's voter registration record.) Makes technical changes in the statute to conform to the ballot name rule.

Effective: January 1, 2000.

Crawford, Young M

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

C
O
P
Y



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.

C
O
P
Y

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. As used in this chapter, "designation" refers to a name,**
6 **a nickname, or an initial.**
7 **Sec. 2. As used in this chapter, "name" refers to any of the**
8 **following:**
9 (1) **An individual's given name.**
10 (2) **An individual's surname.**
11 (3) **An individual's middle name.**
12 **Sec. 3. (a) For purposes of this title, a candidate's legal name is**
13 **determined under this section.**
14 **(b) Except as provided in subsection (c), a candidate's legal**
15 **name is considered to be the name shown on the candidate's birth**
16 **certificate.**
17 **(c) Notwithstanding subsection (b), if a candidate takes a name:**



1 (1) at marriage; or
 2 (2) through a judicial proceeding;
 3 that is different from the name shown on the candidate's birth
 4 certificate, the most recent name taken at marriage or in a judicial
 5 proceeding is considered to be the candidate's legal name.

6 Sec. 4. (a) A candidate may use on the ballot any combination of
 7 designations permitted by this section. Designations used by a
 8 candidate on the ballot must be in the order required by this
 9 section.

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

12 (c) A candidate must use on the ballot either of the following:

13 (1) The candidate's legal given name.

14 (2) The initial of the candidate's legal given name.

15 The legal given name or first initial must appear before all other of
 16 the candidate's designations permitted or required by this section.

17 (d) If a candidate has a middle name, the candidate may, but is
 18 not required to, use on the ballot either of the following:

19 (1) The candidate's legal middle name.

20 (2) The initial of the candidate's legal middle name.

21 The candidate's legal middle name or middle initial must appear
 22 after the candidate's legal given name or first initial and before the
 23 candidate's legal surname.

24 (e) A candidate may use on the ballot a nickname by which the
 25 candidate is commonly known if the candidate's nickname does not
 26 exceed twenty (20) characters. If a candidate uses a nickname, the
 27 nickname must appear in parentheses after the candidate's legal
 28 given name or first initial and before the candidate's legal
 29 surname.

30 (f) A candidate must use on the ballot the candidate's legal
 31 surname.

32 Sec. 5. (a) Either of the following may file an action in a court of
 33 appropriate jurisdiction if a candidate uses on the ballot a
 34 designation not permitted by section 4 of this chapter:

35 (1) The county chairman of any political party on the ballot in
 36 the election district.

37 (2) Another candidate for the office sought by a candidate
 38 who has used a designation not permitted by section 4 of this
 39 chapter.

40 (b) A complaint filed under this section must contain the names
 41 of both of the following as defendants:

42 (1) The candidate who has used a designation not permitted

C
O
P
Y



1 by section 4 of this chapter. The complaint must state both of
2 the following:

3 (A) The candidate's legal name.

4 (B) The designation that the candidate has used that is not
5 permitted under section 4 of this chapter.

6 (2) The name of the public official responsible for placing the
7 candidate described under subdivision (1) on the ballot.

8 (c) A complaint filed under this section must be filed no later
9 than a candidate may file a notice of withdrawal under:

10 (1) IC 3-8-2-20 if the candidate appears on the ballot in a
11 primary election; or

12 (2) IC 3-8-7-28 if the candidate appears on the ballot in a
13 general or special election.

14 (d) When a complaint is filed under this section, the court shall
15 conduct a hearing and rule on the petition within ten (10) days
16 after it is filed.

17 (e) If the court finds in favor of the plaintiff, the candidate who
18 used a designation not permitted by section 4 of this chapter is
19 considered to have withdrawn the candidate's candidacy, and a
20 candidate vacancy occurs on either of the following, whichever is
21 applicable:

22 (1) The primary election ballot if no other individual satisfies
23 both of the following:

24 (A) The individual is a member of the same political party
25 as the candidate who has used a designation not permitted
26 by section 4 of this chapter.

27 (B) The individual is a candidate on the ballot for the office
28 sought by the candidate who has used a designation not
29 permitted under section 4 of this chapter.

30 (2) The general election ballot.

31 A candidate vacancy occurring under this subsection shall be filled
32 under IC 3-13-1.

33 **Sec. 6. If after an individual has taken office it is found that the**
34 **individual as a candidate for the office used a designation not**
35 **permitted by section 4 of this chapter, the individual may be**
36 **removed from office under IC 34-17.**

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



C
O
P
Y

1 filed under sections 5 and 6 of this chapter.

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

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

6 (A) as the ~~candidate has set forth the~~ candidate's name ~~in the~~
7 ~~candidate's voter registration record; along with~~ **is permitted**
8 **to appear on the ballot under IC 3-5-7; and**

9 (B) **including** any **initials or** nickname of the candidate
10 permitted under ~~IC 3-10-1-14~~ **IC 3-5-7** if the candidate wishes
11 **it the initials or nickname** to appear on the ballot.

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

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

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

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

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

28 (7) A statement that the candidate:

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

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

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

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

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

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

40 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
41 candidate has filed a campaign finance statement of organization
42 for the candidate's principal committee or is aware that the

C
O
P
Y



1 candidate may be required to file a campaign finance statement of
 2 organization not later than noon seven (7) days after the final date
 3 to file the declaration of intent to be a write-in candidate under
 4 section 4 of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C
O
P
Y



- 1 (A) as the candidate has set forth the candidate's name in the
 2 candidate's voter registration record, along with is permitted
 3 to appear on the ballot under IC 3-5-7; and
 4 (B) including any initials or nickname of the candidate
 5 permitted under ~~IC 3-10-1-14~~ IC 3-5-7 if the candidate wishes
 6 it the initials or nickname to appear on the ballot.
- 7 (2) A statement that the candidate is a registered voter and the
 8 location of the candidate's precinct and township (or ward and
 9 city or town), county, and state.
- 10 (3) The candidate's complete residence address, and if the
 11 candidate's mailing address is different from the residence
 12 address, the mailing address.
- 13 (4) A statement of the candidate's party affiliation.
- 14 (5) A statement that the candidate complies with all requirements
 15 under the laws of the state of Indiana to be a candidate for the
 16 above named office, including any applicable residency
 17 requirements, and that the candidate is not ineligible to be a
 18 candidate due to a criminal conviction that would prohibit the
 19 candidate from serving in the office.
- 20 (6) A request that the candidate's name be placed on the official
 21 primary ballot of that party to be voted on, the office for which the
 22 candidate is declaring, and the date of the primary election.
- 23 (7) A statement that the candidate:
 24 (A) is aware of the provisions of IC 3-9 regarding campaign
 25 finance and the reporting of campaign contributions and
 26 expenditures; and
 27 (B) agrees to comply with the provisions of IC 3-9.
- 28 The candidate must separately sign the statement required by this
 29 subdivision.
- 30 (8) A statement as to whether the candidate has been a candidate
 31 for state or local office in a previous primary or general election
 32 and whether the candidate has filed all reports required by
 33 IC 3-9-5-10 for all previous candidacies.
- 34 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
 35 candidate has filed a campaign finance statement of organization
 36 for the candidate's principal committee or is aware that the
 37 candidate may be required to file a campaign finance statement of
 38 organization not later than noon seven (7) days after the final date
 39 to file the declaration of candidacy under section 11 of this
 40 chapter.
- 41 (10) The candidate's signature.
- 42 (b) The commission shall provide that the form of a declaration of

C
O
P
Y

1 candidacy includes the following information near the separate
2 signature required by subsection (a)(7):

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

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

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

- 12 (1) not earlier than January 1; and
13 (2) not later than noon September 1;

14 before a municipal election.

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

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

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

20 (A) as the ~~candidate has set forth the~~ candidate's name ~~in the~~
21 ~~candidate's voter registration record; along with~~ **is permitted**
22 **to appear on the ballot under IC 3-5-7; and**

23 **(B) including** any **initials or** nickname of the candidate
24 permitted under ~~IC 3-10-1-14~~ **IC 3-5-7** if the candidate wishes
25 **it the initials or nickname** to appear on the ballot.

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

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

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

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

40 (6) The candidate's signature.

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

C
O
P
Y



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

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

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

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

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

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

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

29 (1) The name of each nominee:

30 (A) **as the nominee's name is permitted to appear on the**
 31 **ballot under IC 3-5-7; and**

32 (B) **including any initials or nickname of the nominee**
 33 **permitted under IC 3-5-7 if the nominee wishes the initials**
 34 **or nickname to appear on the ballot.**

35 (2) The residence address of each nominee.

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

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

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

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



C
O
P
Y

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

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

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

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

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

11 (A) **as each candidate's name is permitted to appear on the**
12 **ballot under IC 3-5-7; and**

13 (B) **including any initials or nickname of each candidate**
14 **permitted under IC 3-5-7 if the candidate wishes the**
15 **initials or nickname to appear on the ballot.**

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

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

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

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

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

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

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

36 SECTION 7. IC 3-8-6-17 IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JANUARY 1, 2000]: Sec. 17. (a) If:

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

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

C
O
P
Y



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

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

- 8 (1) be on a form prescribed by the commission;
9 (2) state the following:
10 (A) the name of the individual who ceased to be a candidate;
11 (B) the date and reason the individual ceased to be a
12 candidate; and
13 (C) the name of the individual who will replace the candidate:
14 **(i) as the individual's name is permitted to appear on the**
15 **ballot under IC 3-5-7; and**
16 **(ii) including any initials or nickname of the individual**
17 **permitted under IC 3-5-7 if the individual wishes the**
18 **initials or nickname to appear on the ballot; and**
19 (3) be accompanied by the following:
20 (A) The replacement candidate's consent to be nominated by
21 the petition and, if other candidates were listed on the petition,
22 the signed consent of those candidates to be the replacement.
23 (B) The former candidate's statement of withdrawal in a form
24 substantially similar to the form prescribed under IC 3-8-7-28
25 if the individual withdrew as a candidate.

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

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

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

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

- 41 (1) Be in writing.
42 (2) Contain **all of the following information for each person**

C
O
P
Y



- 1 **nominated:**
- 2 (A) ~~The~~ name of each person nominated: ~~the~~
- 3 (i) **as the person's name is permitted to appear on the**
- 4 **ballot under IC 3-5-7; and**
- 5 (ii) **including any initials or nickname of each person**
- 6 **permitted under IC 3-5-7 if the person wishes the initials**
- 7 **or nickname to appear on the ballot.**
- 8 (B) ~~Each~~ person's residence address. ~~and~~
- 9 (C) The office for which ~~the~~ **each** person is nominated.
- 10 (3) Designate a title for the political party or principle that the
- 11 convention or primary election represents, together with a simple
- 12 figure or device by which its lists of candidates may be designated
- 13 on the ballot. ~~and~~
- 14 (4) Be signed by the chairman and secretary of the convention, or
- 15 by the chairman and secretary of the state, county, city, or town
- 16 committee, who shall also give their respective places of
- 17 residence and acknowledge the certificate before an officer
- 18 authorized to take acknowledgments of deeds. The certificate of
- 19 acknowledgment must be appended to the certificate of
- 20 nomination.
- 21 SECTION 9. IC 3-8-7-25.5 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 25.5. (a) This
- 23 section does not apply to the change of a candidate's **legal** name that
- 24 occurs after absentee ballots have been printed bearing the candidate's
- 25 name.
- 26 (b) A candidate who:
- 27 (1) is nominated for election; and
- 28 (2) ~~wishes to change~~ **changed** the candidate's **legal** name after the
- 29 candidate has been nominated;
- 30 **may shall** file a statement setting forth the former and current **legal**
- 31 name of the candidate with the office where a declaration of candidacy
- 32 or certificate of nomination for the office is required to be filed.
- 33 (c) The statement filed under subsection (b) must also indicate ~~that~~
- 34 **the candidate has previously filed a change of name request with a**
- 35 **county voter registration office so that the name set forth in the**
- 36 **statement is identical to the candidate's name on the county voter**
- 37 **registration record: how the candidate's legal name was changed.**
- 38 (d) Upon the filing of the statement, the election division and each
- 39 county election board shall print the candidate's **legal** name on the
- 40 ballot as set forth in the statement.
- 41 SECTION 10. IC 3-10-1-14 IS AMENDED TO READ AS
- 42 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 14. (a) All the

C
O
P
Y

1 candidates for each office who have qualified in the manner prescribed
 2 by IC 3-8 for placement on the primary election ballot shall be grouped
 3 together under the name of the office and printed in type with uniform
 4 capital letters, with uniform space between each name. At the head of
 5 each group where only one (1) candidate for each group is to be voted
 6 for, the words "vote for one (1) only" shall be printed. If more than one
 7 (1) candidate in a group is to be voted for, the number to be voted for
 8 shall be specified at the head of the group.

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

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

13 (1) initials; or

14 (2) a nickname by which the candidate is commonly known;
 15 if the candidate's choice of initials or nickname does not exceed twenty
 16 (20) characters. Any nickname used must appear in parentheses
 17 between the candidate's given name and the candidate's surname.

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

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

23 SECTION 11. IC 3-10-2-15 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 15. (a) This
 25 section applies to a political party whose nominee received at least two
 26 percent (2%) but less than ten percent (10%) of the votes cast for
 27 secretary of state at the last election for that office.

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

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

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

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

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

35 (1) The name of each nominee:

36 (A) as each nominee's name is permitted to appear on the
 37 ballot under IC 3-5-7; and

38 (B) including any initials or nickname of each nominee
 39 permitted under IC 3-5-7 if the nominee wishes the initials
 40 or nickname to appear on the ballot.

41 (2) The residence address of each nominee.

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

C
O
P
Y



- 1 (4) That each nominee is legally qualified to hold office.
- 2 (5) The political party device or emblem by which the ticket will
- 3 be designated on the ballot.

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

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

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

14 SECTION 12. IC 3-11-3-29 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 29. (a) If a new
 16 candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after
 17 the printing of ballots and before the election, the election division or
 18 the election board may print ballots containing the name of the new
 19 candidate.

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

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

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

C
O
P
Y



- 1 **(1) The name ~~and~~ of each candidate:**
- 2 **(A) as each candidate's name is permitted to appear on the**
- 3 **ballot under IC 3-5-7; and**
- 4 **(B) including any initials or nickname of each candidate**
- 5 **permitted under IC 3-5-7 if the candidate wishes the**
- 6 **initials or nickname to appear on the ballot.**
- 7 **(2) The address of each candidate. ~~selected to:~~**
- 8 **(b) The certificate shall be filed with:**
- 9 **(1) the election division for:**
- 10 **(A) a committee acting under section 3, 4, 5, or 6(b) of this**
- 11 **chapter; or**
- 12 **(B) a committee acting under section 6(a) of this chapter to fill**
- 13 **a candidate vacancy in the office of judge of a circuit, superior,**
- 14 **probate, county, or small claims court or prosecuting attorney;**
- 15 **or**
- 16 **(2) the circuit court clerk, for a committee acting under section**
- 17 **6(a) of this chapter to fill a candidate vacancy for a local office**
- 18 **not described in subdivision (1).**
- 19 ~~(b)~~ **(c) This subsection applies to a candidate vacancy resulting from**
- 20 **a vacancy on the primary election ballot as described in section 2 of**
- 21 **this chapter. The certificate required by subsection (a) shall be filed not**
- 22 **later than noon, August 4, before election day.**
- 23 ~~(c)~~ **(d) This subsection applies to all candidate vacancies not**
- 24 **described by subsection ~~(b)~~: (c). The certificate required by subsection**
- 25 **(a) shall be filed not more than three (3) days (excluding Saturdays and**
- 26 **Sundays) after selection of the candidates.**
- 27 **SECTION 14. IC 3-13-1-16 IS AMENDED TO READ AS**
- 28 **FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 16. The election**
- 29 **division shall furnish the circuit court clerk with a certified list of the**
- 30 **name and address of each candidate selected under section ~~15~~(~~1~~) **15****
- 31 **of this chapter. If a certificate of candidate selection filed with the election**
- 32 **division is questioned under IC 3-8-1-2, the election division shall**
- 33 **indicate on the certified list that candidate's name is not to be printed**
- 34 **on the ballot until the question is resolved by the commission or a court**
- 35 **with jurisdiction in the matter.**
- 36 **SECTION 15. IC 3-13-2-8 IS AMENDED TO READ AS**
- 37 **FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 8. (a) The**
- 38 **chairman or chairmen filling a candidate vacancy under this chapter**
- 39 **shall immediately file a written certificate of candidate selection on a**
- 40 **form prescribed by the commission stating the **following information****
- 41 **for each candidate selected:**
- 42 **(1) The name ~~and~~ of each candidate:**

C
O
P
Y



- 1 **(A) as each candidate's name is permitted to appear on the**
- 2 **ballot under IC 3-5-7; and**
- 3 **(B) including any initials or nickname of each candidate**
- 4 **permitted under IC 3-5-7 if the candidate wishes the**
- 5 **initials or nickname to appear on the ballot.**

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

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

- 8 (1) the election division for:
 - 9 (A) one (1) or more chairmen acting under section 2, 3, 4, or
 - 10 5(b) of this chapter; or
 - 11 (B) a committee acting under section ~~5(a)~~ **5(b)** of this chapter
 - 12 to fill a candidate vacancy for the office of judge of a circuit,
 - 13 superior, probate, county, or small claims court or prosecuting
 - 14 attorney; or
- 15 (2) the circuit court clerk of the county in which the greatest
- 16 percentage of the population of the election district is located, for
- 17 a chairman acting under section 5(a) of this chapter to fill a
- 18 candidate vacancy for a local office not described in subdivision
- 19 (1).

20 ~~(b)~~ **(c)** The certificate required by section (a) shall be filed not more

21 than three (3) days (excluding Saturdays and Sundays) after selection

22 of the candidate.

23 SECTION 16. IC 3-13-2-9 IS AMENDED TO READ AS

24 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9. The election

25 division shall furnish each circuit court clerk of a county in which the

26 election district is located with a certified list of the name and address

27 of each candidate selected under section ~~8(1)~~ **8** of this chapter. If a

28 certificate of candidate selection filed with the election division is

29 questioned under IC 3-8-1-2, the election division shall indicate on the

30 certified list that the candidate's name is not to be printed on the ballot

31 until the question is resolved by the commission or by a court with

32 jurisdiction in the matter.

33 SECTION 17. IC 33-2.1-2-6 IS AMENDED TO READ AS

34 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 6. (a) Justices and

35 judges of the supreme court and the court of appeals shall be approved

36 or rejected by the electorate of the state pursuant to Article 7, Section

37 11 of the Constitution of the State of Indiana.

38 (b) A justice or judge who wishes to be retained in office shall file

39 a statement with the secretary of state, not later than noon July 15 of

40 the year in which the question of retention of the justice or judge is to

41 be placed on the general election ballot, indicating that the justice or

42 judge wishes to have the question of the justice's or judge's retention

C
O
P
Y



1 placed on the ballot. **The justice or judge's statement must include**
 2 **a statement of the judge's name:**

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

5 (2) **including any initials or nickname of the justice or judge**
 6 **permitted under IC 3-5-7 if the justice or judge wishes the**
 7 **initials or nickname to appear on the ballot.**

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

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

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

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

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

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

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

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

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

C
O
P
Y

