



January 27, 1999

# SENATE BILL No. 175

DIGEST OF SB175 (Updated January 26, 1999 3:38 pm - DI 84)

**Citations Affected:** IC 3-8; IC 3-10.

**Synopsis:** Town candidates. Changes the deadline from September to August for holding a town convention for the nomination of candidates for town offices. Changes the deadline from September to August for filing a declaration of candidacy or a certificate of nomination. Changes the deadline from October to September for a town election board to rule on the validity of a declaration of candidacy, a petition of nomination, a certificate of nomination, or a declaration of intent to be a write-in candidate. Changes the deadline from August 1 to August 21 for filing a certification of candidates nominated for city or town office by convention.

**Effective:** Upon passage.

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January 6, 1999, read first time and referred to Committee on Elections.  
January 26, 1999, amended, reported favorably — Do Pass.

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January 27, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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## SENATE BILL No. 175



A BILL FOR AN ACT to amend the Indiana Code concerning elections.

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

- 1 SECTION 1. IC 3-8-5-10 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) If more than one (1)  
3 candidate from the same political party files a declaration of candidacy  
4 for the same office, that political party shall conduct a town convention  
5 under this chapter to choose the nominee of that party for that office.  
6 (b) If a town convention is required under subsection (a), the town  
7 chairman shall organize, conduct, and issue a call for a town  
8 convention to be held in the town, or, if there is no suitable location in  
9 the town, then either at the nearest available location within any county  
10 in which the town is located or at the county seat of any county in  
11 which the town is located.  
12 (c) The convention must be held before ~~September~~ **August** 14 in  
13 each year in which a municipal election is to be held. The purpose of  
14 the convention is to select the nominees for all town offices to be  
15 elected at the next municipal election and for which more than one (1)  
16 declaration of candidacy has been filed.  
17 (d) The chairman shall file a notice of the call with the circuit court

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1 clerk of the county containing the greatest percentage of population of  
 2 the town. The chairman shall also have notice of the call posted at least  
 3 three (3) days in three (3) prominent public places in the town,  
 4 including the office of the clerk-treasurer. The notice must state the  
 5 time, place, and purpose of the convention.

6 SECTION 2. IC 3-8-5-10.5 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: 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~~ **August 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 as the candidate  
 20 has set forth the candidate's name in the candidate's voter  
 21 registration record, along with any nickname of the candidate  
 22 permitted under IC 3-10-1-14 if the candidate wishes it to appear  
 23 on the ballot.

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

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

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

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

38 (6) The candidate's signature.

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

41 (1) Certify to the town clerk-treasurer and release to the public a  
 42 list of the candidates of each political party for each office. The

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1 list shall indicate any candidates of a political party nominated for  
 2 an office under this chapter because of the failure of any other  
 3 candidates of that political party to file a declaration of candidacy  
 4 for that office.

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

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

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

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

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

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

27 (1) The name of each nominee.

28 (2) The residence address of each nominee.

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

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

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

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

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

38 (d) The certificate must be filed with the circuit court clerk no later  
 39 than noon ~~September~~ **August** 21 before the municipal election.

40 (e) The circuit court clerk shall file a copy of each certificate with  
 41 the town clerk-treasurer no later than noon ~~September~~ **August** 30.

42 SECTION 4. IC 3-8-5-14.7 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.7. (a) All  
 2 questions regarding the validity of a declaration of candidacy, a petition  
 3 of nomination, a certificate of nomination of a candidate by a town  
 4 convention, or a declaration of intent to be a write-in candidate for  
 5 election to a town office subject to this chapter shall be referred to and  
 6 determined by the town election board (or by the appropriate county  
 7 election board if a county election board is conducting the election for  
 8 the town).

9 (b) The election board shall rule on the validity of any document  
 10 described in subsection (a) not later than noon ~~October~~ **September** 1  
 11 following the filing of the document.

12 SECTION 5. IC 3-8-7-3 IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in  
 14 subsection (b), an error in certification discovered before sixty (60)  
 15 days before a general election shall be corrected by the public officials  
 16 charged with the duties of certification.

17 (b) An error in certification of candidates for a town office under  
 18 IC 3-8-5 discovered before ~~October~~ **September** 8 before a town  
 19 election shall be corrected by the public officials charged with the  
 20 duties of certification.

21 SECTION 6. IC 3-10-6-12 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section  
 23 applies to a political party:

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

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

29 (c) The chairman and secretary of the convention shall execute and  
 30 acknowledge a certificate setting forth the nominees of the convention  
 31 in accordance with IC 3-8-5-13. The certificate must be filed with the  
 32 circuit court clerk of the county containing the greatest percentage of  
 33 population of the municipality not later than noon August ~~±~~ **21**.

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

38 SECTION 7. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, to which was referred Senate Bill No. 175, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 6 with "[EFFECTIVE UPON PASSAGE]".

Page 4, after line 37, begin a new paragraph and insert:

"SECTION 7. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to SB 175 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 7, Nays 1.

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