
SENATE BILL No. 81

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8-1-2.

Synopsis: Challenges to a candidate's eligibility. Authorizes a challenge to a candidate's eligibility to seek an office to be filed by a registered voter of the jurisdiction conducting the election (rather than a registered voter of the election district the candidate seeks to represent).

Effective: July 1, 2011.

Young R Michael

January 5, 2011, read first time and referred to Committee on Elections.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 81

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 3-8-1-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The commission, a county
3 election board, or a town election board shall act if a candidate (or a
4 person acting on behalf of a candidate in accordance with state law) has
5 filed any of the following:
6 (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.
7 (2) A request for ballot placement in a presidential primary under
8 IC 3-8-3.
9 (3) A petition of nomination or candidate's consent to nomination
10 under IC 3-8-6.
11 (4) A certificate of nomination under IC 3-8-5, IC 3-8-7,
12 IC 3-10-2-15, or IC 3-10-6-12.
13 (5) A certificate of candidate selection under IC 3-13-1 or
14 IC 3-13-2.
15 (6) A declaration of intent to be a write-in candidate under
16 IC 3-8-2-2.5.
17 (7) A contest to the denial of certification under IC 3-8-6-12.



1 (b) The commission has jurisdiction to act under this section with
 2 regard to any filing described in subsection (a) that was made with the
 3 election division. Except for a filing under the jurisdiction of a town
 4 election board, a county election board has jurisdiction to act under this
 5 section with regard to any filing described in subsection (a) that was
 6 made with the county election board, county voter registration office,
 7 or the circuit court clerk. A town election board has jurisdiction to act
 8 under this section with regard to any filing that was made with the
 9 county election board, the county voter registration office, or the circuit
 10 court clerk for nomination or election to a town office.

11 (c) Except as provided in subsection (e), before the commission or
 12 election board acts under this section, a registered voter of the ~~election~~
 13 ~~district that a candidate seeks to represent~~ **jurisdiction conducting an**
 14 **election that includes on the ballot the office for which a candidate**
 15 **has made a filing described in subsection (a)** must file a sworn
 16 statement with the election division or election board:

- 17 (1) questioning the eligibility of ~~a~~ **the** candidate to seek the office;
 18 and
 19 (2) setting forth the facts known to the voter concerning this
 20 question.

21 (d) The eligibility of a write-in candidate or a candidate nominated
 22 by a convention, petition, or primary may not be challenged under this
 23 section if the commission or board determines that all of the following
 24 occurred:

- 25 (1) The eligibility of the candidate was challenged under this
 26 section before the candidate was nominated.
 27 (2) The commission or board conducted a hearing on the affidavit
 28 before the nomination.
 29 (3) This challenge would be based on substantially the same
 30 grounds as the previous challenge to the candidate.

31 (e) Before the commission or election board can consider a contest
 32 to the denial of a certification under IC 3-8-6-12, a candidate (or a
 33 person acting on behalf of a candidate in accordance with state law)
 34 must file a sworn statement with the election division or election board:

- 35 (1) stating specifically the basis for the contest; and
 36 (2) setting forth the facts known to the candidate supporting the
 37 basis for the contest.

38 (f) Upon the filing of a sworn statement under subsection (c) or (e),
 39 the commission or election board shall determine the validity of the
 40 questioned:

- 41 (1) declaration of candidacy;
 42 (2) declaration of intent to be a write-in candidate;

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- 1 (3) request for ballot placement under IC 3-8-3;
- 2 (4) petition of nomination;
- 3 (5) certificate of nomination;
- 4 (6) certificate of candidate selection issued under IC 3-13-1-15 or
- 5 IC 3-13-2-8; or
- 6 (7) denial of a certification under IC 3-8-6-12.
- 7 (g) The commission or election board shall deny a filing if the
- 8 commission or election board determines that the candidate has not
- 9 complied with the applicable requirements for the candidate set forth
- 10 in the Constitution of the United States, the Constitution of the State of
- 11 Indiana, or this title.

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