
SENATE BILL No. 114

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8; IC 3-10-4-5.

Synopsis: Qualifications of presidential candidates. Requires a candidate for the office of President of the United States to certify that the candidate has the qualifications provided in Article 2, Section 1, clause 5 of the Constitution of the United States (qualifications), and to submit with the candidate's declaration of candidacy or request that the candidate's name be placed on the primary ballot a certified copy of the candidate's birth certificate, including any other documentation necessary to establish that the candidate meets the qualifications. Provides that the election division may not include the name of a candidate on a list of certified candidates for the primary election ballot unless the election division has received the candidate's certification and documentation. Requires the state chairman of a political party to certify that each nominee of the party for President and Vice President of the United States meets the qualifications. Requires that a certified copy of each nominee's birth certificate, including any other documentation necessary to establish that the nominee meets the qualifications, accompany the state chairman's certification. Provides that the election division may not certify the name of a nominee for President or Vice President of the United States unless the election division has received a nominee's certification and documentation.

Effective: July 1, 2011.

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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. 114



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 3-8-2-7 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) The declaration of each
- 3 candidate required by this chapter must be signed before a person
- 4 authorized to administer oaths and contain the following information:
- 5 (1) The candidate's name, printed or typewritten as:
- 6 (A) the candidate wants the candidate's name to appear on the
- 7 ballot; and
- 8 (B) the candidate's name is permitted to appear on the ballot
- 9 under IC 3-5-7.
- 10 (2) A statement that the candidate is a registered voter and the
- 11 location of the candidate's precinct and township (or ward and
- 12 city or town), county, and state.
- 13 (3) The candidate's complete residence address, and if the
- 14 candidate's mailing address is different from the residence
- 15 address, the mailing address.
- 16 (4) A statement of the candidate's party affiliation. For purposes
- 17 of this subdivision, a candidate is considered to be affiliated with



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a political party only if any of the following applies:

- (A) The most recent primary election in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.
- (B) The candidate has never voted in a primary election and claims a party affiliation.
- (C) The county chairman of:
 - (i) the political party with which the candidate claims affiliation; and
 - (ii) the county in which the candidate resides;
 certifies that the candidate is a member of the political party.

The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A), (B), or (C) applies to the candidate. If a candidate claims party affiliation under clause (C), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (C).

(5) A statement that the candidate:

- (A) complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements; ~~and that the candidate~~
- (B) is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office; and**
- (C) if the candidate is a candidate for the office of President of the United States, has the qualifications provided in Article 2, Section 1, clause 5 of the Constitution of the United States.**

(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

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1 IC 3-9-5-10 for all previous candidacies.
2 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
3 candidate has filed a campaign finance statement of organization
4 for the candidate's principal committee or is aware that the
5 candidate may be required to file a campaign finance statement of
6 organization not later than noon seven (7) days after the final date
7 to file the declaration of candidacy under section 11 of this
8 chapter.

9 (10) The candidate's signature.
10 (b) The commission shall provide that the form of a declaration of
11 candidacy includes the following information near the separate
12 signature required by subsection (a)(7):

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

16 (c) A declaration of candidacy must include a statement that the
17 candidate requests the name on the candidate's voter registration record
18 be the same as the name the candidate uses on the declaration of
19 candidacy. If there is a difference between the name on the candidate's
20 declaration of candidacy and the name on the candidate's voter
21 registration record, the officer with whom the declaration of candidacy
22 is filed shall forward the information to the voter registration officer of
23 the appropriate county as required by IC 3-5-7-6(e). The voter
24 registration officer of the appropriate county shall change the name on
25 the candidate's voter registration record to be the same as the name on
26 the candidate's declaration of candidacy.

27 **(d) This subsection applies to a candidate for the office of**
28 **President of the United States. A candidate shall submit with the**
29 **candidate's declaration of candidacy a certified copy of the**
30 **candidate's birth certificate, including any other documentation**
31 **necessary to establish that the candidate meets the qualifications**
32 **provided in Article 2, Section 1, clause 5 of the Constitution of the**
33 **United States.**

34 SECTION 2. IC 3-8-2-17 IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) At least sixty (60) days
36 before a primary election in a county, the election division shall
37 transmit to each county election board a certified list containing the
38 name and address of each person for whom a declaration of candidacy
39 has been filed with the election division and for which voters at the
40 primary election may vote. **The election division may not certify the**
41 **name of a candidate for President of the United States on the list**
42 **transmitted under this section unless the election division has**

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1 **received the documentation described in section 7(d) of this**
 2 **chapter for the candidate.**

3 (b) The list must designate the office for which the person is a
 4 candidate and the political party the person represents.

5 (c) If the commission determines under section 18 of this chapter
 6 that the certified list of candidates should be amended to add or remove
 7 the name of a candidate, as soon as practicable after this determination,
 8 the election division shall transmit the county election board an
 9 amendment indicating the change to be made in the certified list.

10 SECTION 3. IC 3-8-3-1 IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) This section applies to
 12 candidates affiliated with a major political party of the state.

13 (b) A candidate of a major political party for nomination for the
 14 office of President of the United States during the period under
 15 IC 3-8-2-4 in which a declaration of candidacy may be filed for the
 16 primary election held in the year in which a President is to be elected,
 17 shall file with the election division a request that the candidate's name
 18 be placed upon the ballot under the label of the political party whose
 19 nomination the candidate is seeking.

20 (c) A candidate described under subsection (b) may, in the
 21 alternative, file the request with the secretary of state. If the secretary
 22 of state receives a request under this subsection, the secretary shall
 23 immediately forward the request to the election division.

24 (d) Notwithstanding subsection (b), a request filed on the final day
 25 permitted under subsection (b) must be filed with the secretary of state.
 26 For all other purposes under this title, a request filed with the secretary
 27 of state is subject to the same procedures and requirements as a request
 28 filed with the election division.

29 (e) **A request filed under this section must be accompanied by**
 30 **the following:**

31 (1) **A certification signed by the candidate that the candidate**
 32 **has the qualifications provided in Article 2, Section 1, clause**
 33 **5 of the Constitution of the United States.**

34 (2) **A certified copy of the candidate's birth certificate,**
 35 **including any other documentation necessary to establish that**
 36 **the candidate meets the qualifications provided in Article 2,**
 37 **Section 1, clause 5 of the Constitution of the United States.**

38 SECTION 4. IC 3-8-3-6 IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Immediately after the
 40 deadline for filing, the election division shall certify and release to the
 41 public a list of the candidates for nomination as President of the United
 42 States for each political party who have filed a request for placement

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1 on the primary ballot under this chapter. The election division shall
2 also release to the public a list of all requests whose validity has been
3 questioned under IC 3-8-1-2.

4 **(b) The election division may not certify the name of a candidate**
5 **for President of the United States on the list prepared under**
6 **subsection (a) unless the election division has received the**
7 **documentation described in section 1(e) of this chapter for the**
8 **candidate.**

9 SECTION 5. IC 3-8-3-8 IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Not later than the date
11 prescribed under IC 3-8-2-17 for transmitting a certified list of
12 candidates before a presidential primary election, the election division
13 shall transmit to each county election board a certified list containing
14 the name of each person qualified as a candidate for nomination for the
15 office of President of the United States and the name of the political
16 party whose nomination the candidate is seeking. This list may be
17 amended in the same manner prescribed by IC 3-8-2-17.

18 (b) Except in accordance with an amendment to the certified list,
19 each county election board shall have the names of the candidates
20 certified by the election division placed on the ballot as provided by
21 law.

22 **(c) The election division may not include the name of a**
23 **candidate for President of the United States on the list of**
24 **candidates transmitted under subsection (a) unless the election**
25 **division has received the documentation described in section 1(e)**
26 **of this chapter for the candidate.**

27 SECTION 6. IC 3-10-4-5 IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) This subsection applies to a
29 major political party and to a political party subject to IC 3-8-4-10. The
30 state chairman of each political party shall certify to the election
31 division:

- 32 (1) the names of the nominees of the party for President and Vice
33 President of the United States; ~~and~~
- 34 (2) the state of which each nominee is a resident; **and**
- 35 (3) **that each nominee has the qualifications provided in**
36 **Article 2, Section 1, clause 5 of the Constitution of the United**
37 **States.**

38 **(b) This subsection does not apply to a nominee who provided**
39 **the documentation required by this subsection under IC 3-8-2-7 or**
40 **IC 3-8-3-1. A certified copy of a nominee's birth certificate,**
41 **including any other documentation necessary to establish that the**
42 **nominee meets the qualifications provided in Article 2, Section 1,**

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1 **clause 5 of the Constitution of the United States, must accompany**
2 **the certification required under subsection (a).**

3 ~~(b)~~ (c) If candidates for presidential electors are nominated by
4 petitioners instead of by a convention of a major political party or a
5 party subject to IC 3-8-4-10, the petitioners shall certify with the list of
6 names of electors:

- 7 (1) the names of their nominees for President and Vice President
- 8 of the United States;
- 9 (2) the state of which each nominee is a resident; and
- 10 (3) the name of the political party of the nominees, or that the
- 11 nominees are an independent ticket.

12 ~~(c)~~ (d) This subsection applies to a political party described in
13 subsection (a) and to candidates nominated by petitioners under
14 subsection ~~(b)~~: (c). The names of:

- 15 (1) all candidates for presidential electors; and
- 16 (2) all nominees for President and Vice President of the United
- 17 States;

18 shall be certified to the election division not later than noon on the
19 second Tuesday in September before the general election. **Except as**
20 **provided in subsection (f),** the election division shall certify to each
21 county election board not later than noon on the next following
22 Thursday in September before the general election the names of the
23 nominees for President and Vice President of the United States
24 certified to the election division under this subsection.

25 ~~(d)~~ (e) The names of all candidates for presidential electors for a
26 write-in candidate shall be included on the declaration for candidacy
27 filed by a write-in candidate for the office of President or Vice
28 President of the United States filed under IC 3-8-2.

29 (f) **The election division may not certify the name of a nominee**
30 **for President or Vice President of the United States under**
31 **subsection (d) unless the election division has received the**
32 **following for the nominee:**

- 33 (1) **The certification required by subsection (a).**
- 34 (2) **The documentation required by subsection (b), if**
- 35 **applicable.**

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