

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 2011 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 233

AN ACT to amend the Indiana Code concerning elections.

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

SECTION 1. IC 3-5-4-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** **Sec. 1.2. (a) Whenever this title requires that a document declaring or certifying the candidacy of a person be filed with the election division or the secretary of state as a condition for the filing to be effective:**

- (1) a county election board;**
- (2) a circuit court clerk;**
- (3) a county voter registration office;**
- (4) a board of elections and registration; or**
- (5) a town election board;**

**may not accept the filing on behalf of the election division or the secretary of state.**

**(b) A county election board, circuit court clerk, county voter registration office, board of elections and registration, or town election board that accepts a document that is required to be filed with the election division or the secretary of state as a condition for the filing to be effective:**

- (1) may not act as an agent of the election division or the secretary of state; and**
- (2) is not required to transmit the filing to the election division or the secretary of state.**

**(c) If a board, office, or clerk referred to in subsection (a)(1)**

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through (a)(5) accepts a document that is required to be filed with the election division or the secretary of state as a condition for the filing to be effective, the following apply:

(1) The filing is void.

(2) The name of a candidate set forth in the filing may not appear on the ballot, unless the document is filed with the election division or the secretary of state in the manner required by this title.

SECTION 2. IC 3-6-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Each political party whose nominee received at least ten percent (10%) of the votes cast in the state for secretary of state at the last election **for that office** may have precinct committeemen elected at the same time as a primary election in accordance with IC 3-10-1-4.5 or **IC 3-10-1-4.6** if provided by the rules of the political party.

SECTION 3. IC 3-8-6-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12.5. (a) A candidate's nomination by petition under this chapter is not effective unless the candidate timely files each document required under sections 10 and 12 of this chapter.**

**(b) The county election board may not include on a ballot the name of a candidate whose nomination is ineffective under subsection (a).**

**(c) The election division may not certify the name of a candidate for placement on a ballot by a county election board if the candidate's nomination is ineffective under subsection (a).**

SECTION 4. IC 3-8-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. In a special election called by the governor, a petition of nomination shall be filed with the circuit court clerk or other public official with whom a petition is required to be filed, at any time after the election is called but no later than noon ~~fifty (50)~~ **seventy-four (74)** days before the date of the election.

SECTION 5. IC 3-8-6-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) If:

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

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

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



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(b) This subsection applies to a candidate described in subsection (a) who sought a federal, state, or legislative office or a local office described by IC 3-8-2-5. The state chairman of the political party may file a written statement with the election division stating the name of the substitute candidate. The statement must:

- (1) be on a form prescribed by the commission;
- (2) state the following:
  - (A) the name of the individual who ceased to be a candidate;
  - (B) the date and reason the individual ceased to be a candidate; and
  - (C) the name of the individual who will replace the candidate as:
    - (i) the individual wants the individual's name to appear on the ballot; and
    - (ii) the individual's name is permitted to appear on the ballot under IC 3-5-7; and
- (3) be accompanied by the following:
  - (A) The replacement candidate's consent to be nominated by the petition and, if other candidates were listed on the petition, the signed consent of those candidates to be the replacement.
  - (B) The former candidate's statement of withdrawal in a form substantially similar to the form prescribed under IC 3-8-7-28 if the individual withdrew as a candidate.

A replacement candidate's consent to the nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to the nomination.

(c) This subsection applies to a candidate described in subsection (a) who sought a local office other than a local office described by IC 3-8-2-5. The county, city, or town chairman of the political party may file a written statement that conforms with subsection (b) with the election board conducting the election for the local office.

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

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**certificate of candidate selection under IC 3-13-1-15(c).**

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

SECTION 6. IC 3-10-6-7.5, AS AMENDED BY HEA 1004-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) This section applies to a municipal office elected during a municipal or general election.

(b) Except as provided in subsection (c) or (d), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.

(c) If:

- (1) there is an election for at least one (1) of a municipality's legislative body members;
- (2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and
- (3) there is no election for an office to be voted on by all voters of the municipality;

the county election board may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the municipality in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the municipality shall not be placed on the ballot used for the election of municipal legislative body members under this subsection.

(d) This subsection applies only if the county election board adopts a resolution by a unanimous vote of the entire membership of the board making this subsection applicable in the county. An election may not be held for a municipal office if:

- (1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and
- (2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

A resolution adopted under this subsection expires on January 1 of the year following the year the resolution ~~was~~ **is** adopted.

SECTION 7. IC 3-10-7-6, AS AMENDED BY HEA 1004-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies to a municipal office elected during a municipal or general election.

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(b) A municipal election conducted under this chapter shall be held at the time prescribed by IC 3-10-6.

(c) Except as provided in subsection (d) or (e), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.

(d) If:

- (1) there is an election for at least one (1) of the town's legislative body members;
- (2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and
- (3) there is no election for an office to be voted on by all voters of the town;

the county election board (or town election board if that board is conducting the election under this chapter) may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the town in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the town shall not be placed on the ballot used for the election of town legislative body members under this subsection.

(e) This subsection applies only if the county election board adopts a resolution by a unanimous vote of the entire membership of the board making this subsection applicable in the county. This subsection applies to a municipal office elected during a municipal or general election. An election may not be held for a municipal office if:

- (1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5; and
- (2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

A resolution adopted under this subsection expires on January 1 of the year following the year the resolution ~~was~~ **is** adopted.

SECTION 8. IC 3-13-1-21 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 21. (a) This section applies to a certificate of candidate selection filed under section 15 or 20 of this chapter.**

**(b) To enforce the requirements of IC 3-5-4-1.9, the election division, a circuit court clerk, or any other official responsible for receiving a certificate of candidate selection may not receive a filing of a certificate of candidate selection if:**

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- (1) a notice of a caucus or meeting;**
- (2) a declaration of candidacy filed by the individual selected as the candidate; or**
- (3) the certificate of candidate selection;**

**is or was offered to be filed after the deadline for the filing provided by this chapter.**

**SECTION 9. An emergency is declared for this act.**

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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