
HOUSE BILL No. 1131

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8; IC 3-13.

Synopsis: Candidate qualifications. Provides that a person who is defeated: (1) in a primary election; or (2) as a candidate for nomination at a convention or by a caucus to fill an early or late ballot vacancy; is not eligible to become a candidate for any office in the next general or municipal election. Requires a person filing: (1) a declaration of intent to be a write-in candidate; or (2) a petition for nomination as an independent or minor political party candidate; to certify that the person is not a defeated candidate for any office on the ballot for the election for which the person is filing to be a write-in or petition candidate. Repeals provisions that allow a defeated candidate to be appointed to fill a vacancy on the ballot for the next general or municipal election by the political party with which the person is affiliated as a candidate.

Effective: July 1, 2013.

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January 8, 2013, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1131



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 3-8-1-5.5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5.5. (a) ~~Except as~~
 3 ~~provided in IC 3-13-1-19 and IC 3-13-2-10 for filling a vacancy on a~~
 4 ~~ticket~~; A person who:
 5 (1) is defeated in a primary election;
 6 (2) appears as a candidate for nomination at a convention and is
 7 defeated;
 8 (3) files a declaration of candidacy for nomination by a county,
 9 city, or town convention and is defeated; or
 10 (4) files a declaration of candidacy for nomination by a caucus
 11 conducted under IC 3-13-1 or IC 3-13-2 and is defeated;
 12 is not eligible to become a candidate for ~~the same any~~ office in the next
 13 general or municipal election.
 14 (b) For the purposes of subsection (a):
 15 (1) a candidate for an at-large seat on a fiscal body is considered
 16 a candidate for the same office as a candidate for a district seat on
 17 a fiscal body; and



- 1 (2) a candidate for United States representative from a district in
 2 Indiana is considered a candidate for the same office as a
 3 candidate for any other congressional district in Indiana.
- 4 (c) This section does not apply to a candidate who files a written
 5 request for placement on the presidential primary ballot under IC 3-8-3.
- 6 SECTION 2. IC 3-8-2-2.5 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.5. (a) A person who
 8 desires to be a write-in candidate for a federal, state, legislative, or
 9 local office or school board office in a general, municipal, or school
 10 board election must file a declaration of intent to be a write-in
 11 candidate with the officer with whom declaration of candidacy must be
 12 filed under sections 5 and 6 of this chapter.
- 13 (b) The declaration of intent to be a write-in candidate required
 14 under subsection (a) must be signed before a person authorized to
 15 administer oaths and must certify the following information:
- 16 (1) The candidate's name must be printed or typewritten as:
 17 (A) the candidate wants the candidate's name to be certified;
 18 and
 19 (B) the candidate's name is permitted to appear under IC 3-5-7.
- 20 (2) A statement that the candidate is a registered voter and the
 21 location of the candidate's precinct and township (or ward and
 22 city or town), county, and state.
- 23 (3) The candidate's complete residence address, and if the
 24 candidate's mailing address is different from the residence
 25 address, the mailing address.
- 26 (4) The candidate's party affiliation or a statement that the
 27 candidate is an independent candidate (not affiliated with any
 28 party). For purposes of this subdivision, a candidate is affiliated
 29 with a political party only if the candidate satisfies section 7(a)(4)
 30 of this chapter.
- 31 (5) A statement of the candidate's intention to be a write-in
 32 candidate, the name of the office, including the district, and the
 33 date and type of election.
- 34 (6) If the candidate is a candidate for the office of President or
 35 Vice President of the United States, a statement declaring the
 36 names of the individuals who have consented and are eligible to
 37 be the candidate's candidates for presidential electors.
- 38 (7) A statement that the candidate:
 39 (A) is aware of the provisions of IC 3-9 regarding campaign
 40 finance and the reporting of campaign contributions and
 41 expenditures; and
 42 (B) agrees to comply with the provisions of IC 3-9.

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- 1 The candidate must separately sign the statement required by this
 2 subdivision.
- 3 (8) A statement as to whether the candidate has:
 4 (A) been a candidate for state or local office in a previous
 5 primary or general election; and
 6 (B) filed all reports required by IC 3-9-5-10 for all previous
 7 candidacies.
- 8 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
 9 candidate has filed a campaign finance statement of organization
 10 for the candidate's principal committee or is aware that the
 11 candidate may be required to file a campaign finance statement of
 12 organization not later than noon seven (7) days after the final date
 13 to file the declaration of intent to be a write-in candidate under
 14 section 4 of this chapter.
- 15 (10) If the candidate is subject to IC 3-9-1-5.5, a statement that
 16 the candidate is required to file a campaign finance statement of
 17 organization under IC 3-9 after the first of either of the following
 18 occurs:
 19 (A) The candidate receives more than five hundred dollars
 20 (\$500) in contributions.
 21 (B) The candidate makes more than five hundred dollars
 22 (\$500) in expenditures.
- 23 (11) A statement that the candidate complies with all
 24 requirements under the laws of Indiana to be a candidate for the
 25 above named office, including any applicable residency
 26 requirements, and that the candidate is not ineligible to be a
 27 candidate due to a criminal conviction that would prohibit the
 28 candidate from serving in the office.
- 29 **(12) A statement that the candidate has not been defeated:**
 30 **(A) in a primary election; or**
 31 **(B) as a candidate:**
 32 **(i) at a convention; or**
 33 **(ii) by a caucus under IC 3-13-1 or IC 3-13-2;**
 34 **for any office on the ballot for the election for which the**
 35 **candidate is filing to be a write-in candidate.**
- 36 ~~(12)~~ **(13)** The candidate's signature and telephone number.
- 37 (c) At the time of filing the declaration of intent to be a write-in
 38 candidate, the write-in candidate is considered a candidate for all
 39 purposes.
- 40 (d) A write-in candidate must comply with the requirements under
 41 IC 3-8-1 that apply to the office to which the write-in candidate seeks
 42 election.

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

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

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

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

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

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

26 SECTION 3. IC 3-8-6-12, AS AMENDED BY P.L.225-2011,
27 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2013]: Sec. 12. (a) A petition of nomination for an office filed
29 under section 10 of this chapter must be filed with and, except as
30 provided in subsection (d), certified by the person with whom a
31 declaration of candidacy must be filed under IC 3-8-2.

32 (b) The petition of nomination must be accompanied by the
33 following:

34 (1) The candidate's written consent to become a candidate.

35 (2) A statement that the candidate:

36 (A) is aware of the provisions of IC 3-9 regarding campaign
37 finance and the reporting of campaign contributions and
38 expenditures; and

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

40 The candidate must separately sign the statement required by this
41 subdivision.

42 (3) If the candidate is subject to IC 3-9-1-5, a statement by the

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1 candidate that the candidate has filed a campaign finance
 2 statement of organization under IC 3-9-1-5 or is aware that the
 3 candidate may be required to file a campaign finance statement of
 4 organization not later than noon seven (7) days after the final date
 5 for filing a petition for nomination under section 10 of this
 6 chapter.

7 (4) If the candidate is subject to IC 3-9-1-5.5, a statement by the
 8 candidate that the candidate is aware of the requirement to file a
 9 campaign finance statement of organization under IC 3-9 after the
 10 first of either of the following occurs:

11 (A) The candidate receives more than five hundred dollars
 12 (\$500) in contributions.

13 (B) The candidate makes more than five hundred dollars
 14 (\$500) in expenditures.

15 (5) A statement indicating whether or not each candidate:

16 (A) has been a candidate for state or local office in a previous
 17 primary or general election; and

18 (B) has filed all reports required by IC 3-9-5-10 for all
 19 previous candidacies.

20 (6) A statement that each candidate is legally qualified to hold the
 21 office that the candidate seeks, including any applicable residency
 22 requirements and restrictions on service due to a criminal
 23 conviction.

24 (7) If the petition is filed with the secretary of state for an office
 25 not elected by the electorate of the whole state, a statement signed
 26 by the circuit court clerk of each county in the election district of
 27 the office sought by the individual.

28 (8) Any statement of economic interests required under
 29 IC 3-8-1-33.

30 **(9) A statement that the candidate has not been defeated:**

31 **(A) in a primary election; or**

32 **(B) as a candidate:**

33 **(i) at a convention; or**

34 **(ii) by a caucus under IC 3-13-1 or IC 3-13-2;**

35 **for any office on the ballot for the election for which the**
 36 **candidate is filing the petition.**

37 (c) The statement required under subsection (b)(7) must:

38 (1) be certified by each circuit court clerk; and

39 (2) indicate the number of votes cast for secretary of state:

40 (A) at the last election for secretary of state; and

41 (B) in the part of the county included in the election district of
 42 the office sought by the individual filing the petition.

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1 (d) The person with whom the petition of nomination must be filed
2 under subsection (a) shall:

3 (1) determine whether a sufficient number of signatures as
4 required by section 3 of this chapter have been obtained; and

5 (2) do one (1) of the following:

6 (A) If the petition includes a sufficient number of signatures,
7 certify the petition.

8 (B) If the petition has an insufficient number of signatures,
9 deny the certification.

10 (e) The secretary of state shall, by noon on the date specified under
11 IC 3-8-7-16 for the certification of candidates and public questions by
12 the election division:

13 (1) certify; or

14 (2) deny certification under subsection (d) to;

15 each petition of nomination filed in the secretary of state's office to the
16 appropriate county.

17 (f) The commission shall provide that the form of a petition of
18 nomination includes the following information near the separate
19 signature required by subsection (b)(2):

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

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

23 (g) A candidate's consent to become a candidate must include a
24 statement that the candidate requests the name on the candidate's voter
25 registration record be the same as the name the candidate uses on the
26 consent to become a candidate. If there is a difference between the
27 name on the candidate's consent to become a candidate and the name
28 on the candidate's voter registration record, the officer with whom the
29 consent to become a candidate is filed shall forward the information to
30 the voter registration officer of the appropriate county as required by
31 IC 3-5-7-6(e). The voter registration officer of the appropriate county
32 shall change the name on the candidate's voter registration record to be
33 the same as the name on the candidate's consent to become a candidate.

34 (h) If the person with whom the petition was filed denies
35 certification under subsection (d), the person shall notify the candidate
36 immediately by certified mail.

37 (i) A candidate may contest the denial of certification under
38 subsection (d) based on:

39 (1) the circuit court clerk's or board of registration's failure to
40 certify, under section 8 of this chapter, qualified petitioners; or

41 (2) the determination described in subsection (d)(1);

42 using the procedure in IC 3-8-1-2 and section 14 of this chapter that

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1 applies to questions concerning the validity of a petition of nomination.

2 SECTION 4. IC 3-13-1-19 IS REPEALED [EFFECTIVE JULY 1,
3 2013]. Sec. 19: A person who was defeated in a primary election or in
4 a town or state convention is eligible to be appointed by the political
5 party that the person affiliated with by voting in the most recent
6 primary election held by that party. The person selected may fill any
7 vacancy on the party's ticket as a candidate in any general, municipal,
8 or special election following that primary election or convention in
9 which the vacancy occurred. However, a person is not disqualified
10 from appointment under this section for not having voted in the most
11 recent primary election if the appointee is certified as a member of that
12 party by the county chairman for the county in which the appointee
13 resides.

14 SECTION 5. IC 3-13-2-10 IS REPEALED [EFFECTIVE JULY 1,
15 2013]. Sec. 10: A person who was defeated in a primary election or in
16 a town or state convention is eligible to be appointed by the person's
17 own political party to fill any vacancy on the party's ticket as a
18 candidate in any general, municipal, or special election following that
19 primary election or convention.

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