



January 18, 2013

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## SENATE BILL No. 227

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DIGEST OF SB 227 (Updated January 15, 2013 4:26 pm - DI 102)

**Citations Affected:** IC 2-2.1; IC 3-5; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-11.5; IC 3-12; IC 3-13; IC 33-23.

**Synopsis:** Late ballot vacancies. Provides that a candidate vacancy that exists on a general, special, or municipal election ballot after the fifty-fifth day before a general, special, or municipal election may not be filled for the general, special, or municipal election. Provides that a resulting vacancy in an office after a general, special, or municipal election shall be filled as provided for that office. Makes conforming amendments and technical corrections.

**Effective:** July 1, 2013.

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January 7, 2013, read first time and referred to Committee on Elections.  
January 17, 2013, reported favorably — Do Pass.

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SB 227—LS 6660/DI 102+



January 18, 2013

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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## SENATE BILL No. 227

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 2-2.1-3-2, AS AMENDED BY P.L.58-2010,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 2. (a) Not later than seven (7) calendar days  
4 following the first session day in January of each year every member  
5 of the general assembly shall file with the principal clerk of the house  
6 or secretary of the senate, respectively, a written statement of the  
7 member's or candidate's economic interests for the preceding calendar  
8 year listing the following:  
9 (1) The name of the member's or candidate's employer and the  
10 employer of the member's or candidate's spouse and the nature of  
11 the employer's business. The house of representatives and senate  
12 need not be listed as an employer.  
13 (2) The name of any sole proprietorship owned or professional  
14 practice operated by the member or candidate or the member's or  
15 candidate's spouse and the nature of the business.  
16 (3) The name of any partnership of which the member or  
17 candidate or the member's or candidate's spouse is a member and

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1 the nature of the partnership's business.

2 (4) The name of any corporation of which the member or  
3 candidate or the member's or candidate's spouse is an officer or  
4 director and the nature of the corporation's business. Churches  
5 need not be listed.

6 (5) The name of any corporation in which the member or  
7 candidate or the member's or candidate's spouse or  
8 unemancipated children own stock or stock options having a fair  
9 market value in excess of ten thousand dollars (\$10,000). No time  
10 or demand deposit in a financial institution or insurance policy  
11 need be listed.

12 (6) The name of any state agency or the supreme court of Indiana  
13 which licenses or regulates the following:

14 (A) The member's or candidate's or the member's or  
15 candidate's spouse's profession or occupation.

16 (B) Any proprietorship, partnership, corporation, or limited  
17 liability company listed under subdivision (2), (3), or (4) and  
18 the nature of the licensure or regulation.

19 The requirement to file certain reports with the secretary of state  
20 or to register with the department of state revenue as a retail  
21 merchant, manufacturer, or wholesaler shall not be considered as  
22 licensure or regulation.

23 (7) The name of any lobbyist who is:

24 (A) a member of a partnership or limited liability company;

25 (B) an officer or a director of a corporation; or

26 (C) a manager of a limited liability company;

27 of which the member or candidate for the general assembly is  
28 a partner, an officer, a director, a member, or an employee, and a  
29 description of the legislative matters which are the object of the  
30 lobbyist's activity.

31 (8) The name of any person or entity on whose behalf the member  
32 or candidate has appeared before, contacted, or transacted  
33 business with any state agency or official thereof, the name of the  
34 state agency, the nature of the appearance, contact, or transaction,  
35 and the cause number, if any. This requirement does not apply  
36 when the services are rendered without compensation.

37 (9) The name of any limited liability company of which the  
38 member of the general assembly, the candidate, or the member's  
39 or candidate's individual spouse has an interest.

40 (b) Before any person who is not a member of the general assembly  
41 files the person's declaration of candidacy, declaration of intent to be  
42 a write-in candidate, or petition of nomination for office or is selected

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1 as a candidate for the office under IC 3-13-1, ~~or IC 3-13-2~~; the person  
 2 shall file with the clerk of the house or secretary of the senate,  
 3 respectively, the same written statement of economic interests for the  
 4 preceding calendar year that this section requires members of the  
 5 general assembly to file.

6 (c) Any member of or candidate for the general assembly may file  
 7 an amended statement upon discovery of additional information  
 8 required to be reported.

9 SECTION 2. IC 3-5-2-7.5 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7.5. As used in IC 3-9,  
 11 "caucus" refers to a caucus to fill a candidate vacancy under IC 3-13-1.  
 12 ~~or IC 3-13-2~~. The term does not include a caucus to fill a vacant office  
 13 under IC 3-13-5 or IC 3-13-11.

14 SECTION 3. IC 3-5-2-32.7 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 32.7. "Nomination  
 16 date" refers to the following:

17 (1) For candidates nominated in a primary election, the date of the  
 18 primary election.

19 (2) For candidates nominated in a convention, the date the  
 20 convention is scheduled to be called to order, according to the call  
 21 of the convention issued by the political party.

22 (3) For candidates selected to fill a ballot vacancy, the date the  
 23 certificate of selection of the candidate is filed under  
 24 IC 3-13-1-15. ~~or IC 3-13-2-8~~.

25 (4) For candidates nominated by petition, the final date the  
 26 petition of nomination is permitted to be filed under  
 27 IC 3-8-6-10(c).

28 (5) For write-in candidates, the final date the candidate's  
 29 declaration of intent to be a write-in candidate is permitted to be  
 30 filed under IC 3-8-2-4.

31 SECTION 4. IC 3-5-2-35 IS AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2013]: Sec. 35. "Paster" means a sticker that is  
 33 used to correct the name of a candidate on ballots whenever:

34 (1) a new candidate is appointed or selected under IC 3-13-1; ~~or~~  
 35 ~~IC 3-13-2~~; or

36 (2) a change must be made to correct any error;  
 37 after the ballots are printed and before the election.

38 SECTION 5. IC 3-5-7-6 IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) This section does not apply  
 40 to any of the following:

41 (1) A candidate in a presidential primary election under IC 3-8-3.

42 (2) A candidate for President of the United States.

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- 1 (3) A candidate for Vice President of the United States.
- 2 (b) As used in this section, "candidacy document" refers to any of
- 3 the following:
- 4 (1) A declaration of intent to be a write-in candidate.
- 5 (2) A declaration of candidacy.
- 6 (3) A consent to the nomination.
- 7 (4) A consent to become a candidate.
- 8 (5) A certificate of candidate selection.
- 9 ~~(6) A consent filed under IC 3-13-2-7.~~
- 10 (7) **(6)** A statement filed under IC 33-24-2 or IC 33-25-2.
- 11 (c) Whenever a candidate files a candidacy document on which the
- 12 candidate uses a name that is different from the name set forth on the
- 13 candidate's voter registration record, the candidate's signature on the
- 14 candidacy document constitutes a request to the county voter
- 15 registration office that the name on the candidate's voter registration
- 16 record be the same as the name the candidate uses on the candidacy
- 17 document.
- 18 (d) A request by a candidate under this section is considered filed
- 19 with the county voter registration office when the candidacy document
- 20 is filed with the election division or the county election board.
- 21 (e) The election division or the county election board shall forward
- 22 a request filed under this section to the county voter registration office
- 23 not later than seven (7) days after receiving the request.
- 24 SECTION 6. IC 3-8-1-1.6 IS AMENDED TO READ AS
- 25 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.6. (a) This section
- 26 does not apply to a candidate unless the candidate is required to file a
- 27 campaign finance statement of organization under IC 3-9-1-5 or
- 28 IC 3-9-1-5.5.
- 29 (b) Not later than noon fourteen (14) days after the final day for
- 30 filing a declaration of candidacy, declaration of intent to be a write-in
- 31 candidate, petition of nomination, certificate of nomination, or
- 32 certificate of candidate selection under IC 3-13-1-15, ~~or IC 3-13-2-8;~~
- 33 the election division or county election board shall determine if a
- 34 candidate has complied with IC 3-9-1-5 or IC 3-9-1-5.5 (if applicable)
- 35 by filing any campaign finance statement of organization required for
- 36 the candidate's committee.
- 37 SECTION 7. IC 3-8-1-2 IS AMENDED TO READ AS FOLLOWS
- 38 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The commission, a county
- 39 election board, or a town election board shall act if a candidate (or a
- 40 person acting on behalf of a candidate in accordance with state law) has
- 41 filed any of the following:
- 42 (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.

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- 1 (2) A request for ballot placement in a presidential primary under
- 2 IC 3-8-3.
- 3 (3) A petition of nomination or candidate’s consent to nomination
- 4 under IC 3-8-6.
- 5 (4) A certificate of nomination under IC 3-8-5, IC 3-8-7,
- 6 IC 3-10-2-15, or IC 3-10-6-12.
- 7 (5) A certificate of candidate selection under IC 3-13-1. ~~or~~
- 8 ~~IC 3-13-2.~~
- 9 (6) A declaration of intent to be a write-in candidate under
- 10 IC 3-8-2-2.5.
- 11 (7) A contest to the denial of certification under IC 3-8-6-12.
- 12 (b) The commission has jurisdiction to act under this section with
- 13 regard to any filing described in subsection (a) that was made with the
- 14 election division. Except for a filing under the jurisdiction of a town
- 15 election board, a county election board has jurisdiction to act under this
- 16 section with regard to any filing described in subsection (a) that was
- 17 made with the county election board, county voter registration office,
- 18 or the circuit court clerk. A town election board has jurisdiction to act
- 19 under this section with regard to any filing that was made with the
- 20 county election board, the county voter registration office, or the circuit
- 21 court clerk for nomination or election to a town office.
- 22 (c) Except as provided in subsection (e), before the commission or
- 23 election board acts under this section, a registered voter of the election
- 24 district that a candidate seeks to represent must file a sworn statement
- 25 with the election division or election board:
- 26 (1) questioning the eligibility of a candidate to seek the office;
- 27 and
- 28 (2) setting forth the facts known to the voter concerning this
- 29 question.
- 30 (d) The eligibility of a write-in candidate or a candidate nominated
- 31 by a convention, petition, or primary may not be challenged under this
- 32 section if the commission or board determines that all of the following
- 33 occurred:
- 34 (1) The eligibility of the candidate was challenged under this
- 35 section before the candidate was nominated.
- 36 (2) The commission or board conducted a hearing on the affidavit
- 37 before the nomination.
- 38 (3) This challenge would be based on substantially the same
- 39 grounds as the previous challenge to the candidate.
- 40 (e) Before the commission or election board can consider a contest
- 41 to the denial of a certification under IC 3-8-6-12, a candidate (or a
- 42 person acting on behalf of a candidate in accordance with state law)

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1 must file a sworn statement with the election division or election board:

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

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

- 8 (1) declaration of candidacy;  
 9 (2) declaration of intent to be a write-in candidate;  
 10 (3) request for ballot placement under IC 3-8-3;  
 11 (4) petition of nomination;  
 12 (5) certificate of nomination;  
 13 (6) certificate of candidate selection issued under IC 3-13-1-15;  
 14 or ~~IC 3-13-2-8~~; or  
 15 (7) denial of a certification under IC 3-8-6-12.

16 (g) The commission or election board shall deny a filing if the  
 17 commission or election board determines that the candidate has not  
 18 complied with the applicable requirements for the candidate set forth  
 19 in the Constitution of the United States, the Constitution of the State of  
 20 Indiana, or this title.

21 SECTION 8. IC 3-8-1-5.5 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5.5. (a) Except as  
 23 provided in IC 3-13-1-19 and ~~IC 3-13-2-10~~ for filling a vacancy on a  
 24 ticket, a person who:

- 25 (1) is defeated in a primary election;  
 26 (2) appears as a candidate for nomination at a convention and is  
 27 defeated;  
 28 (3) files a declaration of candidacy for nomination by a county,  
 29 city, or town convention and is defeated; or  
 30 (4) files a declaration of candidacy for nomination by a caucus  
 31 conducted under IC 3-13-1 or ~~IC 3-13-2~~ and is defeated;

32 is not eligible to become a candidate for the same office in the next  
 33 general or municipal election.

34 (b) For the purposes of subsection (a):

- 35 (1) a candidate for an at-large seat on a fiscal body is considered  
 36 a candidate for the same office as a candidate for a district seat on  
 37 a fiscal body; and  
 38 (2) a candidate for United States representative from a district in  
 39 Indiana is considered a candidate for the same office as a  
 40 candidate for any other congressional district in Indiana.

41 (c) This section does not apply to a candidate who files a written  
 42 request for placement on the presidential primary ballot under IC 3-8-3.

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1 SECTION 9. IC 3-8-1-17 IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2013]: Sec. 17. A candidate for the office of  
 3 judge of a superior or probate court must:

- 4 (1) be admitted to the practice of law in Indiana upon filing a  
 5 declaration of candidacy or petition of nomination, or upon the  
 6 filing of a certificate of candidate selection under IC 3-13-1-15;  
 7 ~~or IC 3-13-2-8~~; and  
 8 (2) comply with any other requirement for that office set forth in  
 9 IC 33-29, IC 33-33, or IC 33-31.

10 SECTION 10. IC 3-8-1-28.5, AS AMENDED BY P.L.119-2012,  
 11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2013]: Sec. 28.5. (a) This section does not apply to a  
 13 candidate for the office of judge of a city court in a city located in a  
 14 county having a population of more than two hundred fifty thousand  
 15 (250,000) but less than two hundred seventy thousand (270,000).

16 (b) A candidate for the office of judge of a city court must reside in  
 17 the city upon filing any of the following:

- 18 (1) A declaration of candidacy or declaration of intent to be a  
 19 write-in candidate required under IC 3-8-2.  
 20 (2) A petition of nomination under IC 3-8-6.  
 21 (3) A certificate of nomination under IC 3-10-6-12.

22 (c) A candidate for the office of judge of a city court must reside in  
 23 a county in which the city is located upon the filing of a certificate of  
 24 candidate selection under IC 3-13-1-15. ~~or IC 3-13-2-8~~.

25 (d) This subsection applies to a candidate for the office of judge of  
 26 a city court listed in IC 33-35-5-7(c). Before a candidate for the office  
 27 of judge of the court may file a:

- 28 (1) declaration of candidacy or petition of nomination;  
 29 (2) certificate of candidate selection under IC 3-13-1-15; ~~or~~  
 30 ~~IC 3-13-2-8~~; or  
 31 (3) declaration of intent to be a write-in candidate or certificate of  
 32 nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

33 the candidate must be an attorney in good standing admitted to the  
 34 practice of law in Indiana.

35 SECTION 11. IC 3-8-1-29.5 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 29.5. (a) This section  
 37 applies to a candidate for the office of judge of a town court listed in  
 38 IC 33-35-5-7(c).

39 (b) Before a candidate for the office of judge of the court may file  
 40 a:

- 41 (1) declaration of candidacy or petition of nomination;  
 42 (2) certificate of candidate selection under IC 3-13-1-15; ~~or~~

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1           ~~IC 3-13-2-8~~; or  
 2           (3) declaration of intent to be a write-in candidate or certificate of  
 3           nomination under IC 3-8-2-2.5 or IC 3-10-6-12;  
 4           the candidate must be an attorney in good standing admitted to the  
 5           practice of law in Indiana.

6           SECTION 12. IC 3-8-1-30 IS AMENDED TO READ AS  
 7           FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 30. A candidate for the  
 8           office of judge of a small claims court must:

- 9           (1) be a United States citizen upon taking office;  
 10          (2) either:  
 11              (A) have resided in the township from which the candidate is  
 12              elected for at least one (1) year upon taking office; or  
 13              (B) have been elected as a small claims court judge in the  
 14              township before 1999;  
 15          (3) be of high moral character and reputation; and  
 16          (4) be admitted to the practice of law in Indiana upon filing a  
 17          declaration of candidacy or petition of nomination or upon the  
 18          filing of a certificate of candidate selection under IC 3-13-1-15.  
 19          or ~~IC 3-13-2-8~~.

20          SECTION 13. IC 3-8-1-33, AS AMENDED BY P.L.90-2012,  
 21          SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22          JULY 1, 2013]: Sec. 33. (a) A candidate for an office listed in  
 23          subsection (b) must file a statement of economic interests.

24          (b) Whenever a candidate for any of the following offices is also  
 25          required to file a declaration of candidacy or is nominated by petition,  
 26          the candidate shall file a statement of economic interests before filing  
 27          the declaration of candidacy or declaration of intent to be a write-in  
 28          candidate, before the petition of nomination is filed, before the  
 29          certificate of nomination is filed, or before being appointed to fill a  
 30          candidate vacancy under IC 3-13-1: ~~or IC 3-13-2~~.

- 31              (1) Governor, lieutenant governor, secretary of state, auditor of  
 32              state, treasurer of state, attorney general, and state superintendent  
 33              of public instruction, in accordance with IC 4-2-6-8.  
 34              (2) Senator and representative in the general assembly, in  
 35              accordance with IC 2-2.1-3-2.  
 36              (3) Justice of the supreme court, judge of the court of appeals,  
 37              judge of the tax court, judge of a circuit court, judge of a superior  
 38              court, judge of a probate court, and prosecuting attorney, in  
 39              accordance with IC 33-23-11-14 and IC 33-23-11-15.  
 40              (4) A candidate for a local office or school board office, in  
 41              accordance with IC 3-8-9, except a candidate for a local office  
 42              described in subdivision (3).

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1 SECTION 14. IC 3-8-7-20 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 20. (a) If a person has  
 3 been nominated as a candidate for the same office by:

- 4 (1) both convention and petition;  
 5 (2) both primary election and petition;  
 6 (3) both primary election and convention;  
 7 (4) more than one (1) petition; or  
 8 (5) more than one (1) convention;

9 the person's name may be placed on the ballot only once.

10 (b) This subsection applies only to a person nominated by both  
 11 convention and petition. The person's name shall be placed on the list  
 12 of candidates nominated by convention, and the place occupied by the  
 13 person's name in the petition must be left blank. However, if the  
 14 candidate files a written statement:

- 15 (1) acknowledged before a person authorized to take  
 16 acknowledgments;  
 17 (2) in the office where a petition of nomination for the office must  
 18 be filed;  
 19 (3) no later than noon of the last day for filing a petition of  
 20 nomination under IC 3-8-6-10(c); and  
 21 (4) requesting that the person's name be printed as nominated by  
 22 petition;

23 the person's name must be so printed and omitted from the list  
 24 nominated by convention.

25 (c) This subsection applies only to a person nominated by both  
 26 primary election and petition. The person's name must be placed on the  
 27 list of candidates nominated by primary election, and the place  
 28 occupied by the person's name in the petition must be left blank.  
 29 However, if the candidate files a written statement:

- 30 (1) acknowledged before a person who is authorized to take  
 31 acknowledgments;  
 32 (2) in the office where a petition of nomination for the office must  
 33 be filed;  
 34 (3) not later than noon the last day for filing a petition of  
 35 nomination under IC 3-8-6-10(c); and  
 36 (4) requesting that the person's name be printed as nominated by  
 37 petition;

38 the person's name must be so printed and omitted from the list  
 39 nominated by primary election.

40 (d) This subsection applies only to a person nominated by both  
 41 primary election and convention. The person's name must be placed on  
 42 the list of candidates nominated by primary election, and the place

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1 occupied by the person's name in the certificate of nomination of the  
2 convention must be left blank. However, if the candidate files a written  
3 statement:

- 4 (1) acknowledged before a person who is authorized to take
- 5 acknowledgments;
- 6 (2) in the office where a certificate of nomination for the office
- 7 must be filed;
- 8 (3) not later than noon the last day for filing a certificate of
- 9 nomination; and
- 10 (4) requesting that the person's name be printed as nominated by
- 11 convention;

12 the person's name must be so printed and omitted from the list  
13 nominated by primary election.

14 (e) This subsection applies only to a person nominated by more than  
15 one (1) petition. The person's name must be placed on the list of  
16 candidates nominated by petition for the first petition of nomination  
17 certified under IC 3-8-6 and filed with the election division or county  
18 election board under IC 3-8-6-10(c), and the place occupied by the  
19 person's name in a subsequent petition must be left blank. However, if  
20 the candidate files a written statement:

- 21 (1) acknowledged before a person who is authorized to take
- 22 acknowledgments;
- 23 (2) in the office where a petition of nomination for the office must
- 24 be filed;
- 25 (3) not later than noon the last day for filing a petition of
- 26 nomination under IC 3-8-6-10(c); and
- 27 (4) requesting that the person's name be printed as nominated by
- 28 a subsequent petition;

29 the person's name must be placed on the list of candidates nominated  
30 by the subsequent petition.

31 (f) This subsection applies to a person nominated by more than one  
32 (1) convention. The person's name must be placed on the list of  
33 candidates nominated by convention for the first certificate of  
34 nomination filed with the public official with whom the certificate is  
35 required to be filed, and the place occupied by the person's name in a  
36 subsequent certificate of nomination of the convention must be left  
37 blank. However, if the candidate files a written statement:

- 38 (1) acknowledged before a person who is authorized to take
- 39 acknowledgments;
- 40 (2) in the office where a certificate of nomination for the office
- 41 must be filed;
- 42 (3) not later than noon the last day for filing a certificate of

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1 nomination; and  
2 (4) requesting that the person's name be printed as nominated by  
3 a subsequent convention;  
4 the person's name must be printed as nominated by the subsequent  
5 convention.

6 (g) If an individual is nominated as a candidate under IC 3-13-1 to  
7 fill a candidate vacancy, the individual is considered for purposes of  
8 this section to have been nominated in the same manner as the  
9 candidate whom the individual succeeded or in the same manner as a  
10 candidate would have been nominated if no nomination is made. ~~If an~~  
11 ~~individual is nominated as a candidate under IC 3-13-2 to fill a~~  
12 ~~candidate vacancy, the individual may not be placed on the ballot as~~  
13 ~~the candidate of any other political party.~~

14 SECTION 15. IC 3-8-7-25 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25. The election  
16 division and each county election board shall have printed on the  
17 respective general, special, or municipal election ballots the names of  
18 the following candidates:

- 19 (1) Nominees chosen at a primary election under IC 3-10 and
- 20 certified as required by this chapter.
- 21 (2) Nominees chosen by a convention of a political party in the
- 22 state whose candidate received at least two percent (2%) of the
- 23 total vote cast for secretary of state at the last election and
- 24 certified under section 8 of this chapter.
- 25 (3) Nominees nominated by petition under IC 3-8-6.
- 26 (4) Nominees selected to fill a candidate vacancy under
- 27 IC 3-13-1. ~~or IC 3-13-2.~~

28 SECTION 16. IC 3-8-7-29 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 29. (a) This section  
30 applies:

- 31 (1) if a person:
  - 32 (A) has been certified as a candidate in a certificate of
  - 33 nomination filed under this chapter;
  - 34 (B) moves from the election district that the person sought to
  - 35 represent following the filing of the certificate of nomination;
  - 36 (C) does not file a notice of withdrawal of candidacy under
  - 37 section 28 of this chapter; and
  - 38 (D) is no longer an active candidate; or
- 39 (2) if a person is disqualified from being a candidate under
- 40 IC 3-8-1-5.
- 41 (b) The county chairman of any political party on the ballot in the
- 42 election district or a candidate for the office sought by the person

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1 described in subsection (a) may, upon determining that this section  
2 applies, file an action in the circuit court in the county where the person  
3 described in subsection (a) resided. The complaint in this action must:

- 4 (1) state that this section applies to the person; and
- 5 (2) name the person described in subsection (a) and the public  
6 official responsible for placing that person's name on the ballot as  
7 defendants.

8 (c) When a complaint is filed under subsection (b), the circuit court  
9 shall conduct a hearing and rule on the petition within ten (10) days  
10 after it is filed.

11 (d) If the court finds in favor of the plaintiff, a candidate vacancy  
12 occurs on the:

- 13 (1) general election ballot; and
- 14 (2) primary election ballot if no other person is:
  - 15 (A) a member of the same political party as the person  
16 described in subsection (a); and
  - 17 (B) a candidate on the ballot for the office sought by the  
18 person described in subsection (a).

19 (e) The candidate vacancy shall be filled under IC 3-13-1. ~~or~~  
20 ~~IC 3-13-2.~~

21 SECTION 17. IC 3-8-9-5, AS ADDED BY P.L.90-2012, SECTION  
22 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
23 2013]: Sec. 5. An individual required to file a statement under section  
24 4 of this chapter shall file the statement as follows:

- 25 (1) With the individual's:
  - 26 (A) declaration of candidacy under IC 3-8-2 or IC 3-8-5;
  - 27 (B) petition of nomination under IC 3-8-2.5 or IC 3-8-6;
  - 28 (C) declaration of intent to be a write-in candidate under  
29 IC 3-8-2-2.5; or
  - 30 (D) certificate of candidate selection under IC 3-13-1. ~~or~~  
31 ~~IC 3-13-2.~~

32 (2) When the individual assumes a vacant elected office under  
33 IC 3-13-7, IC 3-13-8, IC 3-13-9, IC 3-13-10, or IC 3-13-11. A  
34 statement filed under this subdivision must be filed not later than  
35 noon sixty (60) days after the individual assumes the elected  
36 office.

37 SECTION 18. IC 3-9-1-5 IS AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) This section does not apply  
39 to the following candidates:

- 40 (1) A candidate for a local office for which the compensation is  
41 less than five thousand dollars (\$5,000) per year.
- 42 (2) A candidate for a school board office.

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- 1 (b) Each candidate shall have a principal committee.
- 2 (c) A candidate shall file a written instrument designating the name
- 3 of the principal committee and the names of the chairman and treasurer
- 4 of the committee. The written instrument must be filed not later than
- 5 the earliest of the following:
- 6 (1) Noon ten (10) days after becoming a candidate.
- 7 (2) Noon seven (7) days after the final date and hour for filing any
- 8 of the following, whichever applies to the candidate:
- 9 (A) A declaration of candidacy under IC 3-8-2.
- 10 (B) A petition of nomination under IC 3-8-6.
- 11 (C) A certificate of nomination under IC 3-8-7-8.
- 12 (D) A certificate of candidate selection under IC 3-13-1. ~~or~~
- 13 ~~IC 3-13-2.~~
- 14 (E) A declaration of intent to be a write-in candidate under
- 15 IC 3-8-2.
- 16 (3) The date a candidate is required to file the candidate's first
- 17 campaign finance report under IC 3-9-5.
- 18 (d) This designation may be made on the same instrument as the
- 19 statement of organization required from the principal committee.
- 20 SECTION 19. IC 3-9-5-8.5 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8.5. (a) This section
- 22 applies to a candidate who is selected to fill a vacancy on the ballot
- 23 under IC 3-13-1. ~~or IC 3-13-2.~~
- 24 (b) A candidate is not required to prepare or file a report before the
- 25 nomination date.
- 26 (c) ~~Except as provided in subsection (d);~~ The period for the first
- 27 report required for a candidate begins on the date that the individual
- 28 became a candidate and ends fourteen (14) days after the nomination
- 29 date.
- 30 ~~(d) This subsection applies to a candidate selected under IC 3-13-2~~
- 31 ~~to fill a vacancy on the ballot. A candidate is not required to prepare or~~
- 32 ~~file a report before or after the nomination date. The period for the first~~
- 33 ~~report required for a candidate begins on the date that the individual~~
- 34 ~~became a candidate and ends December 31 following the election.~~
- 35 SECTION 20. IC 3-10-8-5 IS AMENDED TO READ AS
- 36 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) Special elections
- 37 are governed by other provisions of this title as far as applicable.
- 38 (b) Except as provided in section 7 of this chapter, IC 3-12-8-17, or
- 39 IC 3-12-11-18, candidates in special elections shall be nominated in the
- 40 same manner as candidates are nominated:
- 41 (1) to fill vacancies on the ballot under IC 3-13-1; ~~or IC 3-13-2;~~
- 42 or

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1 (2) under IC 3-8-6, if a candidate does not intend to affiliate with  
2 a regular political party or represents a political party not  
3 qualified to nominate candidates at a primary election or by  
4 convention.

5 SECTION 21. IC 3-11-3-29, AS AMENDED BY P.L.225-2011,  
6 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2013]: Sec. 29. (a) If a new candidate is appointed or selected  
8 under IC 3-13-1 or ~~IC 3-13-2~~ after the printing of ballots and before the  
9 election, the election board may print ballots containing the name of  
10 the new candidate.

11 (b) If the election board determines that printing ballots under  
12 subsection (a) would be uneconomical or impractical, the chairman or  
13 committee that made the appointment or selection shall provide to the  
14 election board the number of pasters the board determines to be  
15 necessary for all ballots to reflect the appointment or selection. Pastors  
16 may not be given to or received by any person except the election board  
17 and the board's chairman.

18 (c) If a candidate entitled to be placed on the ballot changes the  
19 candidate's legal name after the printing of ballots and before the  
20 election, the candidate who has changed the candidate's legal name  
21 shall provide to the election board the number of pasters the board  
22 determines to be necessary for all ballots to reflect the change of name.  
23 If a candidate declines to do so under this subsection, the board is not  
24 required to reprint ballots to reflect the change of legal name.

25 SECTION 22. IC 3-11-3-29.5 IS REPEALED [EFFECTIVE JULY  
26 1, 2013]. Sec. 29.5: (a) ~~The election division or an election board shall  
27 act under subsection (c) to print new ballots or have pasters made to  
28 cover the name of a candidate who has died or is no longer a candidate  
29 under IC 3-13-2-1 if:~~

30 (1) ~~the candidate's party does not fill the vacancy under IC 3-13-1  
31 or IC 3-13-2 not later than noon, five (5) days before the election;~~  
32 ~~and~~

33 (2) ~~when a candidate has died, the election division or election  
34 board:~~

35 (A) ~~receives a certificate of death issued under IC 16-37-3 not  
36 later than noon the seventh day before the election; or~~

37 (B) ~~by unanimous vote of the entire membership that there is  
38 good cause to believe that the candidate has died.~~

39 (b) ~~The election division or election board shall provide the number  
40 of opaque pasters the election division or election board determines to  
41 be necessary for all ballots to reflect a vacancy to the following:~~

42 (1) ~~The absentee voter board.~~

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1           (2) The inspector of each precinct in which the candidate is on the  
2           ballot.  
3           (3) The circuit court clerk.  
4           (c) If the election division or election board determines that the use  
5           of pasters under this section would be impractical or uneconomical, the  
6           election division or board may order the printing of new ballots that  
7           omit the name of a candidate described in subsection (a). A ballot  
8           printed under this subsection must contain the statement "NO  
9           CANDIDATE" or "CANDIDATE DECEASED" or words to that effect  
10          at the appropriate position on the ballot.  
11          (d) If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled  
12          after noon five (5) days before the election, the election division or  
13          election board is not required to reprint ballots or have pasters with the  
14          name of the successor candidate placed over the name of an individual  
15          who is no longer a candidate but may do so upon the vote of the  
16          commission or election board.  
17          SECTION 23. IC 3-11-3-30 IS AMENDED TO READ AS  
18          FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 30. The circuit court  
19          clerk, if time permits before the ballots are delivered to the precincts,  
20          the poll clerks, or members of the absentee voter board, shall put one  
21          (1) of the pasters required by ~~sections~~ **section 29 and 29.5** of this  
22          chapter in the proper place on each ballot label bearing the name of the  
23          former candidate and on each paper ballot, provisional ballot, or ballot  
24          card to be voted in the precinct before they sign their initials on the  
25          ballot. The circuit court clerk shall put one (1) of the pasters on each  
26          ballot to be voted by an absentee voter before the clerk signs the ballot.  
27          SECTION 24. IC 3-11-10-1.5 IS AMENDED TO READ AS  
28          FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.5. (a) This section  
29          applies to a voter  
30                (†) voting by an absentee ballot that includes a candidate for  
31                election to an office who:  
32                    (A) **(1)** ceases to be a candidate; and  
33                    (B) **(2)** is succeeded by a candidate selected under IC 3-13-1.  
34                    or IC 3-13-2; or  
35                (2) casting a replacement absentee ballot under IC 3-11-2-16.  
36          (b) If:  
37                (1) the original absentee ballot has not been delivered to the  
38                appropriate precinct; and  
39                (2) the absentee voter's name has not been marked on the poll list  
40                under section 16 of this chapter;  
41          the absentee voter may recast the voter's ballot under this section. To  
42          obtain another set of ballots the absentee voter must present a written

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1 request for another set of ballots from the circuit court clerk.

2 (c) Upon receiving a written request under subsection (b), the circuit  
3 court clerk shall do the following:

- 4 (1) Place the written request with the absentee voter's original
- 5 ballots.
- 6 (2) Mark "canceled" on the original set of ballots.
- 7 (3) Preserve the original ballots with the other defective ballots.
- 8 (4) Deliver a new set of ballots to the absentee voter.

9 SECTION 25. IC 3-11.5-4-2 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) This section  
11 applies to a voter voting by an absentee ballot that ~~is defective and~~  
12 ~~ordered corrected under IC 3-11-2-16~~ or includes a candidate for  
13 election to office who:

- 14 (1) ceases to be a candidate; and
- 15 (2) is succeeded by a candidate selected under IC 3-13-1. ~~or~~
- 16 ~~IC 3-13-2.~~

17 (b) Through the last day before the election day, an absentee voter  
18 may recast the ballot during the period specified by IC 3-11-10-26. To  
19 obtain another set of ballots, the absentee voter must present a written  
20 request for another set of ballots from the circuit court clerk.

21 (c) Upon receiving a written request under subsection (b), the circuit  
22 court clerk shall do the following:

- 23 (1) Place the written request with the absentee voter's original
- 24 ballots.
- 25 (2) Mark "canceled" on the original set of ballots.
- 26 (3) Preserve the original ballots with other defective ballots.
- 27 (4) Deliver a new set of ballots to the absentee voter.

28 SECTION 26. IC 3-12-1-14 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) This section  
30 does not apply to a vote:

- 31 (1) cast for president or vice president of the United States under
- 32 IC 3-10-4-6; or
- 33 (2) described by section 15 of this chapter.

34 (b) A vote cast for a candidate who ceases to be a candidate may not  
35 be counted as a vote for a successor candidate selected under  
36 IC 3-13-1. ~~or IC 3-13-2.~~

37 SECTION 27. IC 3-12-1-15 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) This section  
39 applies to a vote cast for one (1) straight party ticket that includes a  
40 candidate for election to office who:

- 41 (1) ceases to be a candidate; and
- 42 (2) is succeeded by a candidate selected under IC 3-13-1. ~~or~~

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1           ~~IC 3-13-2:~~  
 2           (b) A vote cast in the election for the original nominee is considered  
 3 a vote cast for the successor.  
 4           SECTION 28. IC 3-12-1-16 IS REPEALED [EFFECTIVE JULY 1,  
 5 2013]. Sec. 16: (a) This section applies when:  
 6           (1) a ballot:  
 7               (A) contains pasters applied under IC 3-11-3-29.5(a) to cover  
 8 the name of an individual who is no longer a candidate; or  
 9               (B) is reprinted under IC 3-11-3-29.5(c) to omit the name of an  
 10 individual who is no longer a candidate; and  
 11           (2) the candidate vacancy is filled following the application of the  
 12 pasters or the reprinting of the ballots.  
 13           (b) A vote cast on the ballot where the statement "NO  
 14 CANDIDATE" or "CANDIDATE DECEASED" appears is considered  
 15 a vote cast for the successor candidate.  
 16           SECTION 29. IC 3-13-1-1 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Except as provided  
 18 in section 18 or 20 of this chapter, this chapter applies to the filling of  
 19 a candidate vacancy that arises for any reason if the vacancy leaves a  
 20 major political party without a candidate for the office and occurs  
 21 before the ~~thirtieth~~ **fifty-fourth** day before a general, special, or  
 22 municipal election.  
 23           SECTION 30. IC 3-13-1-2.3 IS ADDED TO THE INDIANA CODE  
 24 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
 25 1, 2013]: **Sec. 2.3. A candidate vacancy that exists on a general,  
 26 special, or municipal election ballot after the fifty-fifth day before  
 27 a general, special, or municipal election may not be filled for the  
 28 general, special, or municipal election. A resulting vacancy in an  
 29 office after a general, special, or municipal election shall be filled  
 30 as provided under IC 3-13-3 through IC 3-13-11.**  
 31           SECTION 31. IC 3-13-1-7 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) Except as  
 33 provided in subsection (b), action to fill a candidate vacancy must be  
 34 taken:  
 35           (1) not later than noon June 30 after the primary election if the  
 36 vacancy exists on a general or municipal election ballot; and  
 37           (2) within thirty (30) days after the occurrence of the vacancy, if  
 38 the vacancy exists on a special election ballot, subject to ~~section~~  
 39 **sections 2 and 2.3** of this chapter.  
 40           (b) This subsection applies to a candidate vacancy that exists before  
 41 the ~~thirtieth~~ **fifty-fourth** day before a general, municipal, or special  
 42 election and that is due to any of the following:

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- 1 (1) The death of a candidate.  
 2 (2) The withdrawal of a candidate.  
 3 (3) The disqualification of a candidate under IC 3-8-1-5.  
 4 (4) A court order issued under IC 3-8-7-29(d).
- 5 Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this  
 6 chapter for reasons permitted under this subsection must be taken  
 7 within thirty (30) days after the occurrence of the vacancy.
- 8 SECTION 32. IC 3-13-2 IS REPEALED [EFFECTIVE JULY 1,  
 9 2013]. (Late Candidate Vacancies).
- 10 SECTION 33. IC 33-23-11-15 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. (a) The statement  
 12 of economic interests must be filed with the commission on judicial  
 13 qualifications:
- 14 (1) not later than February 1 if the individual is required to file the  
 15 statement as an officeholder; or  
 16 (2) if a candidate for office, before the individual (or a political  
 17 party officer acting on behalf of the individual) files:
- 18 (A) a declaration of candidacy, if required under IC 3-8-2 or  
 19 IC 3-8-4-11;  
 20 (B) a certified petition of nomination with the Indiana election  
 21 division under IC 3-8-6;  
 22 (C) a certificate of nomination under IC 3-8-7-8;  
 23 (D) a certificate of candidate selection under IC 3-13-1; ~~or~~  
 24 ~~IC 3-13-2~~; or  
 25 (E) a declaration of intent to be a write-in candidate, if  
 26 required under IC 3-8-2.
- 27 (b) In a county where judges are selected by a county commission  
 28 on judicial qualifications, a candidate must file a statement with the  
 29 county commission on judicial qualifications and with the commission  
 30 on judicial qualifications.

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 227, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 227 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 7, Nays 2.

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