

IC 3-10-4

Chapter 4. Presidential Elections

IC 3-10-4-1

Names on ballot

Sec. 1. (a) The names of the candidates of:

- (1) a political party;
- (2) a group of petitioners under IC 3-8-6; or
- (3) a write-in candidate for the office of President or Vice President of the United States under IC 3-8-2-2.5;

for electors of President and Vice President of the United States may not be placed on the ballot.

(b) The names of the nominees for President and Vice President of the United States of each political party or group of petitioners shall be placed:

- (1) in one (1) column on the ballot if paper ballots are used;
- (2) either:
 - (A) grouped together on a separate screen; or
 - (B) grouped together below the names of the offices as specified in IC 3-11-14-3.5;if an electronic voting system is used; or
- (3) grouped together below the names of the offices as specified in IC 3-11-13-11 if a ballot card is used.

(c) The ballot must permit a voter to cast a ballot for a write-in candidate for the office of President or Vice President of the United States in the manner provided under IC 3-11-2-6.

As added by P.L. 5-1986, SEC. 6. Amended by P.L. 3-1987, SEC. 171; P.L. 10-1992, SEC. 16; P.L. 58-2005, SEC. 9; P.L. 230-2005, SEC. 41; P.L. 1-2006, SEC. 4.

IC 3-10-4-2

Paper ballots; listing of political party and other information

Sec. 2. (a) This section applies when paper ballots are used.

(b) A single square shall be printed in front of a bracket enclosing the names of the nominees for President and Vice President of the United States on the left margin of each separate column of the ballot, immediately opposite the names of the nominees.

(c) The device named and list of nominees of the political party whose nominee received the highest number of votes in that county for secretary of state at the last election shall be placed in the first column on the left side of the ballot. The political party whose nominee received the second highest number of votes in that county for secretary of state at the last election shall be placed in the second column. Other political parties shall be placed on the ballot in the same order.

(d) If a political party or an independent ticket did not have a candidate for secretary of state in the last election, the party or ticket shall be placed on the ballot after the parties described in subsection (c). If more than one (1) political party or independent ticket that has qualified to be on the ballot did not have a candidate for secretary of

state in the last election, each party or independent ticket shall be listed on the ballot in the order in which the party or independent ticket filed a petition of nomination under IC 3-8-6-12.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.172; P.L.3-1993, SEC.96; P.L.58-2005, SEC.10.

IC 3-10-4-2.1

Optical scan ballot card; listing of nominees for President and Vice President of the United States

Sec. 2.1. (a) This section applies when an optical scan ballot card is used.

(b) The names of the nominees for President and Vice President of the United States for each political party or group of petitioners grouped as described in section 1(b)(4) of this chapter must be:

- (1) listed together so that a voter is aware that the voter votes for both offices with a single vote; and
- (2) printed behind or beside a single connectable arrow, oval, circle, or square.

(c) The nominees for President and Vice President of the United States must be grouped under the names of the offices in the order established by IC 3-11-13-11.

As added by P.L.58-2005, SEC.11.

IC 3-10-4-2.2

Electronic voting system; listing of nominees for President and Vice President of the United States

Sec. 2.2. (a) This section applies when an electronic voting system is used.

(b) The names of the nominees for President and Vice President of the United States for each political party or group of petitioners grouped as described in section 1(b)(3) of this chapter must be:

- (1) listed together so that a voter is aware that the voter votes for both offices with a single vote; and
- (2) behind or beside a single touch sensitive point or button place.

(c) The nominees for President and Vice President of the United States must be grouped under the names of the offices in the order established by IC 3-11-14-3.5.

As added by P.L.58-2005, SEC.12.

IC 3-10-4-3

Ballots or voting machine labels

Sec. 3. The device, title, and names of nominees appearing on a ballot or ballot label shall be accompanied by a statement that a ballot cast for the named candidates for President and Vice President of the United States is considered a ballot cast for the slate of presidential electors nominated by that political party or independent candidate.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1995, SEC.86.

IC 3-10-4-4

Votes for nominees and write-in candidates; treatment

Sec. 4. Each vote cast or registered:

(1) for the nominees for President and Vice President of the United States of:

(A) a political party; or

(B) a group of petitioners; or

(2) for a write-in candidate for President or Vice President of the United States;

is a vote cast or registered for all of the candidates for presidential electors of the party, group, or write-in candidate and shall be so counted. These votes shall be counted, canvassed, and certified in the same manner as the votes for candidates for other offices.

As added by P.L.5-1986, SEC.6. Amended by P.L.10-1992, SEC.17; P.L.1-2010, SEC.3.

IC 3-10-4-5

Certification of nominees and electors

Sec. 5. (a) This subsection applies to a major political party and to a political party subject to IC 3-8-4-10. The state chairman of each political party shall certify to the election division the names of the nominees of the party for President and Vice President of the United States and the state of which each nominee is a resident.

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

(1) the names of their nominees for President and Vice President of the United States;

(2) the state of which each nominee is a resident; and

(3) the name of the political party of the nominees, or that the nominees are an independent ticket.

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

(1) all candidates for presidential electors; and

(2) all nominees for President and Vice President of the United States;

shall be certified to the election division not later than noon on the second Tuesday in September before the general election. The election division shall certify to each county election board not later than noon on the next following Thursday in September before the general election the names of the nominees for President and Vice President of the United States certified to the election division under this subsection.

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

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.173;

P.L.5-1989, SEC.41; P.L.10-1992, SEC.18; P.L.3-1993, SEC.97; P.L.3-1997, SEC.223; P.L.66-2003, SEC.32; P.L.14-2004, SEC.80.

IC 3-10-4-6

Cessation of candidacy

Sec. 6. (a) If a nominee for President or Vice President of the United States ceases to be a candidate before the nominee's ticket is officially certified, then that fact and the name and the state of residence of the nominee's successor, if any, shall be certified in the same manner as the original nominee and the successor's name shall be printed upon all ballots.

(b) If a nominee for President or Vice President of the United States ceases to be a candidate after the nominee's ticket has been officially certified, then that fact and the name and state of residence of the nominee's successor, if any, shall be certified in the same manner as the original nominee. However, the ballots must reflect the original nominee's name, and any vote cast in the election for the original nominee shall be considered a vote for the successor.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.174.

IC 3-10-4-7

Assembly of presidential electors

Sec. 7. (a) The presidential electors who are elected at a general election shall assemble in the chamber of the Indiana house of representatives on the first Monday after the second Wednesday in December as provided by 3 U.S.C. 7, or on another day fixed by the Congress of the United States, at 10 a.m. to elect the President and Vice-President of the United States.

(b) The secretary of state, or an individual designated by the secretary, shall preside at this meeting. The election division shall assist the secretary in conducting the election and in certifying and transmitting the results in accordance with federal law.

(c) As provided by 3 U.S.C. 6, the governor shall deliver to the electors present six (6) duplicate originals of the certificate of ascertainment of appointment of the electors mailed to the Archivist of the United States.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.175; P.L.10-1992, SEC.19; P.L.3-1997, SEC.224.

IC 3-10-4-8

Filling of vacancy

Sec. 8. (a) If a presidential elector:

(1) files the elector's resignation with the governor under IC 5-8-3.5;

(2) dies or is otherwise disqualified from holding office, and the elector's death or disqualification is certified to the governor by the state chairman of the political party of the elector; or

(3) fails to appear before 11 a.m. on the day prescribed by section 7 of this chapter;

the electors present shall, by paper ballot and a majority vote of all

those present, immediately fill the vacancy upon proof of the resignation or certification being provided to the electors, or at 11 a.m., whichever occurs first.

(b) The election shall immediately be certified by a majority of the electors to the governor, who shall immediately notify the person of the person's election by presenting the elector with a commission issued under IC 4-3-1-5.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.176; P.L.3-1993, SEC.98; P.L.3-1997, SEC.225.

IC 3-10-4-9

Voting procedure

Sec. 9. The presidential electors, when assembled and after vacancies are filled, shall then vote by paper ballot for President and Vice President of the United States and perform the duties imposed upon them by the Constitution and statutes of the United States and of this state.

As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.177.

IC 3-10-4-10

Repealed

(Repealed by P.L.7-1986, SEC.20.)