

### **IC 3-10-5**

#### Chapter 5. State Conventions Concerning United States Constitutional Amendments

### **IC 3-10-5-1**

#### **Ratifying convention; election of delegates**

Sec. 1. Whenever the Congress of the United States proposes an amendment to the Constitution of the United States and proposes that it be ratified by conventions in the several states, the governor shall fix, by proclamation, the date of an election to elect the delegates to the convention in this state. The election shall be held within sixty (60) days after the date of the proclamation and within four (4) months after the date of the receipt of the proposed amendment by the appropriate official from the Secretary of State of the United States. If a general election occurs within this period, the special election shall be held at the same time and by the same election officers who conduct the general election.

*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-2**

#### **Eligible voters**

Sec. 2. The electorate of the whole state may vote at the election required by section 1 of this chapter.

*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-3**

#### **Conduct of election**

Sec. 3. Except as otherwise provided in this chapter, the election required by section 1 of this chapter shall be conducted and the results ascertained, canvassed, and certified in the same manner as an election of governor. All of the other provisions of this title apply to the election when consistent with this chapter.

*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-4**

#### **Conduct of election; precinct election officers**

Sec. 4. Each county election board shall conduct the election required by section 1 of this chapter. The precinct election officers consist of one (1) inspector and two (2) poll clerks to be appointed by the county election board at least ten (10) days before the election. These officers have the same powers and duties as other precinct election officers and receive the same pay that precinct election officers receive in general elections.

*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-5**

#### **Number of delegates**

Sec. 5. Each county shall elect at least one (1) delegate to the convention prescribed by section 1 of this chapter. In addition, each county having a population greater than twenty thousand (20,000)

shall elect one (1) additional delegate for each additional twenty thousand (20,000) persons in the county, or major fraction thereof. The governor shall determine the number of delegates to which each county is entitled under this section and shall include the number in the governor's proclamation.

*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-6**

#### **Qualifications of delegate**

Sec. 6. A candidate for delegate to a convention held under this chapter must be:

- (1) a resident of the county; and
- (2) a registered voter.

*As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.178.*

### **IC 3-10-5-7**

#### **Procedure for nomination**

Sec. 7. Nomination of a candidate for delegate to a convention held under this chapter must be by petition. Before the candidate's name is placed on a petition, the candidate must file in the office of the circuit court clerk of the county in which the candidate resides a declaration stating the candidate's name, the candidate's residence address with the street and number (if any), and whether if elected as a delegate the candidate will vote for or against the ratification of the amendment to be considered by the convention. The circuit court clerk may not accept a petition containing the name of a candidate who has failed to file such a declaration.

*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-8**

#### **Nomination petitions; required number of signatures**

Sec. 8. A single petition required by section 7 of this chapter may nominate any number of candidates, but not more than the total number of delegates to be elected from the county. A petition must be signed by at least five hundred (500) voters for each delegate nominated.

*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-9**

#### **Nomination petitions; contents**

Sec. 9. A petition required by section 7 of this chapter must contain the candidates' names, the candidates' residence address with the street and number (if any), and a declaration and pledge that each candidate will, if elected, vote for or against ratification at the convention.

*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-10**

#### **Nomination petitions; political party designations**

Sec. 10. A petition required by section 7 of this chapter may not

include a candidate's political party or political designation.  
*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-11**

#### **Nomination petitions; inconsistent names**

Sec. 11. A petition required by section 7 of this chapter may not contain the name of a candidate whose position as stated is inconsistent with that of another candidate on the same petition.  
*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-12**

#### **Signing more than one petition**

Sec. 12. A person may not sign both a petition for a candidate in favor of ratification and a petition for a candidate opposed to ratification.  
*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-13**

#### **Filing of petitions and acceptances; preservation**

Sec. 13. All petitions and acceptances must be filed with the circuit court clerk no later than noon thirty (30) days before the date of the election. The clerk shall preserve the petitions and make them available for public inspection.  
*As added by P.L.5-1986, SEC.6. Amended by P.L.10-1988, SEC.84.*

### **IC 3-10-5-14**

#### **Successful candidates; ties; time for objections**

Sec. 14. The candidates whose nominating petitions have been signed by the highest number of voters are nominated. Ties shall be resolved by lot drawn by the commission. If a written objection is not filed with the circuit court clerk no later than noon ten (10) days after the filing, the decision of the clerk is final.  
*As added by P.L.5-1986, SEC.6. Amended by P.L.10-1988, SEC.85; P.L.2-1996, SEC.119.*

### **IC 3-10-5-15**

#### **Objections**

Sec. 15. If an objection to a decision of the circuit court clerk is made, the clerk shall immediately certify the objection and the petition to the election division. The commission shall consider the objection, and the decision of the commission is final.  
*As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.179; P.L.3-1997, SEC.226.*

### **IC 3-10-5-16**

#### **Certification of successful nominees**

Sec. 16. Not later than noon fifteen (15) days after the petitions have been filed with the circuit court clerk, the clerk shall certify the names of the successful nominees to the election division.  
*As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.180;*

*P.L.3-1997, SEC.227.*

### **IC 3-10-5-17**

#### **Conduct of election; ballot**

Sec. 17. The election required by section 1 of this chapter shall be conducted by ballot. The ballot must state first the substance of the proposed constitutional amendment, followed by appropriate instructions to the voters. The ballot then must be in the form prescribed by the commission. The names of the nominees in favor of ratification shall be placed in the column headed "For Ratification". The names of the nominees against ratification shall be placed in the column headed "Against Ratification".

*As added by P.L.5-1986, SEC.6. Amended by P.L.3-1987, SEC.181; P.L.3-1993, SEC.99; P.L.2-1996, SEC.120.*

### **IC 3-10-5-18**

#### **Arrangement of names on ballot**

Sec. 18. The ballot prescribed by section 17 of this chapter shall be arranged so that a voter may, by making a single voting mark, vote for an entire group of nominees whose names are in one column.

*As added by P.L.5-1986, SEC.6. Amended by P.L.6-1986, SEC.10; P.L.3-1987, SEC.182.*

### **IC 3-10-5-19**

#### **Repealed**

*(Repealed by P.L.3-1993, SEC.282.)*

### **IC 3-10-5-20**

#### **Order of names on ballot**

Sec. 20. Each county election board shall prepare the ballots in series equal to the total number of delegates to be elected. The names of the candidates shall be arranged in alphabetical order in the first series of ballots printed. On the next series printed the first name shall be placed last, and the process shall be repeated in the same manner until each name has been first. The ballots shall then be combined in tablets with no two (2) of the same order of names together, except where there is but one (1) candidate in each column and when impracticable to do so.

*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-21**

#### **Marking of ballot**

Sec. 21. A voter shall indicate a choice by making one (1) or more voting marks in the appropriate spaces provided on the ballot.

*As added by P.L.5-1986, SEC.6. Amended by P.L.6-1986, SEC.11.*

### **IC 3-10-5-22**

#### **Successful nominees**

Sec. 22. The nominees who receive the highest number of votes, up to the total number to be chosen, are the delegates to the

convention prescribed by section 1 of this chapter.  
*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-23**

#### **Certification of delegates**

Sec. 23. Not later than noon ten (10) days after the election, each circuit court clerk shall:

- (1) certify the election of each delegate to the election division;  
and
- (2) deliver a certificate of election to each successful delegate.

*As added by P.L.5-1986, SEC.6. Amended by P.L.3-1997, SEC.228.*

### **IC 3-10-5-24**

#### **Vacancies**

Sec. 24. If there is a vacancy in the convention prescribed by section 1 of this chapter, the vacancy shall be filled by majority vote of the delegates from the county in which the vacancy exists. If the convention does not have another delegate from that county, the governor shall fill the vacancy.

*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-25**

#### **Commencement of convention; quorum**

Sec. 25. The delegates certified under section 23 of this chapter shall meet in convention in the chamber of the Indiana house of representatives on the third Monday following the election at 2 p.m. to pass upon the question of whether or not to ratify the proposed constitutional amendment. A majority of the delegates elected to the convention constitutes a quorum.

*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-26**

#### **Call to order; oath of office**

Sec. 26. The lieutenant governor shall call the convention to order. A justice of the supreme court shall administer the oath of office.

*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-27**

#### **Powers of convention**

Sec. 27. The convention:

- (1) is the judge of the election and qualifications of its members;
- (2) may elect its president, secretary, and other officers; and
- (3) may adopt its own rules.

*As added by P.L.5-1986, SEC.6.*

### **IC 3-10-5-28**

#### **Journal of convention**

Sec. 28. (a) The convention shall keep a journal of its proceedings

and debates in which the vote of each delegate on the question of ratification of the proposed constitutional amendment shall be recorded.

(b) Upon final adjournment the journal shall be filed with the election division.

*As added by P.L.5-1986, SEC.6. Amended by P.L.3-1997, SEC.229.*

### **IC 3-10-5-29**

#### **Certificate of ratification**

Sec. 29. (a) If the convention agrees to the ratification of the proposed constitutional amendment by majority vote of the delegates elected to the convention, the president and secretary of the convention shall execute a certificate to that effect and transmit the certificate to the election division.

(b) The secretary of state shall transmit the certificate under the official seal of the state to the Secretary of State of the United States.

*As added by P.L.5-1986, SEC.6. Amended by P.L.3-1997, SEC.230.*

### **IC 3-10-5-30**

#### **Congressional preemption of procedure**

Sec. 30. If at or about the time of submitting a constitutional amendment, Congress, either in the resolution submitting the amendment or by statute, prescribes the manner in which the conventions are to be constituted and does not except from the resolution or statute states that have provided for conventions, this chapter is inoperative and the convention shall be constituted and operate as the resolution or statute directs. Each public official of this state who is authorized or directed by the resolution or statute to take action to constitute a convention for this state shall act in accordance with it as if acting under a statute of this state.

*As added by P.L.5-1986, SEC.6.*