

## IC 3-8

### ARTICLE 8. CANDIDATES

#### IC 3-8-1

##### Chapter 1. Qualifications for Candidates

#### IC 3-8-1-1

##### **Candidates must be registered voters**

Sec. 1. (a) This section does not apply to a candidate for any of the following offices:

- (1) Judge of a city court.
  - (2) Judge of a town court.
- (b) A person is not qualified to run for:
- (1) a state office;
  - (2) a legislative office;
  - (3) a local office; or
  - (4) a school board office;

unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination.

(c) If a candidate filing error is made by the election division or a circuit court clerk, the error does not invalidate the filing.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.80; P.L.4-1991, SEC.31; P.L.12-1992, SEC.2; P.L.3-1997, SEC.110; P.L.254-1999, SEC.1.*

#### IC 3-8-1-1.5

##### **Judges in certain cities and towns; candidates must be registered in county in which municipality is located**

Sec. 1.5. (a) This section applies to a candidate for any of the following offices:

- (1) Judge of a city court in a city located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).
- (2) Judge of a town court.

(b) A person is not qualified to run for an office subject to this section unless not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination the person is registered to vote in a county in which the municipality is located.

*As added by P.L.10-1988, SEC.29. Amended by P.L.12-1992, SEC.3; P.L.3-1997, SEC.111; P.L.254-1999, SEC.2.*

#### IC 3-8-1-1.6

##### **Duty of division or board to determine candidate's compliance**

Sec. 1.6. (a) This section does not apply to a candidate unless the candidate is required to file a campaign finance statement of organization under IC 3-9-1-5 or IC 3-9-1-5.5.

(b) Not later than noon fourteen (14) days after the final day for filing a declaration of candidacy, declaration of intent to be a write-in candidate, petition of nomination, certificate of nomination, or

certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8, the election division or county election board shall determine if a candidate has complied with IC 3-9-1-5 or IC 3-9-1-5.5 (if applicable) by filing any campaign finance statement of organization required for the candidate's committee.

*As added by P.L.3-1995, SEC.46. Amended by P.L.2-1996, SEC.83; P.L.3-1997, SEC.112; P.L.26-2000, SEC.4.*

### **IC 3-8-1-1.7**

#### **"Before the election" defined**

Sec. 1.7. As used in this chapter, "before the election" refers to a general, municipal, or special election.

*As added by P.L.3-1993, SEC.53.*

### **IC 3-8-1-2**

#### **Filings regarding candidacy**

Sec. 2. (a) The commission, a county election board, or a town election board shall act if a candidate (or a person acting on behalf of a candidate in accordance with state law) has filed any of the following:

- (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.
- (2) A request for ballot placement in a presidential primary under IC 3-8-3.
- (3) A petition of nomination or candidate's consent to nomination under IC 3-8-6.
- (4) A certificate of nomination under IC 3-8-5, IC 3-8-7, IC 3-10-2-15, or IC 3-10-6-12.
- (5) A certificate of candidate selection under IC 3-13-1 or IC 3-13-2.
- (6) A declaration of intent to be a write-in candidate under IC 3-8-2-2.5.
- (7) A contest to the denial of certification under IC 3-8-6-12.

(b) The commission has jurisdiction to act under this section with regard to any filing described in subsection (a) that was made with the election division. Except for a filing under the jurisdiction of a town election board, a county election board has jurisdiction to act under this section with regard to any filing described in subsection (a) that was made with the county election board, county voter registration office, or the circuit court clerk. A town election board has jurisdiction to act under this section with regard to any filing that was made with the county election board, the county voter registration office, or the circuit court clerk for nomination or election to a town office.

(c) Except as provided in subsection (e), before the commission or election board acts under this section, a registered voter of the election district that a candidate seeks to represent must file a sworn statement with the election division or election board:

- (1) questioning the eligibility of a candidate to seek the office; and
- (2) setting forth the facts known to the voter concerning this

question.

(d) The eligibility of a write-in candidate or a candidate nominated by a convention, petition, or primary may not be challenged under this section if the commission or board determines that all of the following occurred:

(1) The eligibility of the candidate was challenged under this section before the candidate was nominated.

(2) The commission or board conducted a hearing on the affidavit before the nomination.

(3) This challenge would be based on substantially the same grounds as the previous challenge to the candidate.

(e) Before the commission or election board can consider a contest to the denial of a certification under IC 3-8-6-12, a candidate (or a person acting on behalf of a candidate in accordance with state law) must file a sworn statement with the election division or election board:

(1) stating specifically the basis for the contest; and

(2) setting forth the facts known to the candidate supporting the basis for the contest.

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

(1) declaration of candidacy;

(2) declaration of intent to be a write-in candidate;

(3) request for ballot placement under IC 3-8-3;

(4) petition of nomination;

(5) certificate of nomination;

(6) certificate of candidate selection issued under IC 3-13-1-15 or IC 3-13-2-8; or

(7) denial of a certification under IC 3-8-6-12.

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

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.81; P.L.12-1995, SEC.59; P.L.3-1995, SEC.47; P.L.2-1996, SEC.84; P.L.3-1997, SEC.113; P.L.38-1999, SEC.21; P.L.176-1999, SEC.25; P.L.66-2003, SEC.11; P.L.97-2004, SEC.3.*

### **IC 3-8-1-3**

#### **Limitation on number of lucrative offices**

Sec. 3. A person may not hold more than one (1) lucrative office at a time, as provided in Article 2, Section 9 of the Constitution of the State of Indiana.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-4**

#### **Collectors and holders of public money**

Sec. 4. A person may not hold an office of trust or profit unless

the person has accounted for and paid over as required by law all sums of public money for which the person was liable as a collector or holder, as provided in Article 2, Section 10 of the Constitution of the State of Indiana.

*As added by P.L.5-1986, SEC.4. Amended by P.L.6-1991, SEC.1.*

### **IC 3-8-1-5**

#### **Disqualification of candidates**

Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year. However, the term does not include a conviction:

- (1) for which the person has been pardoned; or
- (2) that has been:
  - (A) reversed;
  - (B) vacated;
  - (C) set aside; or
  - (D) not entered because the trial court did not accept the person's guilty plea.

(c) A person is disqualified from assuming or being a candidate for an elected office if:

- (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
- (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
- (3) in a:
  - (A) jury trial, a jury publicly announces a verdict against the person for a felony;
  - (B) bench trial, the court publicly announces a verdict against the person for a felony; or
  - (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
- (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
- (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; or
- (6) the person is subject to:
  - (A) 5 U.S.C. 1502 (the Little Hatch Act); or
  - (B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office.

(d) The subsequent reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 after the:

(1) jury has announced its verdict against the person for a felony;

(2) court has announced its verdict against the person for a felony; or

(3) person has pleaded guilty or nolo contendere to a felony; does not affect the operation of subsection (c).

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.82; P.L.4-1991, SEC.32; P.L.3-1993, SEC.54; P.L.3-1997, SEC.114; P.L.176-1999, SEC.26; P.L.113-2005, SEC.1; P.L.37-2008, SEC.1.*

### **IC 3-8-1-5.5**

#### **Candidates defeated in primary or nomination process; ineligibility**

Sec. 5.5. (a) Except as provided in IC 3-13-1-19 and IC 3-13-2-10 for filling a vacancy on a ticket, a person who:

(1) is defeated in a primary election;

(2) appears as a candidate for nomination at a convention and is defeated;

(3) files a declaration of candidacy for nomination by a county, city, or town convention and is defeated; or

(4) files a declaration of candidacy for nomination by a caucus conducted under IC 3-13-1 or IC 3-13-2 and is defeated;

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

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

(1) a candidate for an at-large seat on a fiscal body is considered a candidate for the same office as a candidate for a district seat on a fiscal body; and

(2) a candidate for United States representative from a district in Indiana is considered a candidate for the same office as a candidate for any other congressional district in Indiana.

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

*As added by P.L.10-1988, SEC.30. Amended by P.L.3-1997, SEC.115; P.L.38-1999, SEC.22; P.L.176-1999, SEC.27.*

### **IC 3-8-1-5.7**

#### **Requirements of candidates for appointment pro tempore**

Sec. 5.7. (a) Except as expressly provided by law, a candidate for selection under IC 3-13-5 or IC 3-13-11 for an appointment pro tempore to an office must comply with the requirements imposed under this chapter on a candidate for election to the office.

(b) If a town council member:

(1) was elected or selected as a candidate from a town council district; and

(2) served on a council that subsequently adopted an ordinance under IC 36-5-2-4.1 abolishing town council districts;

a candidate for selection for an appointment pro tempore to succeed the town council member is not required to reside within the district formerly represented by the town council member.

*As added by P.L.7-1990, SEC.28. Amended by P.L.3-1993, SEC.55; P.L.176-1999, SEC.28.*

### **IC 3-8-1-6**

#### **President or Vice President**

Sec. 6. (a) A candidate for the office of President or Vice President of the United States must have the qualifications provided in Article 2, Section 1, clause 4 of the Constitution of the United States.

(b) A candidate for the office of elector for President and Vice President of the United States must have the qualifications provided in Article 2, Section 1, clause 2 of the Constitution of the United States and Section 3 of the Fourteenth Amendment to the Constitution of the United States.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.83; P.L.3-1993, SEC.56.*

### **IC 3-8-1-7**

#### **United States Senator**

Sec. 7. A candidate for the office of United States Senator must have the qualifications provided in Article 1, Section 3, Clause 3 of the Constitution of the United States.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-8**

#### **United States Representative**

Sec. 8. A candidate for the office of United States Representative must have the qualifications provided in Article 1, Section 2, Clause 2 of the Constitution of the United States.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-9**

#### **Governor or lieutenant governor**

Sec. 9. A candidate for the office of governor or lieutenant governor:

- (1) must have been a United States citizen for at least five (5) years before the election;
- (2) must have resided in the state for at least five (5) years before the election;
- (3) must be thirty (30) years old upon taking office; and
- (4) may not hold any other office of the United States or of this state upon taking office;

as provided in Article 5, Sections 7 and 8 of the Constitution of the State of Indiana.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-9.5**

#### **Governor and lieutenant governor must run jointly**

Sec. 9.5. (a) This section applies to a candidate for governor who seeks election by filing:

- (1) a petition of nomination under IC 3-8-6; or
- (2) a declaration of intent to be a write-in candidate under IC 3-8-2-2.5.

(b) The petition or declaration must contain the name of a candidate for lieutenant governor to permit the candidates to comply with Article 4, Section 4 of the Constitution of the State of Indiana by running jointly in the general election as candidates for governor and lieutenant governor.

*As added by P.L.3-1997, SEC.116.*

### **IC 3-8-1-10**

#### **Attorney general**

Sec. 10. A candidate for the office of attorney general must:

- (1) have resided in Indiana for at least two (2) years before the election; and
- (2) have been admitted to the practice of law in Indiana for at least five (5) years upon taking office.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.84; P.L.10-1992, SEC.10 and P.L.11-1992, SEC.3.*

### **IC 3-8-1-10.5**

#### **State superintendent of public instruction**

Sec. 10.5. A candidate for the office of state superintendent of public instruction must have resided in Indiana for at least two (2) years before the election.

*As added by P.L.3-1987, SEC.85.*

### **IC 3-8-1-11**

#### **Justice of supreme court; judge of court of appeals**

Sec. 11. A nominee for appointment as a justice of the supreme court or judge of the court of appeals must:

- (1) be a United States citizen;
- (2) reside in the appropriate court of appeals district, if applicable; and
- (3) have been admitted to the practice of law in Indiana for at least ten (10) years or have served as a circuit, superior, or criminal court judge for at least five (5) years;

upon nomination, as provided in Article 7, Section 10 of the Constitution of the State of Indiana.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.86.*

### **IC 3-8-1-11.5**

#### **Repealed**

*(Repealed by P.L.14-2004, SEC.195.)*

### **IC 3-8-1-12**

#### **Tax court judge**

Sec. 12. A nominee for appointment as the judge of the tax court must:

- (1) have resided in Indiana for at least two (2) years before the

election; and

(2) have been admitted to the practice of law in Indiana for at least five (5) years upon nomination.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.88.*

### **IC 3-8-1-13**

#### **Senator in general assembly**

Sec. 13. A candidate for the office of senator in the general assembly must:

(1) be a United States citizen at the time of election;

(2) have resided in the state for at least two (2) years and in the senate district for at least one (1) year before the election; and

(3) be at least twenty-five (25) years old upon taking office;

as provided in Article 4, Section 7 of the Constitution of the State of Indiana.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-14**

#### **Representative in general assembly**

Sec. 14. A candidate for the office of representative in the general assembly must:

(1) be a United States citizen at the time of election;

(2) have resided in the state for at least two (2) years and in the house district for at least one (1) year before the election; and

(3) be at least twenty-one (21) years old upon taking office;

as provided in Article 4, Section 7 of the Constitution of the State of Indiana.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-15**

#### **Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

### **IC 3-8-1-16**

#### **Circuit court judge**

Sec. 16. A candidate for the office of judge of a circuit court must:

(1) reside in the circuit; and

(2) be admitted to the practice of law in the state;

upon taking office, as provided in Article 7, Section 7 of the Constitution of the State of Indiana.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-17**

#### **Superior or probate court judge**

Sec. 17. A candidate for the office of judge of a superior or probate court must:

(1) be admitted to the practice of law in Indiana upon filing a declaration of candidacy or petition of nomination, or upon the filing of a certificate of candidate selection under IC 3-13-1-15



or IC 3-13-2-8; and

(2) comply with any other requirement for that office set forth in IC 33-29, IC 33-33, or IC 33-31.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.89; P.L.5-1989, SEC.22; P.L.98-2004, SEC.28.*

### **IC 3-8-1-18**

#### **County court judge**

Sec. 18. A candidate for the office of judge of a county court must:

(1) be a United States citizen; and

(2) be admitted to the practice of law in Indiana upon filing a declaration of candidacy or petition of nomination, or upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.90.*

### **IC 3-8-1-19**

#### **Prosecuting attorney**

Sec. 19. A candidate for the office of prosecuting attorney must be admitted to the practice of law in the state before the election, as provided in Article 7, Section 16 of the Constitution of the State of Indiana.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-19.5**

#### **Circuit court clerk**

Sec. 19.5. A candidate for the office of circuit court clerk must comply with Article 6, Section 2 of the Constitution of the State of Indiana.

*As added by P.L.10-1988, SEC.31.*

### **IC 3-8-1-20**

#### **County officers**

Sec. 20. A candidate for the office of county auditor, recorder, treasurer, sheriff, coroner, or surveyor must have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-21**

#### **County commissioner**

Sec. 21. A candidate for the office of county commissioner must:

(1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and

(2) have resided in the district in which seeking election, if applicable, for at least six (6) months before the election.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-22**

#### **County council member**

Sec. 22. A candidate for membership on the county council of a county must:

- (1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and
- (2) have resided in the district in which seeking election, if applicable, for at least six (6) months before the election.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-23**

#### **County assessor**

Sec. 23. (a) Subject to subsection (b), a candidate for the office of county assessor must:

- (1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and
- (2) own real property located in the county upon taking office.

(b) A candidate for the office of county assessor who runs in an election after June 30, 2008, must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5.

(c) A candidate for the office of county assessor who runs in an election after January 1, 2012, must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.91; P.L.219-2007, SEC.1; P.L.146-2008, SEC.2.*

### **IC 3-8-1-23.4**

#### **Repealed**

*(Repealed by P.L.146-2008, SEC.801.)*

### **IC 3-8-1-23.5**

#### **Repealed**

*(Repealed by P.L.3-2008, SEC.269; P.L.146-2008, SEC.801.)*

### **IC 3-8-1-23.6**

#### **Certification requirements for assessor candidates**

Sec. 23.6. (a) A person who runs in an election after June 30, 2008, for the office of township assessor under IC 36-6-5-1 must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office.

(b) A person who runs in an election after January 1, 2012, for the office of township assessor under IC 36-6-5-1 must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

*As added by P.L.3-2008, SEC.2. Amended by P.L.146-2008, SEC.3.*

### **IC 3-8-1-24**

#### **Mayor of first class city**

Sec. 24. A candidate for the office of mayor of a first class city must have resided in the city for at least five (5) years before the date of taking office.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-25**

#### **City-county council member**

Sec. 25. A candidate for membership on city-county council of a first class city must have resided in the district in which seeking election, if applicable, for at least two (2) years before the date of taking office.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-26**

#### **Mayor of second or third class city**

Sec. 26. A candidate for the office of mayor of a second or third class city must have resided in the city for at least one (1) year before the election.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-27**

#### **Common council member**

Sec. 27. A candidate for membership on common council of a second or third class city must:

- (1) have resided in the city for at least one (1) year; and
- (2) have resided in the district in which seeking election, if applicable, for at least six (6) months;

before the election.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-28**

#### **City clerk of second class city; city clerk-treasurer of third class city**

Sec. 28. A candidate for the office of city clerk of a second class city or city clerk-treasurer of a third class city must have resided in the city for at least one (1) year before the election.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-1-28.5**

#### **City court judge**

Sec. 28.5. (a) This section does not apply to a candidate for the office of judge of a city court in a city located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

(b) A candidate for the office of judge of a city court must reside in the city upon filing a declaration of candidacy or declaration of intent to be a write-in candidate required under IC 3-8-2, a petition of nomination under IC 3-8-6, or a certificate of nomination under IC 3-10-6-12.

(c) A candidate for the office of judge of a city court must reside

in a county in which the city is located upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

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

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

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

*As added by P.L.3-1987, SEC.92. Amended by P.L.12-1992, SEC.4; P.L.12-1997, SEC.1; P.L.38-1999, SEC.23; P.L.176-1999, SEC.29; P.L.254-1999, SEC.3; P.L.14-2000, SEC.2; P.L.98-2004, SEC.29.*

### **IC 3-8-1-29**

#### **Town council member**

Sec. 29. A candidate for membership on a town council must reside in the district in which seeking election, if applicable.

*As added by P.L.5-1986, SEC.4. Amended by P.L.8-1989, SEC.3.*

### **IC 3-8-1-29.5**

#### **Town court judge**

Sec. 29.5. (a) This section applies to a candidate for the office of judge of a town court listed in IC 33-35-5-7(c).

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

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

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

*As added by P.L.176-1999, SEC.30 and P.L.254-1999, SEC.4. Amended by P.L.14-2000, SEC.3; P.L.98-2004, SEC.30.*

### **IC 3-8-1-30**

#### **Small claims court judge**

Sec. 30. A candidate for the office of judge of a small claims court must:

- (1) be a United States citizen upon taking office;
- (2) either:
  - (A) have resided in the township from which the candidate is elected for at least one (1) year upon taking office; or
  - (B) have been elected as a small claims court judge in the township before 1999;
- (3) be of high moral character and reputation; and
- (4) be admitted to the practice of law in Indiana upon filing a

declaration of candidacy or petition of nomination or upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.93; P.L.95-1999, SEC.1.*

### **IC 3-8-1-31**

#### **Small claims court constable**

Sec. 31. A candidate for the office of constable of a small claims court must:

- (1) have resided in the township for more than one (1) year upon taking office; and
- (2) be at least twenty-one (21) years old upon taking office.

*As added by P.L.5-1986, SEC.4. Amended by P.L.18-1993, SEC.1.*

### **IC 3-8-1-32**

#### **Precinct committeeman; delegate to state convention**

Sec. 32. A candidate for:

- (1) precinct committeeman; or
- (2) delegate to a state convention;

of a political party in the state whose nominee received at least ten percent (10%) of the total vote cast for secretary of state at the last election must comply with any candidate requirement set by state party rules.

*As added by P.L.5-1986, SEC.4. Amended by P.L.66-2003, SEC.12.*

### **IC 3-8-1-33**

#### **Statement of economic interests**

Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.

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

- (1) Governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, and state superintendent of public instruction, in accordance with IC 4-2-6-8.
- (2) Senator and representative in the general assembly, in accordance with IC 2-2.1-3-2.
- (3) Justice of the supreme court, judge of the court of appeals, judge of the tax court, judge of a circuit court, judge of a superior court, judge of a county court, judge of a probate court, and prosecuting attorney, in accordance with IC 33-23-11-14 and IC 33-23-11-15.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.94; P.L.3-1995, SEC.48; P.L.14-2004, SEC.52; P.L.98-2004, SEC.31;*

*P.L.2-2005, SEC.2.*

**IC 3-8-1-34**

**School board offices**

Sec. 34. (a) A candidate for a school board office must have resided in the school corporation for at least one (1) year before the election, unless a longer period is required under IC 20.

(b) This subsection applies to a candidate for school board office seeking to represent an election district that consists of less than the entire school corporation. The candidate must have resided in the election district for at least one (1) year before the election, unless a longer period is required under IC 20.

*As added by P.L.3-1987, SEC.95. Amended by P.L.3-1997, SEC.117.*

## **IC 3-8-2**

Chapter 2. Declaration of Candidacy for Federal, State, Legislative, or Local Office in Primary Election

### **IC 3-8-2-1**

#### **Application of chapter**

Sec. 1. This chapter applies to the following:

- (1) Each political party in the state whose nominee received at least ten percent (10%) of the total vote cast for secretary of state at the last election.
- (2) Write-in candidates.

*As added by P.L.5-1986, SEC.4. Amended by P.L.4-1991, SEC.33.*

### **IC 3-8-2-2**

#### **Necessity of declaration of candidacy for nomination at primary election**

Sec. 2. A person who desires to be nominated at a primary election as a candidate of a political party subject to this chapter for a federal, state, legislative, or local office shall file a declaration of candidacy.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-2-2.2**

#### **Petition of nomination filed by school board office candidate**

Sec. 2.2. (a) A candidate for a school board office must file a petition of nomination in accordance with IC 3-8-6 and as required under IC 20-23-12, IC 20-23-14, or IC 20-23-4. The petition of nomination, once filed, serves as the candidate's declaration of candidacy for a school board office.

(b) A candidate for a school board office is not required to file a statement of organization for the candidate's principal committee by noon seven (7) days after the final date for filing a petition of nomination or declaration of intent to be a write-in candidate unless the candidate has received contributions or made expenditures requiring the filing of a statement under IC 3-9-1-5.5.

*As added by P.L.3-1995, SEC.49. Amended by P.L.26-2000, SEC.5; P.L.1-2005, SEC.53.*

### **IC 3-8-2-2.5**

#### **Requirements for write-in candidates**

Sec. 2.5. (a) A person who desires to be a write-in candidate for a federal, state, legislative, or local office or school board office in a general, municipal, or school board election must file a declaration of intent to be a write-in candidate with the officer with whom declaration of candidacy must be filed under sections 5 and 6 of this chapter.

(b) The declaration of intent to be a write-in candidate required under subsection (a) must be signed before a person authorized to administer oaths and must certify the following information:

- (1) The candidate's name must be printed or typewritten as:

- (A) the candidate wants the candidate's name to be certified;  
and
  - (B) the candidate's name is permitted to appear under IC 3-5-7.
- (2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.
- (3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.
- (4) The candidate's party affiliation or a statement that the candidate is an independent candidate (not affiliated with any party). For purposes of this subdivision, a candidate is affiliated with a political party only if the candidate satisfies section 7(a)(4) of this chapter.
- (5) A statement of the candidate's intention to be a write-in candidate, the name of the office, including the district, and the date and type of election.
- (6) If the candidate is a candidate for the office of President or Vice President of the United States, a statement declaring the names of the individuals who have consented and are eligible to be the candidate's candidates for presidential electors.
- (7) A statement that the candidate:
- (A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
  - (B) agrees to comply with the provisions of IC 3-9.
- The candidate must separately sign the statement required by this subdivision.
- (8) A statement as to whether the candidate has:
- (A) been a candidate for state or local office in a previous primary or general election; and
  - (B) filed all reports required by IC 3-9-5-10 for all previous candidacies.
- (9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of intent to be a write-in candidate under section 4 of this chapter.
- (10) If the candidate is subject to IC 3-9-1-5.5, a statement that the candidate is required to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:
- (A) The candidate receives more than five hundred dollars (\$500) in contributions.
  - (B) The candidate makes more than five hundred dollars (\$500) in expenditures.
- (11) A statement that the candidate complies with all



requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(12) The candidate's signature and telephone number.

(c) At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate is considered a candidate for all purposes.

(d) A write-in candidate must comply with the requirements under IC 3-8-1 that apply to the office to which the write-in candidate seeks election.

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

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

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

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

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

(h) A declaration of intent to be a write-in candidate 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 declaration of intent to be a write-in candidate. If there is a difference between the name on the candidate's declaration of intent to be a write-in candidate and the name on the candidate's voter registration record, the officer with whom the declaration of intent to be a write-in candidate 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 declaration of intent to be a write-in candidate.

*As added by P.L.4-1991, SEC.34. Amended by P.L.1-1992, SEC.3; P.L.10-1992, SEC.11; P.L.3-1993, SEC.57; P.L.3-1995, SEC.50; P.L.3-1997, SEC.118; P.L.202-1999, SEC.2; P.L.26-2000, SEC.6; P.L.66-2003, SEC.13.*

### **IC 3-8-2-2.6**

#### **Write-in candidate for school board office at primary; declaration of intent; withdrawal of candidacy; questioning validity of declaration**

Sec. 2.6. (a) This section applies to a write-in candidate for a school board office to be elected on the same election day that a primary election is conducted.

(b) A:

- (1) declaration of intent to be a write-in candidate; or
- (2) withdrawal of a declaration;

must be subscribed and sworn to before an individual authorized to administer oaths.

(c) A declaration of intent to be a write-in candidate for a school board office must be filed:

- (1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and
- (2) not later than noon seventy-four (74) days before the primary election.

(d) A candidate may withdraw a declaration of intent filed under subsection (c) not later than noon seventy-one (71) days before the primary election.

(e) A question concerning the validity of a declaration of intent to be a write-in candidate for a school board office must be filed with the county election board under IC 3-8-1-2(c) not later than noon sixty-seven (67) days before the date of the primary election. The county election board shall determine all questions regarding the validity of the declaration not later than noon fifty-four (54) days before the date of the primary election.

*As added by P.L.164-2006, SEC.56.*

### **IC 3-8-2-2.7**

#### **Withdrawal of a write-in candidate other than school board candidate at primary**

Sec. 2.7. (a) This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter. A candidate may withdraw a declaration of intent to be a write-in candidate not later than noon July 15 before a general or municipal election.

(b) This subsection applies to a candidate who filed a declaration of intent to be a write-in candidate with the election division. The election division shall issue a corrected certification of write-in candidates under IC 3-8-7-30 as soon as practicable after a declaration is withdrawn under this section.

*As added by P.L.3-1993, SEC.58. Amended by P.L.3-1997, SEC.119; P.L.14-2004, SEC.53; P.L.164-2006, SEC.57.*

### **IC 3-8-2-3**

#### **Precinct committeeman or delegate to state convention; necessity of declaration of candidacy**

Sec. 3. A person who desires to be elected either or both of the following at a primary election shall file a declaration of candidacy:

- (1) Precinct committeeman.
- (2) Delegate to a state convention.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1995, SEC.51.*

### **IC 3-8-2-4**

#### **Time for filing and execution of declaration of candidacy; declaration of intent to be a write-in candidate**

Sec. 4. (a) A declaration of candidacy for a primary election must be filed not later than noon seventy-four (74) days and not earlier than one hundred four (104) days before the primary election. The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(b) This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter. A declaration of intent to be a write-in candidate must be filed:

- (1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and
- (2) not later than noon on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.

The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(c) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count becomes effective under IC 1-1-3.5, a declaration of:

- (1) candidacy may be filed for an office that will appear on the primary election ballot; or
- (2) intent to be a write-in candidate for an office that will appear on the general, municipal, or school board election ballot;

that year as a result of the new tabulation of population or corrected population count.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.96; P.L.1-1988, SEC.5; P.L.10-1988, SEC.32; P.L.5-1989, SEC.23; P.L.2-1990, SEC.6; P.L.4-1991, SEC.35; P.L.10-1992, SEC.12; P.L.3-1993, SEC.59; P.L.3-1997, SEC.120; P.L.14-2004, SEC.54; P.L.230-2005, SEC.23; P.L.164-2006, SEC.58.*

### **IC 3-8-2-5**

#### **Filing with secretary of state**

Sec. 5. A declaration of candidacy for:

- (1) a federal office;
- (2) a state office;
- (3) a legislative office; or
- (4) the local office of:
  - (A) judge of a circuit, superior, probate, county, or small claims court; or
  - (B) prosecuting attorney of a judicial circuit;

shall be filed with the secretary of state.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.97; P.L.5-1988, SEC.2.*

### **IC 3-8-2-6**

#### **Certain local offices; filing declaration of candidacy; posting**

Sec. 6. (a) A declaration of candidacy for:

- (1) any local office not described in section 5 of this chapter;
- (2) precinct committeeman; or

(3) delegate to a state convention;  
shall be filed in the office of the county election board located in the county seat.

(b) Whenever the election district for a local office includes more than one (1) county, the declaration of candidacy shall be filed in the office of the county election board located in the county seat of the county that contains the greatest percentage of population of the election district.

(c) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The chief deputy of the combined election board and board of registration shall post for public inspection a copy of each declaration of candidacy filed under this section on the day the declaration is filed.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.98; P.L.7-1991, SEC.1; P.L.12-1992, SEC.5; P.L.3-1997, SEC.121.*

### **IC 3-8-2-7**

#### **Declaration of candidacy**

Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

- (1) The candidate's name, printed or typewritten as:
  - (A) the candidate wants the candidate's name to appear on the ballot; and
  - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
- (2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.
- (3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.
- (4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:
  - (A) The most recent primary election in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.
  - (B) The candidate has never voted in a primary election and claims a party affiliation.
  - (C) The county chairman of:
    - (i) the political party with which the candidate claims affiliation; and
    - (ii) the county in which the candidate resides;certifies that the candidate is a member of the political party.

The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A), (B), or (C) applies to the candidate. If a candidate

claims party affiliation under clause (C), the candidate must attach to the candidate's declaration of candidacy the written certification of the county chairman required by clause (C).

(5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.

(7) A statement that the candidate:

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

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

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

(8) A statement as to whether the candidate has been a candidate for state or local office in a previous primary or general election and whether the candidate has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of candidacy under section 11 of this chapter.

(10) The candidate's signature.

(b) The commission shall provide that the form of a declaration of candidacy includes the following information near the separate signature required by subsection (a)(7):

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

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

(c) A declaration of candidacy 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 declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy 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 declaration of candidacy. *As added by P.L.5-1986, SEC.4. Amended by P.L.3-1993, SEC.60; P.L.3-1995, SEC.52; P.L.3-1997, SEC.122; P.L.202-1999, SEC.3;*

*P.L.167-2001, SEC.1 and P.L.199-2001, SEC.15; P.L.69-2003, SEC.2.*

### **IC 3-8-2-8**

#### **Petition for candidacy for U.S. Senator or governor**

Sec. 8. (a) A declaration of candidacy for the office of United States Senator or for the office of governor must be accompanied by a petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

- (1) The signature of each petitioner.
- (2) The name of each petitioner legibly printed.
- (3) The residence mailing address of each petitioner.

(c) This subsection applies to a petition filed during the period:

- (1) beginning on the date that a congressional district plan has been adopted under IC 3-3; and
- (2) ending on the date that the part of the act or order issued under IC 3-3-2 establishing the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under IC 3-3.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1992, SEC.13; P.L.126-2002, SEC.29.*

### **IC 3-8-2-9**

#### **Form of petition; certification**

Sec. 9. (a) A petition required by section 8 of this chapter must request that the name of the candidate be placed on the ballot at the primary election.

(b) The county voter registration office in the county where a petitioner is registered must certify whether each petitioner is a voter of the county. The certification must accompany and be part of the petition.

(c) If a county is part of more than one (1) congressional district, the certificate must indicate the number of petitioners from that county who reside in each congressional district.

*As added by P.L.5-1986, SEC.4. Amended by P.L.38-1999, SEC.24.*

### **IC 3-8-2-10**

#### **Submission of petition to circuit court clerk or board of registration; time**

Sec. 10. A petition required by section 8 of this chapter must be submitted to the circuit court clerk or board of registration during the period beginning January 1 of the year in which the primary election will be held and ending at noon seventy-seven (77) days before the primary election.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.33;*

*P.L.5-1989, SEC.24.*

### **IC 3-8-2-11**

#### **Filing declaration of candidacy; time for filing; economic interest or financial disclosure statement**

Sec. 11. (a) A declaration of candidacy may be made by mail and is considered filed as of the date and hour the filing occurs in the manner described by IC 3-5-2-24.5 in the office of the election division or circuit court clerk.

(b) A declaration is not valid unless filed in the office of the election division or circuit court clerk by noon on the seventy-fourth day before a primary election.

(c) This subsection applies to a candidate required to file a statement of economic interest under IC 2-2.1-3-2 or IC 33-23-11-15 or a financial disclosure statement under IC 4-2-6-8. The election division shall require the candidate to produce a:

- (1) copy of the statement, file stamped by the office required to receive the statement of economic interests; or
- (2) receipt showing that the statement has been filed;

before the election division accepts the declaration for filing. The election division shall reject a filing that does not comply with this subsection.

*As added by P.L.5-1986, SEC.4. Amended by P.L.5-1989, SEC.25; P.L.3-1993, SEC.61; P.L.3-1997, SEC.123; P.L.230-2005, SEC.24; P.L.164-2006, SEC.59.*

### **IC 3-8-2-12**

#### **Confirmation statement**

Sec. 12. Not more than one (1) day after a person files a declaration of candidacy in the office of the election division or circuit court clerk, the election division or circuit court clerk shall hand deliver to the candidate (or mail to the candidate at the address listed in the declaration) a statement showing the following:

- (1) That the candidate has filed a declaration.
- (2) The name of the candidate.
- (3) The office for which the declarant is a candidate.
- (4) The date on which the declaration was filed.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1995, SEC.53; P.L.3-1997, SEC.124.*

### **IC 3-8-2-12.5**

#### **Declaration of intent to be write-in candidate; party affiliation**

Sec. 12.5. (a) This section applies to a declaration of intent to be a write-in candidate in which the candidate states that the candidate is affiliated with the political party.

- (b) If a candidate claims affiliation with a political party:
- (1) described by IC 3-8-4-1;
  - (2) of a candidate who has previously filed a petition of nomination under IC 3-8-6; or
  - (3) whose name would result in voter confusion due to its

similarity with the name of a political party described in subdivision (1) or (2);

a registered voter of the election district may question the validity of the filing in accordance with IC 3-8-1-2. The commission or county election board shall determine the validity of the questioned filing under section 14 or section 18 of this chapter.

(c) Following the filing of a question under subsection (b) and not later than the deadline for resolution of a question concerning a candidacy under section 14 or section 18 of this chapter, a candidate may file a written amendment to the declaration to alter the name of the political party or to indicate that the candidate is independent.

(d) If:

(1) the commission or county election board determines that the candidate's stated party affiliation is described under subsection (c); and

(2) the candidate does not file an amendment under subsection (d);

the commission or board shall deny the filing.

*As added by P.L.3-1997, SEC.125.*

### **IC 3-8-2-13**

#### **Release of list of candidates**

Sec. 13. Immediately after the deadline for filing, the election division and each circuit court clerk shall certify and release to the public a list of the candidates of each political party for each office. The election division and circuit court clerk shall also release to the public a list of all declarations of candidacy whose validity has been questioned under IC 3-8-1-2.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.126.*

### **IC 3-8-2-14**

#### **Questions concerning validity of declaration**

Sec. 14. (a) All questions concerning the validity of a declaration filed with the secretary of state shall be referred to and determined by the commission in accordance with section 18 of this chapter. A statement questioning the validity of a declaration must be filed with the election division under IC 3-8-1-2(c) not later than noon sixty-seven (67) days before the date of the primary election.

(b) All questions concerning the validity of a declaration of candidacy filed with a circuit court clerk shall be referred to and determined by the county election board not later than noon fifty-four (54) days before the date of the primary election. A statement questioning the validity of a declaration must be filed with the county election board under IC 3-8-1-2(c) not later than noon sixty-seven (67) days before the date of the primary election.

(c) A question concerning the validity of a declaration of intent to be a write-in candidate shall be determined by the commission or the county election board not later than noon sixty-seven (67) days before election day. A statement questioning the validity of a declaration of intent to be a write-in candidate must be filed with the



election division or county election board under IC 3-8-1-2(c) not later than noon seventy-four (74) days before election day.

*As added by P.L.5-1986, SEC.4. Amended by P.L.4-1991, SEC.36; P.L.3-1993, SEC.62; P.L.2-1996, SEC.85; P.L.58-2001, SEC.1; P.L.14-2004, SEC.55.*

### **IC 3-8-2-15**

#### **Declarations for more than one compensated office; school board candidates**

Sec. 15. (a) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(b) A person may file both:

- (1) a declaration of candidacy under this chapter for nomination to a federal or state office; and
- (2) a written request under IC 3-8-3-1 that the person's name be placed on the ballot in a primary election as a candidate for nomination for the office of President of the United States.

(c) A person may not file:

- (1) a declaration of candidacy for a nomination; and
- (2) a petition of nomination or declaration of intent to be a write-in candidate for a school board office that is elected at the same time as the primary election.

If a person files both a declaration of candidacy and a petition of nomination described in this subsection, the matter shall be referred to the county election board under section 18 of this chapter. The board shall determine which document was most recently filed and shall consider the previously filed document to have been withdrawn.

*As added by P.L.5-1986, SEC.4. Amended by P.L.12-1988, SEC.1; P.L.3-1997, SEC.127; P.L.176-1999, SEC.31.*

### **IC 3-8-2-16**

#### **Declarations for more than one political party**

Sec. 16. A person who files a declaration of candidacy for an elected office may not file a declaration of candidacy for that office in the same primary election for a different political party until the original declaration is withdrawn.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-2-17**

#### **Certified list of candidates**

Sec. 17. (a) At least sixty (60) days before a primary election in a county, the election division shall transmit to each county election board a certified list containing the name and address of each person for whom a declaration of candidacy has been filed with the election division and for which voters at the primary election may vote.

(b) The list must designate the office for which the person is a candidate and the political party the person represents.

(c) If the commission determines under section 18 of this chapter that the certified list of candidates should be amended to add or remove the name of a candidate, as soon as practicable after this determination, the election division shall transmit the county election board an amendment indicating the change to be made in the certified list.

*As added by P.L.5-1986, SEC.4. Amended by P.L.5-1989, SEC.26; P.L.3-1997, SEC.128.*

### **IC 3-8-2-18**

#### **Questions concerning declarations of candidacy**

Sec. 18. (a) The commission shall act upon a question concerning a declaration of candidacy not later than noon fifty-four (54) days before the date of the primary election.

(b) The notice requirements set forth in IC 4-21.5 do not apply to the meeting conducted by the commission under subsection (a). The election division is required to give the best possible notice of the meeting to a person that the election division identifies as an interested party. Unless a written objection is filed with the election division before the end of the meeting, appearance in person or by counsel at the commission's meeting to act under subsection (a) constitutes an admission that adequate notice of the meeting has been given.

*As added by P.L.5-1986, SEC.4. Amended by P.L.5-1989, SEC.27; P.L.2-1996, SEC.86; P.L.3-1997, SEC.129; P.L.58-2001, SEC.2.*

### **IC 3-8-2-19**

#### **Publishing and filing notice of election**

Sec. 19. (a) Upon receipt of the certified list under section 17 of this chapter, a county election board shall immediately compile under the proper political party designation the following:

- (1) The title of each office.
  - (2) The name of each individual who has filed a request to be placed on the presidential primary ballot.
  - (3) The names and addresses of all persons for whom declarations of candidacy have been filed for nomination to an office on the primary election ballot.
  - (4) The names and addresses of all persons who have filed a petition of nomination for election to a school board office to be chosen at the same time as the primary election.
  - (5) The text of any public question to be placed on the ballot.
  - (6) The date of the primary election.
  - (7) The hours during which the polls will be open.
- (b) The county election board shall do the following:
- (1) Publish the information described in subsection (a) before the primary election in accordance with IC 5-3-1.
  - (2) File a copy of the information described in subsection (a):
    - (A) with the election division; and
    - (B) in the minutes of the county election board.
- (c) The county election board shall file the copies required under

subsection (b)(2) not later than noon, ten (10) days before election day.

(d) An election is not invalidated by the failure of the board to comply with this section.

(e) If the county election board receives an amendment from the election division under section 17 of this chapter after:

(1) compilation of the information described in subsection (a) has occurred; or

(2) the board determines that it is impractical to recompile completely revised information;

the board is only required to file a copy of the amendment with the minutes of the board.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.34; P.L.3-1997, SEC.130; P.L.38-1999, SEC.25.*

### **IC 3-8-2-20**

#### **Notice of withdrawal of candidacy**

Sec. 20. (a) A person who files a declaration of candidacy under this chapter may, at any time not later than noon seventy-one (71) days before the date set for holding the primary election, file a statement with the same office where the person filed the declaration of candidacy, stating that the person is no longer a candidate and does not wish the person's name to appear on the primary election ballot as a candidate.

(b) A candidate who is disqualified from being a candidate under IC 3-8-1-5 must file a notice of withdrawal immediately upon becoming disqualified. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

(c) A candidate who has moved from the election district the candidate sought to represent must file a notice of withdrawal immediately after changing the candidate's residence. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.35; P.L.5-1989, SEC.28; P.L.4-1991, SEC.37; P.L.3-1997, SEC.131; P.L.9-2004, SEC.9; P.L.230-2005, SEC.25.*

### **IC 3-8-2-21**

#### **Withdrawal of declaration of candidacy**

Sec. 21. Upon receipt of notice under section 20 of this chapter, the election division or county election board shall indicate in the records of the division or board that the declaration of candidacy has been withdrawn and may not certify the name of the person as a candidate to be voted for at the primary election.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.132.*

### **IC 3-8-2-22**

#### **Repealed**

*(Repealed by P.L.3-1997, SEC.475.)*

### **IC 3-8-2-23**

#### **Candidate moving from district in which running; action upon failure to withdraw**

Sec. 23. (a) This section applies if a person:

- (1) files a declaration of candidacy under this chapter;
- (2) moves from the election district that the person sought to represent following the filing of the declaration of candidacy;
- (3) does not file a notice of withdrawal of candidacy under section 20 of this chapter; and
- (4) is no longer an active candidate.

(b) The county chairman of any political party on the ballot in the election district or a candidate for the office sought by the person described in subsection (a) may, upon determining that this section applies, file an action in the circuit court in the county where the person described in subsection (a) resided. The complaint in this action must:

- (1) state that this section applies to the person;
- (2) name the person described in subsection (a) and the public official responsible for placing that person's name on the ballot as defendants; and
- (3) be filed no later than a notice of withdrawal could have been filed under section 20 of this chapter.

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

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

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

(e) The candidate vacancy shall be filled under IC 3-13-1.

*As added by P.L.3-1987, SEC.99.*

### **IC 3-8-3**

#### Chapter 3. Presidential Primary Candidates

### **IC 3-8-3-1**

#### **Written request to place name on ballot**

Sec. 1. (a) This section applies to candidates affiliated with a major political party of the state.

(b) A candidate of a major political party for nomination for the office of President of the United States during the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for the primary election held in the year in which a President is to be elected, shall file with the election division a request that the candidate's name be placed upon the ballot under the label of the political party whose nomination the candidate is seeking.

(c) A candidate described under subsection (b) may, in the alternative, file the request with the secretary of state. If the secretary of state receives a request under this subsection, the secretary shall immediately forward the request to the election division.

(d) Notwithstanding subsection (b), a request filed on the final day permitted under subsection (b) must be filed with the secretary of state. For all other purposes under this title, a request filed with the secretary of state is subject to the same procedures and requirements as a request filed with the election division.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.36; P.L.3-1997, SEC.133.*

### **IC 3-8-3-2**

#### **Petition accompanying request**

Sec. 2. (a) A request filed under section 1 of this chapter must be accompanied by a petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

- (1) The signature of each petitioner.
- (2) The name of each petitioner legibly printed.
- (3) The residence mailing address of each petitioner.

(c) This subsection applies to a petition filed during the period:

- (1) beginning on the date that a congressional district plan has been adopted under IC 3-3; and
- (2) ending on the date that the part of the act or order issued under IC 3-3-2 establishing the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under IC 3-3.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1995, SEC.54; P.L.126-2002, SEC.30.*

### **IC 3-8-3-3**

#### **Validity of petition; certification**

Sec. 3. (a) A petition required by section 2 of this chapter must request that the candidate's name be placed on the ballot at the primary election.

(b) The county voter registration office in the county where the petitioner is registered must certify whether each petitioner is a voter of the county. The certification must accompany and be part of the petition.

(c) If a county is part of more than one (1) congressional district, the certificate must indicate the number of petitioners from that county who reside in each congressional district.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.134.*

### **IC 3-8-3-4**

#### **Time for filing petition**

Sec. 4. A petition required by section 2 of this chapter must be submitted to the county voter registration office during the period beginning January 1 of the year in which the primary election will be held and ending at noon ten (10) days before the final date for filing a declaration of candidacy under IC 3-8-2-4 for the primary election.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.37; P.L.3-1997, SEC.135.*

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

#### **Deadline for receipt by election division**

Sec. 5. A request or petition filed under this chapter is not valid unless received in the office of the election division by noon Indianapolis time on the final day for filing a declaration of candidacy under IC 3-8-2-4 before a primary election.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.136.*

### **IC 3-8-3-6**

#### **Certification and release of list of candidates**

Sec. 6. Immediately after the deadline for filing, the election division shall certify and release to the public a list of the candidates for nomination as President of the United States for each political party who have filed a request for placement on the primary ballot under this chapter. The election division shall also release to the public a list of all requests whose validity has been questioned under IC 3-8-1-2.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.137.*

### **IC 3-8-3-7**

#### **Questions concerning validity of request**

Sec. 7. All questions concerning the validity of a request shall be determined by the commission not later than the deadline to act upon questions concerning primary candidates under IC 3-8-2-18.

*As added by P.L.5-1986, SEC.4. Amended by P.L.2-1996, SEC.87; P.L.3-1997, SEC.138.*

### **IC 3-8-3-8**

#### **Certified list of candidates**

Sec. 8. (a) Not later than the date prescribed under IC 3-8-2-17 for transmitting a certified list of candidates before a presidential primary election, the election division shall transmit to each county election board a certified list containing the name of each person qualified as a candidate for nomination for the office of President of the United States and the name of the political party whose nomination the candidate is seeking. This list may be amended in the same manner prescribed by IC 3-8-2-17.

(b) Except in accordance with an amendment to the certified list, each county election board shall have the names of the candidates certified by the election division placed on the ballot as provided by law.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.139.*

### **IC 3-8-3-9**

#### **Sending copy of returns to election division**

Sec. 9. (a) Each circuit court clerk shall, not later than noon on the second Monday after the day the primary election is held, send to the election division by certified mail or hand delivery one (1) complete copy of all returns for presidential candidates. The clerk shall state the number of votes received by each candidate in each congressional district within the county.

(b) A statement described in subsection (a) may be sent by using the computerized list established under IC 3-7-26.3. A statement sent under this section complies with any requirement for the statement to be certified or sealed.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.100; P.L.3-1997, SEC.140; P.L.81-2005, SEC.30; P.L.221-2005, SEC.14; P.L.230-2005, SEC.26; P.L.1-2006, SEC.3.*

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

#### **Certification of result of presidential primary vote to state chairmen**

Sec. 10. The election division shall tabulate the results submitted under section 9 of this chapter and promptly certify to the state chairman of each political party the result of the presidential primary vote for the candidates of that party.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.101; P.L.3-1997, SEC.141.*

### **IC 3-8-3-11**

#### **Delegates to national convention; support of candidate on first ballot**

Sec. 11. A delegate or alternate delegate selected from a congressional district to the national convention of a political party shall, on the first ballot at the national convention, support the candidate for President of the United States who received the highest number of votes in the congressional district at the primary election

if the person is in fact a candidate at the convention. A delegate-at-large or alternate delegate-at-large to the national convention is not required to support a specific candidate for President on any ballot at the convention.

*As added by P.L.5-1986, SEC.4.*



## **IC 3-8-4**

### Chapter 4. State Conventions

#### **IC 3-8-4-1**

##### **Application of chapter**

Sec. 1. This chapter applies to each political party in the state whose nominee received at least two percent (2%) of the total vote cast for secretary of state at the last election.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.102.*

#### **IC 3-8-4-2**

##### **Offices nominated by convention**

Sec. 2. (a) A political party shall conduct a state convention to nominate the candidates of the political party for the following offices to be voted on at the next general election:

- (1) Lieutenant governor.
  - (2) Secretary of state.
  - (3) Auditor of state.
  - (4) Treasurer of state.
  - (5) Attorney general.
  - (6) Superintendent of public instruction.
- (b) The convention shall also:
- (1) nominate candidates for presidential electors and alternate electors; and
  - (2) elect the delegates and alternate delegates to the national convention of the political party.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.103; P.L.14-2004, SEC.56.*

#### **IC 3-8-4-3**

##### **Delegates**

Sec. 3. (a) This section applies to each political party that elects delegates to the party's state convention at a primary election.

(b) Delegates to a state convention shall be chosen at the primary election conducted by the political party on the first Tuesday after the first Monday in May 2006 and every two (2) years thereafter. If provided in the rules of the state committee of the political party, delegates may be elected from delegate districts in each county.

(c) Not later than noon November 30 of the year preceding the year in which the state convention is to be conducted, the state chairman of a political party shall certify the following to the election division and to each county committee of the party:

- (1) The number of delegates to be elected in each county.
- (2) Whether the delegates are to be elected from districts or at large in each county.
- (3) If a county is to elect delegates from districts, how many districts must be established in each county.

(d) The county committee shall establish any delegate districts required to be established under subsection (c) and file descriptions setting forth the district boundaries with the county election board

not later than noon December 31 of the year preceding the year the state convention is to be conducted. If the county committee does not timely file district descriptions under this subsection, the county election board shall establish districts not later than the first day that a declaration of candidacy may be filed under IC 3-8-2-4, and apportion the delegates to be elected from each district in accordance with subsection (c).

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.104; P.L.3-1995, SEC.55; P.L.3-1997, SEC.142; P.L.122-2000, SEC.5; P.L.230-2005, SEC.27.*

#### **IC 3-8-4-4**

##### **Vacancy**

Sec. 4. If a delegate vacancy exists to a political party's state convention, the vacancy shall be filled in accordance with the rules of the political party.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.143.*

#### **IC 3-8-4-5**

##### **Furnishing list of delegates to election division**

Sec. 5. (a) This section applies to each political party that elects delegates to the party's state convention at a primary election.

(b) Each circuit court clerk, not later than noon on the second Monday after a primary election, shall furnish the election division with a complete list of all delegates elected at the primary election to the state convention of a political party. The list must include the address of each delegate and the United States congressional district in which each delegate resides.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.105; P.L.3-1997, SEC.144; P.L.221-2005, SEC.15.*

#### **IC 3-8-4-6**

##### **Notice of presidential primary vote to convention**

Sec. 6. If the political party participated in a presidential primary during the year in which the state convention is held, the state chairman shall notify the convention of the results of the presidential primary furnished to the chairman under IC 3-8-3-10.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.106.*

#### **IC 3-8-4-7**

##### **Procedures for nominating candidates and delegates**

Sec. 7. The state committee of the political party holding a state convention shall determine the procedure for nominating candidates and electing delegates and alternate delegates to the national convention.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.107.*

#### **IC 3-8-4-8**

##### **Voting technique; noncontested offices**

Sec. 8. Candidates shall be nominated or elected at a state

convention by using ballot card systems or electronic voting systems. However, if there is no contest for an office, the nomination or election may be by motion and acclamation.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.108; P.L.221-2005, SEC.16.*

### **IC 3-8-4-9**

#### **Inspectors and poll clerks; watchers**

Sec. 9. The state chairman of the political party holding a state convention shall appoint an inspector and two (2) poll clerks to attend each voting system at the convention. Each candidate may have one (1) watcher at each voting system to check the voting system before and after each ballot and to check the work of any election officer. The inspector and poll clerks:

- (1) shall take an oath to perform their duties faithfully and to the best of their abilities before anyone entitled to administer an oath;
- (2) must be qualified in relationship to candidates in the same manner as precinct election officers under IC 3-6-6-7; and
- (3) are subject to the same penalties as precinct election officers.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.109; P.L.221-2005, SEC.17.*

### **IC 3-8-4-10**

#### **Nomination of candidates**

Sec. 10. (a) This section applies to a political party whose nominee received at least two percent (2%) but less than ten percent (10%) of the votes cast for secretary of state at the last election for that office.

(b) A political party subject to this section shall also nominate the party's candidates for the following offices at the state convention of the party:

- (1) United States Senator.
- (2) United States Representative.
- (3) Governor.
- (4) Legislative office.
- (5) A local office listed in IC 3-8-2-5.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.110; P.L.4-1996, SEC.25.*

### **IC 3-8-4-11**

#### **Rules regarding state convention**

Sec. 11. All matters regarding a state convention that are not prescribed by this chapter or by other laws are controlled by the rules of the state committee of the political party holding the convention and by the rules adopted by the convention.

*As added by P.L.5-1986, SEC.4.*

**IC 3-8-4-12**

**Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

**IC 3-8-4-13**

**Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

**IC 3-8-4-14**

**Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

**IC 3-8-4-15**

**Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

**IC 3-8-4-16**

**Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

**IC 3-8-4-17**

**Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

**IC 3-8-4-18**

**Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

**IC 3-8-4-19**

**Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

**IC 3-8-4-20**

**Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

**IC 3-8-4-21**

**Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

**IC 3-8-4-22**

**Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

**IC 3-8-4-23**

**Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

**IC 3-8-4-24**

**Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

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

### **Chapter 5. Town Conventions and Major Political Party Nominations in Small Towns**

#### **IC 3-8-5-1**

##### **Application of chapter**

Sec. 1. (a) This chapter applies to the nomination of candidates for town offices in each town having a population of less than three thousand five hundred (3,500) that is not located entirely or partially within a county having a consolidated city.

(b) Prison inmates may not be counted in determining population size for purposes of this chapter.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.111; P.L.11-1988, SEC.2; P.L.15-1995, SEC.1.*

#### **IC 3-8-5-2**

##### **Nomination of candidates**

Sec. 2. (a) A candidate for a town office may be nominated using any of the following methods:

(1) By convention conducted under this chapter.

(2) By a primary election.

(3) By petition filed under IC 3-8-6.

(4) If a town convention or a primary election is not required under section 10 of this chapter for the political party of which the candidate is a member, by the candidate's declaration of candidacy.

(b) Unless a town legislative body adopts an ordinance under subsection (c), a town shall use the convention method described in this chapter to nominate candidates for town offices.

(c) The town legislative body of a town covered by this chapter may adopt an ordinance to specify any other method described in subsection (a) to nominate candidates for town offices.

(d) The town legislative body must adopt an ordinance under subsection (c) not later than January 1 of the year in which a municipal election is held. The town clerk-treasurer shall send a copy of the ordinance to the circuit court clerk of the county that contains the greatest percentage of the town's population.

(e) If a town described by section 1 of this chapter adopts an ordinance under subsection (c) to nominate candidates by a primary election, the following apply:

(1) The county election board of the county that contains the greatest percentage of the town's population shall conduct the primary election for the town.

(2) All statutes governing primary elections for towns apply.

(3) The town may not change the method of nominating candidates for town offices more than one (1) time in any twelve (12) year period.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1993, SEC.63; P.L.167-2001, SEC.2; P.L.14-2004, SEC.57.*

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

#### **Town committees**

Sec. 3. (a) Each of the major political parties of the state shall have a committee in a town subject to this chapter known as the \_\_\_\_\_ town committee of the town of \_\_\_\_\_ (designating the name of the party and the town).

(b) A political party's town committee consists of the following individuals:

(1) A registered voter of the town appointed by the political party's county chairman of the county containing the greatest percentage of the population of the town. The individual appointed under this subdivision is the chairman of the town committee. The county chairman may not appoint an individual who holds a town office for the town.

(2) A registered voter of the town appointed by the political party's town chairman. The individual appointed under this subdivision is the secretary of the town committee.

(c) A member of a town committee serves until the member's successor is appointed and qualified.

(d) A member of the town committee serves at the pleasure of the appointing authority of the member.

(e) The individual who is town chairman vacates the office whenever the individual becomes a candidate for a town office of the town.

(f) A vacancy on the town committee shall be filled by the appointing authority of the member who vacated the committee.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.112; P.L.4-1996, SEC.26.*

### **IC 3-8-5-4**

#### **Repealed**

*(Repealed by P.L.4-1996, SEC.107.)*

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

#### **Repealed**

*(Repealed by P.L.4-1996, SEC.107.)*

### **IC 3-8-5-6**

#### **Repealed**

*(Repealed by P.L.4-1996, SEC.107.)*

### **IC 3-8-5-7**

#### **Repealed**

*(Repealed by P.L.4-1996, SEC.107.)*

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

#### **Repealed**

*(Repealed by P.L.4-1996, SEC.107.)*

### **IC 3-8-5-9**

*(Repealed by P.L.4-1996, SEC.107.)*

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

#### **Calling town conventions; necessity; purpose; notice; rescheduling**

Sec. 10. (a) If more than one (1) candidate from the same political party files a declaration of candidacy for the same office, that political party shall conduct:

- (1) a town convention under this chapter; or
- (2) a primary election;

to choose the nominee of that party for that office as provided in the ordinance adopted under section 2 of this chapter.

(b) If a town convention is required under subsection (a), the town chairman shall organize, conduct, and issue a call for a town convention to be held in the town, or, if there is no suitable location in the town, then either at the nearest available location within any county in which the town is located or at the county seat of any county in which the town is located.

(c) The convention must be held before August 21 in each year in which a municipal election is to be held. The purpose of the convention is to select the nominees for all town offices to be elected at the next municipal election and for which more than one (1) declaration of candidacy has been filed.

(d) The chairman shall file a notice of the call with the circuit court clerk of the county containing the greatest percentage of population of the town. The chairman shall also have notice of the call posted at least three (3) days in three (3) prominent public places in the town, including the office of the clerk-treasurer. The notice must state the time, place, and purpose of the convention.

(e) If the county chairman determines that an emergency requires the rescheduling of a town convention after notice has been given under subsection (d), the chairman shall promptly file a notice in the office of the county election board and in the office of the town clerk-treasurer stating the date, time, and place of the rescheduled convention.

*As added by P.L. 5-1986, SEC.4. Amended by P.L.3-1987, SEC.114; P.L.10-1988, SEC.40; P.L.3-1993, SEC.64; P.L.4-1996, SEC.27; P.L.144-1999, SEC.1; P.L.167-2001, SEC.3; P.L.230-2005, SEC.28.*

### **IC 3-8-5-10.5**

#### **Declaration of candidacy**

Sec. 10.5. (a) A person who desires to be nominated for a town office by a major political party must file a declaration of candidacy with the circuit court clerk of the county containing the greatest percentage of population of the town.

(b) A declaration of candidacy must be filed:

- (1) not earlier than January 1; and
- (2) not later than:

(A) noon August 1 before a municipal election if the town nominates its candidates by convention; and



(B) the date that a declaration of candidacy must be filed under IC 3-8-2-4 if the town nominates its candidates by a primary election.

(c) The declaration must be subscribed and sworn to (or affirmed) before a notary public or other person authorized to administer oaths.

(d) The declaration of each candidate required by this section must certify the following information:

(1) The candidate's name, printed or typewritten as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) That the candidate is a registered voter and the location of the candidate's precinct and township (or the ward and town), county, and state.

(3) The candidate's complete residence address and the candidate's mailing address if the mailing address is different from the residence address.

(4) The candidate's party affiliation and the office to which the candidate seeks nomination, including the district designation if the candidate is seeking a town legislative body seat.

(5) That the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) The candidate's signature.

(e) This subsection does not apply to a town whose municipal election is to be conducted by a county. Immediately after the deadline for filing, the circuit court clerk shall do all of the following:

(1) Certify to the town clerk-treasurer and release to the public a list of the candidates of each political party for each office. The list shall indicate any candidates of a political party nominated for an office under this chapter because of the failure of any other candidates of that political party to file a declaration of candidacy for that office.

(2) Post a copy of the list in a prominent place in the circuit court clerk's office.

(3) File a copy of each declaration of candidacy with the town clerk-treasurer.

(f) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(g) A person who files a declaration of candidacy for an elected office may not file a declaration of candidacy for that office in the same year as a member of a different political party until the original declaration is withdrawn.

(h) A person who files a declaration of candidacy under this section may file a written notice withdrawing the person's declaration of candidacy in the same manner as the original declaration was filed, if the notice of withdrawal is filed not later than:

- (1) noon August 1 before the municipal election if the town nominates its candidates by convention; and
- (2) the date that a declaration of candidacy may be withdrawn under IC 3-8-2-20 if the town nominates its candidates in a primary election.

(i) A declaration of candidacy 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 declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy 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 declaration of candidacy. *As added by P.L.3-1987, SEC.115. Amended by P.L.10-1988, SEC.41; P.L.4-1991, SEC.39; P.L.3-1993, SEC.65; P.L.3-1995, SEC.56; P.L.4-1996, SEC.28; P.L.144-1999, SEC.2; P.L.202-1999, SEC.4; P.L.167-2001, SEC.4; P.L.14-2004, SEC.58.*

### **IC 3-8-5-11**

#### **Eligibility to vote at convention; list of voters**

Sec. 11. (a) An individual is eligible to participate in a town convention if the individual meets all the following requirements:

- (1) The voter resides in the town on the date the convention is conducted.
- (2) The voter became a registered voter of the town not later than the date specified in the rules of the major political party conducting the convention.
- (3) The voter subscribes to a statement under the penalties for perjury stating that the individual is affiliated with the political party conducting the convention.
- (4) The voter complies with any other requirement for determining political party affiliation set forth in the rules of the major political party conducting the convention.

(b) The county election board shall furnish the secretary of the convention a list of all the town's voters. The list must state the date that the individual became a voter of the town, if the individual became a voter of the town during the year in which the list is furnished. An individual who wants to vote in a town convention must register with the secretary of the convention and subscribe to the statement described in subsection (a)(3) before being permitted to vote in the convention. The secretary of the convention shall note on the list of the town's voters when an individual registers with the secretary.

(c) An individual may not vote at more than one (1) convention held in the town during the same election year.

*As added by P.L.5-1986, SEC.4. Amended by P.L.167-2001, SEC.5; P.L.9-2004, SEC.10.*

### **IC 3-8-5-12**

#### **Chairman and secretary of convention; items of business to be conducted; nomination of candidates; recess and reconvening**

Sec. 12. (a) The town chairman and secretary of each town political party committee shall act as chairman and secretary of their respective conventions.

(b) As the first item of convention business, the town chairman shall make the initial determination regarding which individuals are eligible to vote in the town convention under section 11 of this chapter. If an individual objects to the determination of the chairman, the matter shall be put to the vote of all those individuals whose eligibility to vote is not in dispute.

(c) As the second item of convention business, the town chairman shall submit copies of proposed rules to the members of the convention for adoption. The rules must provide for at least the following:

(1) The voting method to be used for nominating candidates at the convention.

(2) The method to be used for resolving tie votes.

(3) Any method for removing candidates from consideration by the convention if no candidate receives a majority vote from all voters casting a ballot at the convention.

(4) The rights of nonvoting observers, media, candidate watchers, or others attending the convention.

(d) If the town chairman of the political party committee is unable or unwilling to act as chairman of the convention, the secretary acts as chairman until the convention elects a chairman of the convention from among the voters attending the convention. If the town secretary of the political party committee is unable or unwilling to act as secretary of the convention, the convention shall elect a secretary of the convention from among the voters attending the convention.

(e) After adoption of the convention rules, the convention may proceed to vote on the candidates to be nominated. The candidates for town offices must be nominated by a majority of the voters present and voting.

(f) The town convention may recess and reconvene if a majority of eligible voters at the convention adopt a motion to recess and reconvene. The motion must state the date, time, and location of the reconvening of the convention. However, a convention may not reconvene on a date following the final date permitted for a convention to be convened under section 10 of this chapter.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.42; P.L.4-1991, SEC.40; P.L.3-1993, SEC.66; P.L.4-1996, SEC.29; P.L.230-2005, SEC.29.*

### **IC 3-8-5-13**

#### **Certificate of nomination**

Sec. 13. (a) The chairman and secretary of a town convention shall execute a certificate of nomination in writing, setting out the following:

- (1) The name of each nominee as:
  - (A) the nominee wants the nominee's name to appear on the ballot; and
  - (B) the nominee's name is permitted to appear on the ballot under IC 3-5-7.
- (2) The residence address of each nominee.
- (3) The office for which each nominee was nominated.
- (4) That each nominee is legally qualified to hold office.

(b) Both the chairman and secretary shall acknowledge the certificate before an officer authorized to take acknowledgment of deeds.

(c) The certificate must be filed with the circuit court clerk of the county having the greatest percentage of the population of the town.

(d) The certificate must be filed with the circuit court clerk no later than noon August 28 before the municipal election.

(e) The circuit court clerk shall file a copy of each certificate with the town clerk-treasurer no later than noon September 4.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.116; P.L.10-1988, SEC.43; P.L.3-1989, SEC.5; P.L.3-1993, SEC.67; P.L.144-1999, SEC.3; P.L.202-1999, SEC.5; P.L.14-2004, SEC.59.*

### **IC 3-8-5-14**

#### **Certificate of nomination**

Sec. 14. (a) A certificate of nomination must be signed before a person authorized to administer oaths and certify the following information:

- (1) The name of the party, the town where the convention was held, the date of the convention, and the date of the town election.
- (2) The name, residence, and office of each candidate that was nominated at the convention.
- (3) That each candidate for town council resides in the ward for which the person is a candidate.
- (4) That each candidate is a registered voter of the town and legally qualified to hold the office for which the person is a candidate.
- (5) The title of the party that the candidates represent and the device by which the candidates may be designated on the ballots (a symbol to designate the party).
- (6) The signature and residence address of the presiding officer and secretary of the convention.

(b) The certificate of nomination must be filed with the circuit court clerk of the county where the convention was held.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.44; P.L.8-1989, SEC.4; P.L.3-1993, SEC.68; P.L.3-1995, SEC.57;*

*P.L.4-1996, SEC.30.*

### **IC 3-8-5-14.3**

#### **Effect and procedure where convention not required**

Sec. 14.3. If a convention or a primary election is not required under section 10 of this chapter, notwithstanding IC 3-10-7:

- (1) a municipal primary election or town convention may not be held; and
- (2) each candidate who filed a declaration of candidacy shall be placed on the municipal election ballot, unless IC 3-10-7-6(b) applies.

*As added by P.L.3-1993, SEC.69. Amended by P.L.167-2001, SEC.6.*

### **IC 3-8-5-14.5**

#### **Notice of withdrawal**

Sec. 14.5. (a) A town election board or circuit court clerk conducting a municipal election under IC 3-10-7 may not include the name of a candidate nominated by a town convention on the municipal election ballot if the person files a notice to withdraw with the board or clerk.

(b) The notice to withdraw must:

- (1) be signed and acknowledged before an officer authorized to take acknowledgments of deeds;
- (2) have the certificate of acknowledgment appended to the notice; and
- (3) be filed with the board or clerk no later than noon three (3) days following the adjournment of the convention.

*As added by P.L.10-1988, SEC.45.*

### **IC 3-8-5-14.7**

#### **Validity of documents**

Sec. 14.7. (a) All questions regarding the validity of:

- (1) a declaration of candidacy;
- (2) a petition of nomination; or
- (3) a certificate of nomination of a candidate by a town convention;

subject to this chapter shall be filed under IC 3-8-1-2 not later than noon seven (7) days after the final date for filing a certificate under section 13(d) of this chapter. The question shall be referred to and determined by the town election board (or by the appropriate county election board if a county election board is conducting the election for the town).

(b) The election board shall rule on the validity of any document described in subsection (a) not later than noon seven (7) days following the deadline for filing of the document required by subsection (a).

(c) A question regarding the validity of a declaration to be a write-in candidate for election to a town office must be filed under IC 3-8-1-2 not later than the date and time specified by IC 3-8-2-14(c), and shall be determined by the election board not

later than the date and time specified by IC 3-8-2-14(c).

*As added by P.L.4-1996, SEC.31. Amended by P.L.144-1999, SEC.4; P.L.14-2004, SEC.60.*

### **IC 3-8-5-15**

#### **Preservation of certificates of nomination and petitions of nomination**

Sec. 15. A town clerk-treasurer shall preserve in the clerk-treasurer's office:

(1) all certificates of nomination and declarations of candidacy filed with the town clerk-treasurer under this chapter; and

(2) all petitions of nomination filed under IC 3-8-6-10;

for the period required under IC 3-10-1-31 or IC 3-10-1-31.1 after the municipal election for which the nominations were made.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.117; P.L.10-1988, SEC.46; P.L.14-2004, SEC.61.*

### **IC 3-8-5-16**

#### **Repealed**

*(Repealed by P.L.3-1987, SEC.570.)*

### **IC 3-8-5-17**

#### **Nomination for town office**

Sec. 17. (a) This section applies to a political party:

(1) not qualified to conduct a primary election under IC 3-10; and

(2) not required to nominate candidates by a petition of nomination under IC 3-8-6.

(b) An individual who desires to be nominated for a town office by the political party must file a declaration of candidacy in the same manner as a candidate for nomination by a major political party under section 10.5 of this chapter. If a convention would be required for the political party under section 10 of this chapter, the political party shall conduct a convention to nominate candidates for town office not later than the date for conducting a major party town convention under section 10 of this chapter.

(c) The chairman and secretary of the town convention shall execute, acknowledge, and file a certificate setting forth the nominees of the convention in accordance with section 13 of this chapter.

(d) Each candidate nominated under this section shall execute a consent to the nomination in the same form as a candidate nominated by petition under IC 3-8-6. The consent must be filed with the certificate under subsection (c). An individual who wishes to withdraw as a candidate after nomination by the convention must do so in the manner prescribed by section 14.5 of this chapter.

(e) The circuit court clerk shall file a copy of each certificate and each candidate's consent with the town clerk-treasurer in accordance with section 13 of this chapter.

(f) A 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 declaration of candidacy. 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.

*As added by P.L. 3-1995, SEC.58. Amended by P.L. 38-1999, SEC.26; P.L.202-1999, SEC.6.*

## **IC 3-8-6**

### **Chapter 6. Nomination by Petition for Independent or Minor Political Party Candidates**

#### **IC 3-8-6-1**

##### **Application of chapter**

Sec. 1. This chapter applies to a candidate for nomination to an elected office who:

- (1) is an independent candidate; or
- (2) represents a political party not qualified to nominate candidates in a primary or by convention.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1993, SEC.70.*

#### **IC 3-8-6-2**

##### **Nomination by petition**

Sec. 2. A candidate may be nominated for an elected office by petition of voters who are registered to vote at the time of signing the petition and qualified to vote for the candidate.

*As added by P.L.5-1986, SEC.4.*

#### **IC 3-8-6-3**

##### **Required number of signatures**

Sec. 3. (a) A petition of nomination must be signed by the number of voters equal to two percent (2%) of the total vote cast at the last election for secretary of state in the election district that the candidate seeks to represent.

(b) In determining the number of signatures required under this section, any fraction in excess of a whole number must be disregarded.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.145.*

#### **IC 3-8-6-4**

##### **Nature of office sought; independent candidates**

Sec. 4. (a) Each candidate nominated by petition under section 2 of this chapter must be seeking an office that serves the entire state or a congressional or legislative district, or the same political subdivision.

(b) For purposes of subsection (a), candidates seeking a fiscal or legislative body seat elected only by the voters of a district within a county or municipality and candidates seeking an office to be voted on by all the voters of the county or municipality are considered to be seeking offices that serve the same political subdivision.

(c) An independent candidate may not include the name of any other candidate on the petition or request to be placed on the ballot as associated with any other candidate, except for the other candidate included on an independent ticket for President and Vice President of the United States or governor and lieutenant governor.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1993, SEC.71; P.L.14-2004, SEC.62.*



## **IC 3-8-6-5**

### **Contents of petition**

Sec. 5. (a) A petition of nomination must state all of the following:

- (1) The name of each candidate as:
  - (A) the candidate wants the candidate's name to appear on the ballot; and
  - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
- (2) The address of each candidate, including the mailing address, if different from the residence address of the candidate.
- (3) The office that each candidate seeks.
- (4) The information required under IC 3-10-4-5, if the petition nominates candidates for presidential electors.
- (5) That the petitioners desire and are registered and qualified to vote for each candidate.
- (6) Whether the candidate is affiliated with the same political party as any other candidate or group of candidates that has filed or will be filing a petition of nomination with the county voter registration office under section 10 of this chapter. This subdivision does not apply to an independent candidate.

(b) A petition of nomination must:

- (1) designate a brief name of the political party that the candidates represent;
- (2) indicate that the candidate is an independent candidate; or
- (3) indicate that the candidates are an independent ticket.

(c) If a political party has previously filed a device with the election division under IC 3-8-7-11, the petition may incorporate that device by reference in the petition. If a political party has not previously filed a device under IC 3-8-7-11, or the petition is for an independent ticket, the petition of nomination may include a device for designating the party or ticket on the ballot.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.47; P.L.3-1993, SEC.72; P.L.3-1995, SEC.59; P.L.3-1997, SEC.146; P.L.202-1999, SEC.7; P.L.14-2004, SEC.63; P.L.230-2005, SEC.30.*

## **IC 3-8-6-5.5**

### **Questions concerning validity of filings**

Sec. 5.5. (a) This section applies to a petition of nomination which states that a candidate is affiliated with a political party.

(b) If a candidate claims affiliation with a political party:

- (1) described by IC 3-8-4-1;
- (2) of a candidate who has previously filed a petition of nomination under this chapter; or
- (3) whose name would result in voter confusion due to its similarity with the name of a political party described in subdivision (1) or (2);

a registered voter of the election district may question the validity of the filing in accordance with IC 3-8-1-2.

(c) If the voter affirms under subsection (b) that:

- (1) the candidate is not the nominee of the political party described in subsection (b)(1);
- (2) the candidate is not affiliated with the political party described in subsection (b)(2); or
- (3) the name of the political party set forth in the petition would cause voter confusion under subsection (b)(3);

the commission or county election board shall determine the validity of the questioned filing under section 14 of this chapter.

(d) Following the filing of a question under subsection (b)(3) and not later than the deadline for resolution of a question concerning a petition under section 14 of this chapter, all candidates named in the petition may file a joint written amendment to the petition to alter the name of the political party or to indicate that the candidates are independent.

(e) If:

- (1) the commission or county election board determines that the party affiliation stated on the petition is described under subsection (b) and that the affirmation of the voter under subsection (c) is correct; and
- (2) in the case of a determination under subsection (c)(3), the candidates do not file an amendment under subsection (d);

the commission or board shall deny the filing.

*As added by P.L.3-1997, SEC.147. Amended by P.L.14-2004, SEC.64.*

### **IC 3-8-6-6**

#### **Signatures; petitioners must be registered to vote**

Sec. 6. The signatures to a petition of nomination need not be appended to one (1) paper, but a petitioner may not be counted unless at the time of signing the petitioner is registered and qualified to vote. Each petition must contain the following:

- (1) The signature of each petitioner.
- (2) The name of each petitioner legibly printed.
- (3) The residence mailing address of each petitioner.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-6-7**

#### **Petitioners to sign nomination petition**

Sec. 7. Each petitioner on a petition of nomination must sign the petitioner's name or have the petitioner's mark attested.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-6-8**

#### **Certification of petitioners as eligible to vote**

Sec. 8. For a petition of nomination to be considered valid by the officer required to receive the petition, the circuit court clerk or board of registration in the county where the petitioner is registered must certify that each petitioner is a voter in the county. The certification must accompany and be part of each petition. The certification must indicate that each petitioner is eligible to vote for

the candidates being nominated by the petition.

*As added by P.L.5-1986, SEC.4.*

### **IC 3-8-6-9**

#### **Repealed**

*(Repealed by P.L.10-1992, SEC.30 and P.L.11-1992, SEC.4.)*

### **IC 3-8-6-10**

#### **Time for submitting and filing petition; census**

Sec. 10. (a) Except as provided in section 11 of this chapter, a petition of nomination must be submitted to the county voter registration office of each county in which the election district is located.

(b) The petition must be filed during the period beginning January 1 of the year in which the election will be held and ending at noon June 30 before the election.

(c) The county voter registration office shall certify and file a petition that complies with the requirements of this chapter with the public official authorized to place names on the ballot (and with the town clerk-treasurer, if the petition of nomination is for a town office) not later than noon July 15. Following certification of a petition under this section, the office may, upon the request of a candidate named in the petition, return the original petition to the candidate for filing with the appropriate official in accordance with this subsection.

(d) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count becomes effective under IC 1-1-3.5, a petition of nomination may be filed for an office that will appear on the primary election ballot that year as a result of the new tabulation of population or corrected population count.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.118; P.L.1-1988, SEC.6; P.L.10-1988, SEC.48; P.L.2-1990, SEC.7; P.L.3-1997, SEC.148; P.L.176-1999, SEC.32; P.L.260-2001, SEC.1.*

### **IC 3-8-6-11**

#### **Town and school board offices; filing of nomination petition**

Sec. 11. (a) Whenever a town is wholly or partly located in a county having a consolidated city, a petition of nomination must be filed with the circuit court clerk of the county having the consolidated city.

(b) Whenever a town not described in subsection (a) has entered into an agreement with a county under IC 3-10-7-4, the petition must be filed with the circuit court clerk or board of registration of that county.

(c) Whenever a school corporation is located in more than one (1) county, a petition for the nomination of a candidate to a school board office must be filed with the circuit court clerk or board of registration of the county having the greatest percentage of population of the election district.

(d) When a petition is filed under subsection (a), (b), or (c) for nomination to an office whose election district is in more than one (1) county, the circuit court clerk or board of registration shall examine the voter registration records of each county in the election district to determine if each petitioner is eligible to vote for the candidates being nominated by the petition.

*As added by P.L.5-1986, SEC.4. Amended by P.L.6-1986, SEC.5; P.L.3-1987, SEC.119; P.L.10-1988, SEC.49; P.L.3-1989, SEC.6.*

### **IC 3-8-6-12**

#### **Filing petition of nomination**

Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, except as provided in subsection (d), certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

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

- (1) The candidate's written consent to become a candidate.
- (2) A statement that the candidate:
  - (A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
  - (B) agrees to comply with the provisions of IC 3-9.

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

- (3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.
- (4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:
  - (A) The candidate receives more than five hundred dollars (\$500) in contributions.
  - (B) The candidate makes more than five hundred dollars (\$500) in expenditures.
- (5) A statement indicating whether or not each candidate:
  - (A) has been a candidate for state or local office in a previous primary or general election; and
  - (B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.
- (6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.
- (7) If the petition is filed with the secretary of state for an office

not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

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

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

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

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

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

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

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

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

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

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

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

(e) The secretary of state shall, by noon August 20:

(1) certify; or

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

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

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

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

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

(g) A candidate's consent to become a candidate 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 become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate 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 become a candidate.

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

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

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

(2) the determination described in subsection (d)(1); using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.120; P.L.10-1988, SEC.50; P.L.4-1991, SEC.41; P.L.3-1995, SEC.60; P.L.3-1997, SEC.149; P.L.253-1997(ss), SEC.1; P.L.176-1999, SEC.33; P.L.202-1999, SEC.8; P.L.14-2000, SEC.4; P.L.26-2000, SEC.7; P.L.66-2003, SEC.14.*

### **IC 3-8-6-13**

#### **Special election called by governor; filing of petition**

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) days before the date of the election.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.121; P.L.10-1988, SEC.51.*

### **IC 3-8-6-13.5**

#### **Withdrawal of candidate petition**

Sec. 13.5. A candidate may withdraw a petition of nomination by noon:

- (1) July 15 before a general or municipal election; or
- (2) forty-five (45) days before a special election.

*As added by P.L.3-1987, SEC.122. Amended by P.L.10-1988, SEC.52; P.L.3-1993, SEC.73; P.L.260-2001, SEC.2.*

### **IC 3-8-6-14**

#### **Eligibility and consent of candidate; resolution of questions concerning validity of petition**

Sec. 14. (a) A person may not be selected as a candidate by petition of nomination without giving written consent and having it filed with the public official with whom certificates and petitions of nomination are required to be filed.

(b) Each candidate nominated by petition of nomination must satisfy all statutory eligibility requirements for the office for which the candidate is nominated, including the filing of statements of economic interest.

(c) All questions concerning the validity of a petition of nomination filed with the secretary of state or contesting the denial of certification under section 12(d) of this chapter shall be referred to and determined by the commission. A statement questioning the validity of a petition of nomination or contesting the denial of certification under section 12(d) of this chapter must be filed with the election division under IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(d) All questions concerning the validity of a petition of

nomination filed with a circuit court clerk or contesting the denial of certification under section 12(d) of this chapter shall be referred to and determined by the county election board. A statement questioning the validity of a petition of nomination or contesting the denial of certification under section 12(d) of this chapter must be filed with the county election board under IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(e) This subsection does not apply to a petition of nomination for election to a school board office subject to IC 3-8-2-14. The commission or a county election board shall rule on the validity of the petition of nomination or the denial of certification under section 12(d) of this chapter not later than noon sixty (60) days before the date on which the general or municipal election will be held for the office.

(f) This subsection applies to a petition of nomination for election to a school board office elected in a general election. All questions concerning the validity of the petition of nomination shall be referred to and determined by the county election board not later than noon fifty-four (54) days before the date of the general election. A statement questioning the validity of a petition of nomination must be filed with the county election board under IC 3-8-1-2(c) not later than noon sixty-seven (67) days before the date of the general election.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.53; P.L.3-1993, SEC.74; P.L.2-1996, SEC.88; P.L.3-1997, SEC.150; P.L.58-2001, SEC.3; P.L.66-2003, SEC.15.*

### **IC 3-8-6-15**

#### **Repealed**

*(Repealed by P.L.10-1988, SEC.238.)*

### **IC 3-8-6-16**

#### **Candidate departing election district without withdrawal of candidacy; procedure**

Sec. 16. (a) This section applies if a person:

- (1) files a petition of nomination under this chapter;
- (2) moves from the election district that the person sought to represent following the filing of the petition of nomination;
- (3) does not file a notice of withdrawal of candidacy under section 13.5 of this chapter; and
- (4) is no longer an active candidate.

(b) The county chairman of any political party on the ballot in the election district or a candidate for the office sought by the person described in subsection (a) may, upon determining that this section applies, file an action in the circuit court in the county where the person described in subsection (a) resided. The complaint in this action must:

- (1) state that this section applies to the person;

(2) name the person described in subsection (a) and the public official responsible for placing that person's name on the ballot as defendants; and

(3) be filed no later than a notice of withdrawal could have been filed under section 13.5 of this chapter.

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

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

(1) general election ballot; and

(2) primary election ballot if no other person is:

(A) a member of the same political party as the person described in subsection (a); and

(B) a candidate on the ballot for the office sought by the person described in subsection (a).

(e) The candidate vacancy shall be filled under IC 3-13-1 if the candidate represents a political party not qualified to nominate candidates in a primary or by convention.

*As added by P.L.3-1987, SEC.123.*

### **IC 3-8-6-17**

#### **Replacement of candidate on petition of nomination**

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.

(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.

(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.

*As added by P.L.3-1997, SEC.151. Amended by P.L.202-1999, SEC.9; P.L.14-2004, SEC.65.*

## **IC 3-8-7**

### Chapter 7. Certification of Nominees and Ballot Placement

#### **IC 3-8-7-1**

##### **Candidate receiving highest vote**

Sec. 1. The candidate of a political party receiving the highest vote for an office at a primary election is the nominee of that party for that office.

*As added by P.L.5-1986, SEC.4.*

#### **IC 3-8-7-2**

##### **Certification of primary results by election division**

Sec. 2. The election division shall, not later than noon seventy-four (74) days before the date of the general election, certify the primary election results canvassed and tabulated under IC 3-10-1-34 for:

- (1) candidates for federal and state offices; and
- (2) candidates for legislative and local offices who are required to file a declaration of candidacy with the election division under IC 3-8-2;

to the county election board of each county in which the candidates are to be voted for at the next general election. No other form of certification of nomination for the offices is necessary.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.124; P.L.3-1997, SEC.152; P.L.66-2003, SEC.16.*

#### **IC 3-8-7-3**

##### **Error in certification**

Sec. 3. (a) Except as provided in subsection (b), an error in certification discovered before sixty (60) days before a general election shall be corrected by the public officials charged with the duties of certification.

(b) An error in certification of candidates for a town office under IC 3-8-5 discovered before September 18 before a town election shall be corrected by the public officials charged with the duties of certification.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1993, SEC.75; P.L.144-1999, SEC.5.*

#### **IC 3-8-7-4**

##### **Person nominated within county or municipality; exemption from certification**

Sec. 4. A person nominated at a primary election held under this title within a county or a municipality does not have to be certified as a candidate to any election board.

*As added by P.L.5-1986, SEC.4.*

#### **IC 3-8-7-5**

##### **Furnishing list of candidates and delegates to election division**

Sec. 5. (a) Each circuit court clerk, not later than noon on the

second Monday after a primary election conducted in a year in which a general election will be held, shall furnish the election division with a complete list of all:

- (1) candidates nominated; and
- (2) state convention delegates elected;

at the primary election.

(b) The list must include the address of each candidate and delegate and the United States congressional district in which each candidate and delegate resides.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.54; P.L.3-1997, SEC.153; P.L.221-2005, SEC.18.*

### **IC 3-8-7-6**

#### **Candidate lists furnished to state chairmen of major political parties**

Sec. 6. (a) Not later than noon ten (10) days after:

- (1) receipt of the candidate lists from each circuit court clerk under section 5 of this chapter; or
- (2) the certification of the canvass performed by the election division under IC 3-10-1-34;

whichever occurs later, the secretary of state shall furnish to the state chairman of each major political party of the state a list, certified under the secretary's hand and seal.

(b) The list described in subsection (a) must:

- (1) contain the names of all candidates nominated as certified by the circuit court clerks under section 5 of this chapter;
- (2) contain the names of all candidates shown to be nominated by the canvass of the election division conducted under IC 3-10-1-34; and
- (3) include the address of each candidate.

(c) No other form of certification of nomination for office is necessary for an individual included on the list described by this section.

*As added by P.L.5-1986, SEC.4. Amended by P.L.176-1999, SEC.34.*

### **IC 3-8-7-6.5**

#### **Delegate lists furnished to state chairmen of major political parties**

Sec. 6.5. (a) Not later than noon ten (10) days after receipt of the delegate lists from each circuit court clerk under section 5 of this chapter, the secretary of state shall furnish to the state chairman of each major political party of the state a list of individuals elected as delegates to the convention of the chairman's political party.

(b) The list described under subsection (a) must:

- (1) contain the names of all delegates elected, as certified by the circuit court clerks under section 5 of this chapter; and
- (2) include the address of each delegate.

(c) The delegate lists must be certified separately from the candidate lists certified under section 6 of this chapter and may not contain the name of an individual appointed to serve as a state convention delegate.

*As added by P.L.176-1999, SEC.35.*

### **IC 3-8-7-7**

#### **Repealed**

*(Repealed by P.L.10-1988, SEC.238.)*

### **IC 3-8-7-8**

#### **Certification of candidates nominated at state convention**

Sec. 8. (a) Either the chairman and secretary of a state convention or the state chairman and state secretary of the political party holding the state convention shall certify each candidate nominated at the convention to the secretary of state not later than noon July 15 before the general election.

(b) The certificate must state the following:

(1) Whether each candidate nominated by the convention has complied with IC 3-9-1-5 by filing a campaign finance statement of organization.

(2) That the candidate:

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

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

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

(c) The commission shall prescribe the form of the certificate of nomination for the offices. The commission shall provide that the form of the certificate of nomination include the following information near the separate signature required by subsection (b)(2):

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

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

(d) A certificate of 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 certificate of nomination. If there is a difference between the name on the candidate's certificate of nomination and the name on the candidate's voter registration record, the officer with whom the certificate of 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 certificate of nomination.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.125; P.L.3-1995, SEC.61; P.L.3-1997, SEC.154; P.L.202-1999, SEC.10; P.L.260-2001, SEC.3.*

### **IC 3-8-7-9**

#### **Repealed**

*(Repealed by P.L.38-1999, SEC.73.)*

### **IC 3-8-7-10**

#### **Certificates of nomination; requirements**

Sec. 10. A certificate of nomination by convention or primary election must satisfy all of the following:

- (1) Be in writing.
- (2) Contain all of the following information for each person nominated:
  - (A) The name of each person nominated as:
    - (i) the person wants the person's name to appear on the ballot; and
    - (ii) the person's name is permitted to appear on the ballot under IC 3-5-7.
  - (B) Each person's residence address.
  - (C) The office for which each person is nominated.
- (3) Designate a title for the political party or principle that the convention or primary election represents, together with a simple figure or device by which its lists of candidates may be designated on the ballot.
- (4) Be signed by the chairman and secretary of the convention, or by the chairman and secretary of the state, county, city, or town committee, who shall also give their respective places of residence and acknowledge the certificate before an officer authorized to take acknowledgments of deeds. The certificate of acknowledgment must be appended to the certificate of nomination.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.55; P.L.202-1999, SEC.11.*

### **IC 3-8-7-11**

#### **Device used to designate candidates**

Sec. 11. (a) Except as provided in subsection (f), if a political party has filed a statement with the election division (or any of its predecessors) that the device selected by the political party be used to designate the candidates of the political party on the ballot for all elections throughout the state, the device must be used until:

- (1) the device is changed in accordance with party rules; and
- (2) a statement concerning the use of the new device is filed with the election division.

(b) Except as provided in subsection (c), the device may be any appropriate symbol.

(c) A political party or an independent candidate may not use as a device:

- (1) a symbol that has previously been filed by a political party or candidate with the election division (or any of its predecessors);
- (2) the coat of arms or seal of the state or of the United States;
- (3) the national or state flag; or
- (4) any other emblem common to the people.

(d) Not later than noon, August 20, before each general or municipal election, the election division shall provide each county

election board with a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed so that ballots may be prepared using the best possible reproduction of the device.

(e) This subsection applies to a candidate or political party whose device is not filed with the election division under subsection (a) and is to be printed only on ballots to identify candidates for election to a local office. Not later than noon, August 20, the chairman of the political party or the petitioner of nomination shall file a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed with the county election board of each county in which the name of the candidate or party will be placed on the ballot. The county election board shall provide the camera-ready copy of the device to the town election board of a town located wholly or partially within the county upon request by the town election board.

(f) If a copy of the device is not filed in accordance with subsection (a) or (e), or unless a device is designated in accordance with section 26 or 27 of this chapter, the county election board or town election board is not required to use any device to designate the list of candidates.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.127; P.L.3-1997, SEC.156; P.L.14-2004, SEC.66; P.L.230-2005, SEC.31.*

### **IC 3-8-7-12**

#### **Place to file certificates**

Sec. 12. A certificate of nomination for an office to be elected by the electorate of the whole state shall be filed with the election division. A certificate of nomination for any other elected office shall be filed with the person with whom a declaration of candidacy shall be filed.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.128; P.L.3-1997, SEC.157; P.L.66-2003, SEC.17.*

### **IC 3-8-7-13**

#### **Candidates to satisfy statutory eligibility requirements**

Sec. 13. Each candidate nominated by certificate of nomination must satisfy all statutory eligibility requirements for the office for which the candidate is nominated, including filing statements of economic interest.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.56.*

### **IC 3-8-7-14**

#### **Deadline for filing certificate of nomination; exception for President and Vice President**

Sec. 14. (a) This section does not apply to the certification of nominees under IC 3-10-4-5.

(b) A certificate of nomination required to be filed with the election division or circuit court clerk shall be filed not later than noon July 15 before the date fixed for the election of the person

nominated.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.129; P.L.10-1988, SEC.57; P.L.3-1997, SEC.158; P.L.260-2001, SEC.4; P.L.66-2003, SEC.18.*

### **IC 3-8-7-15**

#### **Special election called by governor; filing of certificate of nomination**

Sec. 15. In a special election called by the governor, a certificate of nomination may be filed with the public official with whom a certificate is required to be filed at any time after the election is called but no later than noon fifty (50) days before the date of the election.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.58.*

### **IC 3-8-7-16**

#### **Certification by election division; designation of device; order of names; exception for President and Vice President**

Sec. 16. (a) This section does not apply to the certification of nominees under IC 3-10-4-5.

(b) The election division shall certify the following to each county election board not later than noon seventy-four (74) days before a general election:

(1) The name and place of residence of each person nominated for election to:

(A) an office for which the electorate of the whole state may vote;

(B) the United States House of Representatives;

(C) a legislative office; or

(D) a local office for which a declaration of candidacy must be filed with the election division under IC 3-8-2.

(2) The name of each:

(A) justice of the supreme court;

(B) judge of the court of appeals; and

(C) judge of the tax court;

who is subject to a retention vote by the electorate and who has filed a statement under IC 33-24-2 or IC 33-25-2 indicating that the justice or judge wishes to have the question of the justice's or judge's retention placed on the ballot.

(c) Subject to compliance with section 11 of this chapter, the election division shall designate the device under which the list of candidates of each political party will be printed and the order in which the political party ticket will be arranged under IC 3-10-4-2 and IC 3-11-2-6.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.130; P.L.10-1988, SEC.59; P.L.3-1995, SEC.62; P.L.2-1996, SEC.89; P.L.3-1997, SEC.159; P.L.66-2003, SEC.19; P.L.98-2004, SEC.32; P.L.14-2004, SEC.67.*

### **IC 3-8-7-17**

#### **Notice that person will not accept nomination**

Sec. 17. (a) The election division may not certify the name of a person whose certificate or petition of nomination has been filed with the election division if the person has filed a notice with the election division that the person will not accept the nomination contained in the certificate or petition of nomination.

(b) The notice must be signed and acknowledged before an officer authorized to take acknowledgments of deeds in a form prescribed by the commission.

(c) A county election board may not include on the ballot the name of a person whose certificate or petition of nomination has been filed in the circuit court clerk's office if the person has notified the clerk in the same manner that the person will not accept the nomination.

(d) The name of a candidate who has given notice under this section may not be included on the ballot.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.131; P.L.10-1988, SEC.60; P.L.3-1997, SEC.160.*

### **IC 3-8-7-18**

#### **Certificate or petition containing names of more than one candidate**

Sec. 18. (a) This subsection applies to an office to which only one (1) candidate may be elected. If a certificate or petition of nomination contains the name of more than one (1) candidate for the office, none of the names of the candidates on the certificate or petition may be printed on the ballot as a candidate for the office.

(b) This subsection applies to an office for which more than one (1) candidate may be elected. If the certificate or petition contains the names of more than the total number of candidates that may be elected to that office, none of the names of the candidates on the certificate or petition may be printed on the ballot as a candidate for the office.

*As added by P.L.5-1986, SEC.4. Amended by P.L.9-2004, SEC.11.*

### **IC 3-8-7-19**

#### **Names to appear only once on ballot; candidate for federal office and Vice President**

Sec. 19. (a) Except as provided in subsection (b), the name of a person who has been nominated as a candidate for an elected office may not appear in more than one (1) place on a ballot.

(b) The name of a person who is nominated as a candidate of a political party:

(1) for a federal office in a primary election; and

(2) for Vice President of the United States during the same year; may appear on the general election ballot as a candidate for the federal office and for Vice President of the United States.

*As added by P.L.5-1986, SEC.4. Amended by P.L.12-1988, SEC.2.*



### **IC 3-8-7-20**

#### **Person nominated by convention and petition, primary election and petition, or primary election and convention**

Sec. 20. (a) If a person has been nominated as a candidate for the same office by:

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

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

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

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

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

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

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

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

(d) This subsection applies only to a person nominated by both primary election and convention. The person's name must be placed on the list of candidates nominated by primary election, and the place occupied by the person's name in the certificate of nomination of the convention must be left blank. However, if the candidate files a written statement:

- (1) acknowledged before a person who is authorized to take acknowledgments;
- (2) in the office where a certificate of nomination for the office

must be filed;

(3) not later than noon the last day for filing a certificate of nomination; and

(4) requesting that the person's name be printed as nominated by convention;

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

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

(1) acknowledged before a person who is authorized to take acknowledgments;

(2) in the office where a petition of nomination for the office must be filed;

(3) not later than noon the last day for filing a petition of nomination under IC 3-8-6-10(c); and

(4) requesting that the person's name be printed as nominated by a subsequent petition;

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

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

(1) acknowledged before a person who is authorized to take acknowledgments;

(2) in the office where a certificate of nomination for the office must be filed;

(3) not later than noon the last day for filing a certificate of nomination; and

(4) requesting that the person's name be printed as nominated by a subsequent convention;

the person's name must be printed as nominated by the subsequent convention.

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

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.61;*

*P.L.38-1999, SEC.27.*

### **IC 3-8-7-21**

#### **Nomination by more than one political party or by political party and as independent; election of nomination**

Sec. 21. (a) If a person has been nominated by two (2) or more political parties, or as an independent candidate and as the nominee of at least one (1) political party, the person must elect which of the nominations the person will accept.

(b) The election must be in writing, signed, acknowledged before an officer authorized to take acknowledgments, and filed in the office where a declaration of candidacy must be filed for the office under IC 3-8-2 or where a certificate of nomination by a convention must be filed under this chapter by noon July 15 before the election.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.132; P.L.3-1993, SEC.76; P.L.3-1997, SEC.161; P.L.38-1999, SEC.28; P.L.260-2001, SEC.5.*

### **IC 3-8-7-22**

#### **Failure to make election**

Sec. 22. (a) This section applies if a person nominated by two (2) or more political parties or as an independent candidate and as the nominee of at least one (1) political party does not make and file an election as required by section 21 of this chapter.

(b) The election division or circuit court clerk shall make the election for the person.

(c) The election division or clerk shall give preference to the nomination made by primary election and secondly to the nomination given by convention. If the candidate is nominated by more than one (1) convention or more than one (1) petition and the candidate does not make the election, the election division or clerk shall give preference to the first certificate of nomination for a convention given to the candidate under IC 3-8-5-13 or IC 3-8-7-8, or the first petition of nomination given to the candidate under IC 3-8-6-10.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.133; P.L.3-1993, SEC.77; P.L.3-1997, SEC.162; P.L.38-1999, SEC.29.*

### **IC 3-8-7-23**

#### **Place of name on ballot following election**

Sec. 23. After the election required by section 21 or 22 of this chapter is made, the election division or the appropriate election board shall place the name of the person on the list of nominees under only the designation as an independent candidate or the political party name and device indicated by the person or by the election division or circuit court clerk.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.134; P.L.3-1993, SEC.78; P.L.3-1997, SEC.163.*

### **IC 3-8-7-24**

#### **Preservation of certificates and petitions of nomination**

Sec. 24. The election division and each circuit court clerk shall preserve all certificates and petitions of nomination filed under this article for the period required under IC 3-10-1-31 or IC 3-10-1-31.1. *As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.135; P.L.3-1993, SEC.79; P.L.3-1997, SEC.164; P.L.38-1999, SEC.30; P.L.14-2004, SEC.68.*

### **IC 3-8-7-25**

#### **Nominees entitled to have names on ballot**

Sec. 25. The election division and each county election board shall have printed on the respective general, special, or municipal election ballots the names of the following candidates:

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

*As added by P.L.5-1986, SEC.4. Amended by P.L.2-1996, SEC.90; P.L.4-1996, SEC.32; P.L.3-1997, SEC.165.*

### **IC 3-8-7-25.5**

#### **Statement designating former and current legal name of candidate**

Sec. 25.5. (a) This section does not apply to the change of a candidate's name that occurs after absentee ballots have been printed bearing the candidate's name.

(b) A candidate who:

- (1) is:
  - (A) nominated for election; or
  - (B) a candidate for nomination; and
- (2) changed the candidate's legal name after:
  - (A) the candidate has been nominated; or
  - (B) the candidate has become a candidate for nomination;

shall file a statement setting forth the former and current legal name of the candidate with the office where a declaration of candidacy or certificate of nomination for the office is required to be filed. If the final date and hour has not passed for filing a declaration of candidacy, consent for nomination, or declaration of intent to be a write-in candidate, the candidate must file the request for a change of name on the form prescribed by the commission for the declaration or consent.

(c) The statement filed under subsection (b) must also indicate the following:

- (1) That the candidate has previously filed a change of name request with a county voter registration office so that the name set forth in the statement is identical to the candidate's name on the county voter registration record.

(2) How the candidate's legal name was changed.

(d) Upon the filing of the statement, the election division and each county election board shall print the candidate's legal name on the ballot as set forth in the statement.

*As added by P.L.3-1997, SEC.166. Amended by P.L.176-1999, SEC.36; P.L.202-1999, SEC.12; P.L.14-2000, SEC.5.*

### **IC 3-8-7-26**

#### **Factions within a political party; selection of names and devices**

Sec. 26. (a) If there is a division in a political party and two (2) or more factions claim the same party name, title, or device, the commission, or the county election board, if appropriate, shall give preference of name to the convention held at the time and place designated in the call of the regularly constituted party authorities.

(b) If another faction presents no other party name, title, or device, the commission or county election board shall:

(1) select a name or title;

(2) place the selected name or title before the list of candidates of the faction that are on the ballot; and

(3) select some suitable device that complies with section 11 of this chapter to designate the faction's candidates.

*As added by P.L.5-1986, SEC.4. Amended by P.L.2-1996, SEC.91; P.L.3-1997, SEC.167.*

### **IC 3-8-7-27**

#### **Two or more conventions called by factions within a political party; selection of devices**

Sec. 27. If two (2) or more conventions are called by authorities claimed to be the rightful authorities of a political party, the commission or county election board shall select suitable devices to distinguish one (1) faction from the other and have the ballots prepared accordingly. However, if a political party entitled to nominate by convention fails to do so, the names of all nominees by petition for any office who are designated in their petitions as members of and candidates of the party shall be placed on the ballot under the name and device of the party on the ballots, as if nominated by convention.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.136; P.L.2-1996, SEC.92.*

### **IC 3-8-7-28**

#### **Notice of withdrawal; withdrawal; disqualification; moving out of district**

Sec. 28. (a) Except as provided in subsections (b) and (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or IC 3-10-1 desires to withdraw as the nominee, the nominee must file a notice of withdrawal in writing with the public official with whom the certificate of nomination was filed by noon:

(1) July 15 before a general or municipal election;

(2) August 1 before a municipal election in a town subject to

IC 3-8-5-10;

(3) on the date specified for town convention nominees under IC 3-8-5-14.5;

(4) on the date specified for declared write-in candidates under IC 3-8-2-2.7; or

(5) forty-five (45) days before a special election.

(b) A candidate who is disqualified from being a candidate under IC 3-8-1-5 must file a notice of withdrawal immediately upon becoming disqualified. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

(c) A candidate who has moved from the election district the candidate sought to represent must file a notice of withdrawal immediately after changing the candidate's residence. The filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.137; P.L.4-1991, SEC.42; P.L.14-2004, SEC.69.*

### **IC 3-8-7-29**

#### **Candidates moving out of district or disqualified without withdrawal of candidacy; procedure**

Sec. 29. (a) This section applies:

(1) if a person:

(A) has been certified as a candidate in a certificate of nomination filed under this chapter;

(B) moves from the election district that the person sought to represent following the filing of the certificate of nomination;

(C) does not file a notice of withdrawal of candidacy under section 28 of this chapter; and

(D) is no longer an active candidate; or

(2) if a person is disqualified from being a candidate under IC 3-8-1-5.

(b) The county chairman of any political party on the ballot in the election district or a candidate for the office sought by the person described in subsection (a) may, upon determining that this section applies, file an action in the circuit court in the county where the person described in subsection (a) resided. The complaint in this action must:

(1) state that this section applies to the person; and

(2) name the person described in subsection (a) and the public official responsible for placing that person's name on the ballot as defendants.

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

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

(1) general election ballot; and

(2) primary election ballot if no other person is:

(A) a member of the same political party as the person described in subsection (a); and

(B) a candidate on the ballot for the office sought by the person described in subsection (a).

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

*As added by P.L.3-1987, SEC.138. Amended by P.L.4-1991, SEC.43.*

### **IC 3-8-7-30**

#### **Write-in candidates**

Sec. 30. (a) Not later than noon August 1, the election division shall certify to each county election board:

(1) the name of each individual who filed a declaration of intent to be a write-in candidate with the election division; and

(2) any political party that the individual is affiliated with, or whether the individual is an independent candidate.

(b) This subsection applies to a county that does not use a central location to tally ballot card votes. The circuit court clerk shall provide a copy of the certification under this section to the inspector of each precinct, with instructions concerning the counting of write-in votes for declared write-in candidates.

*As added by P.L.10-1992, SEC.14. Amended by P.L.3-1993, SEC.80; P.L.3-1997, SEC.168; P.L.14-2004, SEC.70.*

## **IC 3-8-8**

Chapter 8. Removal of Name From Ballot of a Candidate for Legislative or State Office at General Election for Disqualification or Withdrawal

### **IC 3-8-8-1**

#### **Applicability**

Sec. 1. (a) This chapter applies only to a candidate for election to any of the following:

- (1) A legislative office.
- (2) A state office other than a judicial office.

(b) This chapter applies notwithstanding any other law relating to challenges to the qualifications of a candidate to be elected at a general election.

*As added by P.L.230-2005, SEC.32.*

### **IC 3-8-8-2**

#### **When challenge not permitted**

Sec. 2. A candidate may not be challenged under this chapter if all of the following apply:

- (1) The candidate's qualification was previously challenged under this chapter or other applicable law.
- (2) This challenge would be based on substantially the same grounds as the previous challenge to the candidate.
- (3) The commission conducted a hearing on the challenge and made a final determination in favor of the candidate.

*As added by P.L.230-2005, SEC.32.*

### **IC 3-8-8-3**

#### **Who may challenge; filing requirements**

Sec. 3. (a) An individual who challenges the qualification of a candidate for election to an office must be a registered voter of the election district the candidate seeks to represent.

(b) A challenge under this chapter must be filed with the election division not later than noon seventy-four (74) days before the date of the general election at which a candidate to the office is to be elected.

(c) The challenger must file a sworn statement with the election division:

- (1) questioning the qualification of a candidate to seek the office; and
- (2) setting forth the facts known to the voter concerning this question.

*As added by P.L.230-2005, SEC.32. Amended by P.L.66-2010, SEC.7.*

### **IC 3-8-8-4**

#### **Commission hearing**

Sec. 4. The commission shall do the following not later than three (3) business days after the challenger's sworn statement is filed under



section 3 of this chapter:

- (1) Meet to hear the challenge.
- (2) Conclude the hearing.

*As added by P.L.230-2005, SEC.32.*

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

#### **Commission determination; effect of commission failure to make determination**

Sec. 5. (a) Not later than one (1) business day after concluding the hearing, the commission shall announce its determination on the matter.

(b) If the commission does not announce a determination on the matter as provided in subsection (a), the commission is considered to have:

- (1) dismissed the challenge; and
- (2) taken final action on the challenge.

*As added by P.L.230-2005, SEC.32.*

### **IC 3-8-8-6**

#### **Appeal of commission determination**

Sec. 6. The candidate or the challenger may appeal any final action:

- (1) that the commission has taken; or
- (2) that the commission is considered to have taken under section 5 of this chapter;

to the court of appeals for errors of law under the same terms, conditions, and standards that govern appeals in ordinary civil actions. An assignment of errors that the commission's final action is contrary to law is sufficient to present both the sufficiency of the facts found to sustain the commission's action and the sufficiency of the evidence to sustain the finding of facts upon which the commission's action was rendered.

*As added by P.L.230-2005, SEC.32.*

### **IC 3-8-8-7**

#### **Termination of challenge regardless of status of challenge or appeal; status of candidate who withdraws after 60 days before election**

Sec. 7. (a) Regardless of the status of a challenge before the commission or the court of appeals, at noon sixty (60) days before the general election the following apply:

- (1) The challenge is terminated.
- (2) The name of the challenged candidate may not be removed from the ballot.
- (3) The name of another individual may not replace the name of the challenged candidate on the ballot.
- (4) Any votes cast for the challenged candidate shall be canvassed, counted, and reported under the name of the challenged candidate.

(b) All of the following apply if a candidate attempts to withdraw

as a candidate after noon sixty (60) days before the general election:

(1) The name of the candidate may not be removed from the ballot.

(2) The name of another individual may not replace the name of the candidate on the ballot.

(3) Any votes cast for the candidate shall be canvassed, counted, and reported under the name of the candidate.

*As added by P.L.230-2005, SEC.32. Amended by P.L.66-2010, SEC.8.*

### **IC 3-8-8-8**

#### **Effect of candidate who withdraws receiving most votes in election; filling vacancy**

Sec. 8. (a) This section applies if a candidate whose name remains on the ballot under section 7 of this chapter receives the most votes in the general election among all candidates for the office.

(b) If, after the election, it is determined as provided by law that the individual was not qualified to be elected to the office, it shall be considered that:

(1) an eligible candidate of the same political party, if any, as the ineligible candidate had been elected; and

(2) a vacancy in the office occurred after the election.

(c) The vacancy in the office shall be filled as otherwise provided by law.

*As added by P.L.230-2005, SEC.32.*