

HOUSE BILL No. 1185

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-30; IC 3-8; IC 3-10-2-15.

Synopsis: Ballot access for minor parties. Provides that the term "major political party" refers to: (1) with respect to the state, any of the parties whose nominees received more than 2,500 votes statewide for secretary of state in the last election; or (2) with respect to a political subdivision, any of the parties whose nominees received more than 250 votes in that political subdivision for secretary of state in the last election. Provides that a political party whose nominee received at least 2,500 votes but less than 25% of the votes cast for secretary of state at the last election shall nominate the party's candidates at a state convention and for certain local offices at a county convention. Provides that the petition of nomination for an independent or minor political party must be signed by 250 registered voters in the election district that the candidate seeks to represent.

Effective: July 1, 2022.

Dvorak

January 6, 2022, read first time and referred to Committee on Elections and Apportionment.



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1185

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-30 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2022]: Sec. 30. "Major political party" refers to:
3 (1) with respect to the state, **either any** of the ~~two (2)~~ parties
4 whose nominees received ~~the highest and second highest numbers~~
5 **of more than two thousand five hundred (2,500)** votes
6 statewide for secretary of state in the last election; or
7 (2) with respect to a political subdivision, **either any** of the ~~two~~
8 ~~(2)~~ parties whose nominees received ~~the highest and second~~
9 ~~highest numbers~~ **of more than two hundred fifty (250)** votes in
10 that political subdivision for secretary of state in the last election.
11 SECTION 2. IC 3-8-4-10, AS AMENDED BY P.L.278-2019,
12 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2022]: Sec. 10. (a) This section applies to a political party
14 whose nominee received at least ~~two percent (2%)~~ **two thousand five**
15 **hundred (2,500) votes** but less than ~~ten twenty-five percent (40%)~~
16 **(25%)** of the votes cast for secretary of state at the last election for that
17 office.



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

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

9 (c) A question concerning the validity of a candidate's nomination
 10 under this section for a federal office or a local office listed in
 11 IC 3-8-2-5 shall be determined by the commission in accordance with
 12 IC 3-13-1-16.5(a).

13 SECTION 3. IC 3-8-6-3 IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2022]: Sec. 3. ~~(a)~~ A petition of nomination must
 15 be signed by ~~the number of voters equal to two percent (2%) of the~~
 16 ~~total vote cast at the last election for secretary of state~~ **at least two**
 17 **hundred fifty (250) registered voters** in the election district that the
 18 candidate seeks to represent.

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

21 SECTION 4. IC 3-10-2-15 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 15. (a) This section
 23 applies to a political party whose nominee received at least ~~two percent~~
 24 ~~(2%)~~ **two thousand five hundred (2,500) votes** but less than ~~ten~~
 25 ~~twenty-five percent (10%)~~ **(25%)** of the votes cast for secretary of
 26 state at the last election for that office.

27 (b) This section applies only to a local office that is:

- 28 (1) not listed in IC 3-8-2-5; and
- 29 (2) not a municipal office subject to IC 3-8-5-17 or IC 3-10-6-12.

30 (c) A political party subject to this section shall nominate the party's
 31 candidate for a local office at a county convention of the party
 32 conducted not later than noon on the date specified by
 33 IC 3-13-1-7(a)(1) for a major political party to act to fill a candidate
 34 vacancy.

35 (d) The chairman and secretary of the convention shall execute a
 36 certificate of nomination in writing, setting out the following:

- 37 (1) The name of each nominee as:
 - 38 (A) the nominee wants the nominee's name to appear on the
 - 39 ballot; and
 - 40 (B) the nominee's name is permitted to appear on the ballot
 - 41 under IC 3-5-7.
- 42 (2) The residence address of each nominee.



1 (3) The office for which each nominee was nominated.

2 (4) That each nominee is legally qualified to hold office.

3 (5) The political party device or emblem by which the ticket will
4 be designated on the ballot.

5 Both the chairman and secretary shall acknowledge the certificate
6 before an officer authorized to take acknowledgment of deeds.

7 (e) Each candidate nominated under this section shall execute a
8 consent to the nomination in the same form as a candidate nominated
9 by petition under IC 3-8-6.

10 (f) The certificate required by subsection (d) and the consent
11 required by subsection (e) must be filed with the circuit court clerk of
12 the county containing the greatest percentage of population of the
13 election district for which the candidate has been nominated by the
14 convention not later than noon on the date specified by IC 3-13-1-15(c)
15 for a major political party to file a certificate of candidate selection.

16 (g) A candidate's consent to the nomination must include a
17 statement that the candidate requests the name on the candidate's voter
18 registration record be the same as the name the candidate uses on the
19 consent to the nomination. If there is a difference between the name on
20 the candidate's consent to the nomination and the name on the
21 candidate's voter registration record, the officer with whom the consent
22 to the nomination is filed shall forward the information to the voter
23 registration officer of the appropriate county. The voter registration
24 officer of the appropriate county shall change the name on the
25 candidate's voter registration record to be the same as the name on the
26 candidate's consent to the nomination.

27 (h) A question concerning the validity of a candidate's nomination
28 under this section shall be determined by a county election board in
29 accordance with IC 3-13-1-16.5(b) and IC 3-13-1-16.5(c).

30 (i) A nominee who wants to withdraw must file a notice of
31 withdrawal in accordance with IC 3-8-7-28.

