

HOUSE BILL No. 1374

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-11-3; IC 3-12-1-16.

Synopsis: Replacing a deceased candidate. Provides that if a candidate dies before the date that early absentee voting may begin, the election board must print new ballots either with: (1) the name of the new candidate if a new candidate has been selected before five days before the election; or (2) words indicating the candidate is deceased if a new candidate has not been not selected before five days before the election. Provides that if a candidate dies on or after the date that early absentee voting may begin, the election board: (1) must print new ballots with the name of the new candidate if a new candidate has been selected before five days before the election; and (2) may not reprint the ballots if a replacement candidate is not selected before five days before the general or special election.

Effective: July 1, 2015.

Slager

January 14, 2015, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1374



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 3-11-3-29, AS AMENDED BY P.L.194-2013,
2 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 29. (a) If a new candidate is appointed or selected
4 under IC 3-13-1 or IC 3-13-2 after the printing of ballots and before the
5 election, the election board may, **subject to section 29.1 of this**
6 **chapter**, print ballots containing the name of the new candidate.
7 (b) If a candidate entitled to be placed on the ballot changes the
8 candidate's legal name after the printing of ballots and before the
9 election, the board is not required to reprint ballots to reflect the change
10 of legal name.
11 SECTION 2. IC 3-11-3-29.1 IS ADDED TO THE INDIANA CODE
12 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2015]: **Sec. 29.1. (a) This section does not apply to an election for**
14 **presidential electors in which the name of a candidate for President**
15 **of the United States or Vice President of the United States appears**



- 1 on the ballot.
- 2 (b) For purposes of this section, a candidate is considered to
- 3 have died if either of the following applies:
- 4 (1) The county election board receives a certificate of death of
- 5 the candidate issued under IC 16-37-3 not later than noon
- 6 seven (7) days before the election.
- 7 (2) The county election board votes by unanimous vote of the
- 8 entire membership of the board that there is good cause to
- 9 believe that the candidate has died.
- 10 (c) This subsection applies if a candidate dies before the date
- 11 that absentee voting may begin under IC 3-11-10-26. The election
- 12 board shall print new ballots as follows:
- 13 (1) If the deceased candidate's party fills the vacancy under
- 14 IC 3-13-1 or IC 3-13-2 before noon, five (5) days before the
- 15 election, new ballots shall be printed with the name of the
- 16 candidate selected to fill the vacancy replacing the deceased
- 17 candidate's name.
- 18 (2) If the deceased candidate's party does not fill the vacancy
- 19 under IC 3-13-1 or IC 3-13-2 before noon, five (5) days before
- 20 the election, the name of the deceased candidate shall be
- 21 replaced with the statement "CANDIDATE DECEASED" or
- 22 words to that effect at the appropriate position on the ballot.
- 23 (d) This subsection applies if a candidate dies on or after the
- 24 date that absentee voting may begin under IC 3-11-10-26. The
- 25 election board shall do the following:
- 26 (1) If the deceased candidate's party fills the vacancy under
- 27 IC 3-13-2 before noon, five (5) days before the election, new
- 28 ballots shall be printed with the name of the deceased
- 29 candidate replaced by the name of the candidate selected to
- 30 fill the vacancy.
- 31 (2) If the deceased candidate's party does not fill the vacancy
- 32 under IC 3-13-2 before noon, five (5) days before the election,
- 33 the name of the deceased candidate may not be replaced on
- 34 the ballot.
- 35 (e) If ballots are reprinted under this section, the election board
- 36 shall provide the number of ballots necessary to reflect a vacancy
- 37 to the following:
- 38 (1) The absentee voter board.
- 39 (2) The inspector of each precinct in which the candidate is on
- 40 the ballot.
- 41 (3) The circuit court clerk.
- 42 SECTION 3. IC 3-11-3-29.5, AS AMENDED BY P.L.258-2013,



1 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2015]: Sec. 29.5. (a) This section applies to a general or
 3 special election in which the name of a candidate appears on the ballot.
 4 This section does not apply to an election for presidential electors in
 5 which the name of a candidate for President of the United States or
 6 Vice President of the United States appears on the ballot.

7 (b) The election board shall print new ballots to remove the name
 8 of a candidate who ~~has died or~~ is no longer a candidate under
 9 IC 3-13-2-1 **(other than because of the death of the candidate)** if

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

13 ~~(2) when a candidate has died, the election board:~~

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

16 ~~(B) votes unanimously by the entire membership that there is~~
 17 ~~good cause to believe that the candidate has died.~~

18 (c) The election board shall provide the number of ballots necessary
 19 to reflect a vacancy to the following:

20 (1) The absentee voter board.

21 (2) The inspector of each precinct in which the candidate is on the
 22 ballot.

23 (3) The circuit court clerk.

24 (d) The election board may order the printing of new ballots that
 25 omit the name of a candidate described in subsection (b). A ballot
 26 printed under this subsection must contain the statement "NO
 27 CANDIDATE" or "~~CANDIDATE DECEASED~~" or words to that effect
 28 at the appropriate position on the ballot.

29 (e) If a candidate vacancy under IC 3-13-1 or IC 3-13-2 is filled
 30 after noon five (5) days before the election, the election board is not
 31 required to reprint ballots to remove the name of an individual who is
 32 no longer a candidate but may do so upon the vote of the election
 33 board.

34 SECTION 4. IC 3-12-1-16, AS AMENDED BY P.L.219-2013,
 35 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2015]: Sec. 16. (a) This section applies when:

37 (1) a ballot is reprinted under **IC 3-11-3-29.1 or**
 38 **IC 3-11-3-29.5(d)** to omit the name of an individual who is no
 39 longer a candidate; and

40 (2) the candidate vacancy is filled following the reprinting of the
 41 ballots.

42 (b) A vote cast on the ballot where the statement "NO



1 CANDIDATE", or "CANDIDATE DECEASED", or a **statement to**
2 **that effect** appears is considered a vote cast for the successor
3 candidate.

