



March 13, 2015

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## ENGROSSED SENATE BILL No. 50

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DIGEST OF SB 50 (Updated March 11, 2015 3:52 pm - DI 75)

**Citations Affected:** IC 3-8.

**Synopsis:** Challenges to a candidate's eligibility. Authorizes a challenge to a candidate's eligibility to seek a office to be filed by a county chairman of a major political party of a county in which any part of the election district the candidate seeks to represent is located in addition to a registered voter of the election district the candidate seeks to represent (as current law provides).

**Effective:** July 1, 2015.

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### Young R Michael, Crider

(HOUSE SPONSOR — FRIZZELL)

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January 6, 2015, read first time and referred to Committee on Elections.  
February 2, 2015, amended, reported favorably — Do Pass.  
February 5, 2015, read second time, ordered engrossed. Engrossed.  
February 10, 2015, read third time, passed. Yeas 45, nays 5.

HOUSE ACTION

March 2, 2015, read first time and referred to Committee on Elections and Apportionment.  
March 12, 2015, reported — Do Pass.

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ES 50—LS 6355/DI 102





March 13, 2015

First Regular Session 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.

## ENGROSSED SENATE BILL No. 50

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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 3-8-1-2, AS AMENDED BY P.L.194-2013,  
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 2. (a) The commission, a county election board,  
4 or a town election board shall act if a candidate (or a person acting on  
5 behalf of a candidate in accordance with state law) has filed any of the  
6 following:  
7 (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.  
8 (2) A request for ballot placement in a presidential primary under  
9 IC 3-8-3.  
10 (3) A petition of nomination or candidate's consent to nomination  
11 under IC 3-8-2.5 or IC 3-8-6.  
12 (4) A certificate of nomination under IC 3-8-5, IC 3-8-7,  
13 IC 3-10-2-15, or IC 3-10-6-12.  
14 (5) A certificate of candidate selection under IC 3-13-1 or  
15 IC 3-13-2.  
16 (6) A declaration of intent to be a write-in candidate under

ES 50—LS 6355/DI 102



- 1 IC 3-8-2-2.5.  
 2 (7) A contest to the denial of certification under IC 3-8-2.5 or  
 3 IC 3-8-6-12.  
 4 (b) The commission has jurisdiction to act under this section with  
 5 regard to any filing described in subsection (a) that was made with the  
 6 election division. Except for a filing under the jurisdiction of a town  
 7 election board, a county election board has jurisdiction to act under this  
 8 section with regard to any filing described in subsection (a) that was  
 9 made with the county election board, county voter registration office,  
 10 or the circuit court clerk. A town election board has jurisdiction to act  
 11 under this section with regard to any filing that was made with the  
 12 county election board, the county voter registration office, or the circuit  
 13 court clerk for nomination or election to a town office.  
 14 (c) Except as provided in subsection (e), before the commission or  
 15 election board acts under this section, a registered voter of the election  
 16 district that a candidate seeks to represent **or a county chairman of a**  
 17 **major political party of a county in which any part of the election**  
 18 **district is located** must file a sworn statement with the election  
 19 division or election board:  
 20 (1) questioning the eligibility of **a the** candidate to seek the office;  
 21 and  
 22 (2) setting forth the facts known to the voter concerning this  
 23 question.  
 24 (d) The eligibility of a write-in candidate or a candidate nominated  
 25 by a convention, petition, or primary may not be challenged under this  
 26 section if the commission or board determines that all of the following  
 27 occurred:  
 28 (1) The eligibility of the candidate was challenged under this  
 29 section before the candidate was nominated.  
 30 (2) The commission or board conducted a hearing on the affidavit  
 31 before the nomination.  
 32 (3) This challenge would be based on substantially the same  
 33 grounds as the previous challenge to the candidate.  
 34 (e) Before the commission or election board can consider a contest  
 35 to the denial of a certification under IC 3-8-2.5 or IC 3-8-6-12, a  
 36 candidate (or a person acting on behalf of a candidate in accordance  
 37 with state law) must file a sworn statement with the election division  
 38 or election board:  
 39 (1) stating specifically the basis for the contest; and  
 40 (2) setting forth the facts known to the candidate supporting the  
 41 basis for the contest.  
 42 (f) Upon the filing of a sworn statement under subsection (c) or (e),



- 1 the commission or election board shall determine the validity of the  
2 questioned:
- 3 (1) declaration of candidacy;
  - 4 (2) declaration of intent to be a write-in candidate;
  - 5 (3) request for ballot placement under IC 3-8-3;
  - 6 (4) petition of nomination;
  - 7 (5) certificate of nomination;
  - 8 (6) certificate of candidate selection issued under IC 3-13-1-15 or  
9 IC 3-13-2-8; or
  - 10 (7) denial of a certification under IC 3-8-2.5 or IC 3-8-6-12.
- 11 (g) The commission or election board shall deny a filing if the  
12 commission or election board determines that the candidate has not  
13 complied with the applicable requirements for the candidate set forth  
14 in the Constitution of the United States, the Constitution of the State of  
15 Indiana, or this title.



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 50, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 15, reset in roman "election".

Page 2, line 16, reset in roman "district that a candidate seeks to represent".

Page 2, line 16, delete "jurisdiction conducting an".

Page 2, delete line 17.

Page 2, line 18, delete "has made a filing described in subsection (a)" and insert "**or a county chairman of a major political party of a county in which any part of the election district is located**".

and when so amended that said bill do pass.

(Reference is to SB 50 as introduced.)

WALKER, Chairperson

Committee Vote: Yeas 7, Nays 2.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 50, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 50 as printed February 3, 2015.)

SMITH M

Committee Vote: Yeas 11, Nays 0

