

SENATE BILL No. 216

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8; IC 3-13-1.

Synopsis: Candidate vacancies. Changes the time frame for candidates filing for office. Requires a notice of candidacy to be filed by certain political parties and sets forth requirements. Limits the filling of a vacancy if a notice of candidacy was not filed.

Effective: July 1, 2023.

Buck

January 10, 2023, read first time and referred to Committee on Elections.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 216

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 3-8-4-10, AS AMENDED BY P.L.278-2019,
2 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 10. (a) This section applies to a political party
4 whose nominee received at least two percent (2%) but less than ten
5 percent (10%) of the votes cast for secretary of state at the last election
6 for that office.
7 (b) A political party subject to this section shall also nominate the
8 party's candidates for the following offices at the state convention of
9 the party:
10 (1) United States Senator.
11 (2) United States Representative.
12 (3) Governor.
13 (4) Legislative office.
14 (5) A local office listed in IC 3-8-2-5.
15 (c) **An individual seeking to be a political party's candidate for**
16 **an office listed in subsection (b) shall file a notice with both of the**
17 **following not later than noon March 1 before the election:**



1 (1) **The state chairman of the political party.**

2 (2) **The election division.**

3 **The notice must provide the same information about the candidate**
 4 **as is required to be in a certificate of nomination filed under**
 5 **IC 3-8-7-8. The election division shall date and time stamp each**
 6 **notice under this subsection. A state party may not nominate an**
 7 **individual for an office listed in subsection (b) if the individual has**
 8 **not filed the notice as required in this subsection.**

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

13 SECTION 2. IC 3-8-6-10, AS AMENDED BY P.L.278-2019,
 14 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2023]: Sec. 10. (a) Except as provided in section 11 of this
 16 chapter, a petition of nomination must be submitted to the county voter
 17 registration office of each county in which the election district is
 18 located.

19 (b) The petition must be filed during the period beginning on the
 20 first date that a declaration of candidacy for a primary election may be
 21 filed under IC 3-8-2-4 in the year in which the election will be held and
 22 ending at noon ~~June 30~~ **March 1** before the election.

23 (c) The county voter registration office shall certify and file a
 24 petition that complies with the requirements of this chapter with the
 25 public official authorized to place names on the ballot (and a copy of
 26 the petition with the town clerk-treasurer, if the petition of nomination
 27 is for a town office) not later than noon ~~July 15~~ **March 15**.

28 (d) This subsection applies to a county in which the county voter
 29 registration office is a board of registration established under
 30 IC 3-7-12. A candidate for a local office is not required to file the
 31 candidate's written consent to become a candidate with the circuit court
 32 clerk until the petition of nomination for the candidate is filed in
 33 accordance with section 12 of this chapter.

34 (e) Following certification of a petition under this section, the
 35 **county voter registration** office may, upon the request of a candidate
 36 named in the petition, return the original petition to the candidate for
 37 filing with the appropriate official in accordance with this subsection.
 38 The candidate must file the certified petition with the appropriate
 39 official not later than noon ~~July 15~~ **March 15**.

40 (f) During a year in which a federal decennial census, federal
 41 special census, special tabulation, or corrected population count
 42 becomes effective under IC 1-1-3.5, a petition of nomination may be



1 filed for an office that will appear on the primary election ballot that
 2 year as a result of the new tabulation of population or corrected
 3 population count.

4 SECTION 3. IC 3-8-7-8, AS AMENDED BY P.L.278-2019,
 5 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2023]: Sec. 8. (a) This section applies to a state convention
 7 conducted by a political party described by IC 3-8-4-1.

8 (b) The state chairman and state secretary of the political party
 9 holding the state convention shall certify each candidate nominated at
 10 the convention to the secretary of state not later than noon July 15
 11 before the general election.

12 (c) The certificate must be in writing and state the following:

13 (1) The name of each candidate nominated as:

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

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

18 (2) Each candidate's residence address.

19 (3) Whether each candidate nominated by the convention has
 20 complied with IC 3-9-1-5 by filing a campaign finance statement
 21 of organization.

22 (4) The following statements:

23 (A) A statement that the candidate has attached either of the
 24 following to the certificate:

25 (i) A copy of a statement of economic interests, file stamped
 26 by the office required to receive the statement of economic
 27 interests.

28 (ii) A receipt, photocopy of a receipt, or electronic mail from
 29 the office of the inspector general or judicial qualifications
 30 commission, showing that a statement of economic interests
 31 has been filed.

32 This requirement does not apply to a candidate for a federal
 33 office.

34 (B) A statement that the candidate understands that if the
 35 candidate is elected to the office, the candidate may be
 36 required to obtain and file an individual surety bond before
 37 serving in the office. This requirement does not apply to a
 38 candidate for a federal office or legislative office.

39 (C) A statement that the candidate understands that if the
 40 candidate is elected to the office, the candidate may be
 41 required to successfully complete training or have attained
 42 certification related to service in an elected office. This



1 requirement does not apply to a candidate for a federal office,
2 state office, or legislative office.

3 (D) A statement that the candidate:

4 (i) is aware of the provisions of IC 3-9 regarding campaign
5 finance and the reporting of campaign contributions and
6 expenditures; and

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

8 This requirement does not apply to a candidate for a federal
9 office.

10 The candidate must separately initial each of the statements
11 required by this subdivision.

12 (d) The election division shall prescribe the form of the certificate
13 of nomination for the offices. The election division shall provide that
14 the form of the certificate of nomination include the following
15 information:

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

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

19 (e) A certificate of nomination must include a statement that the
20 candidate requests the name on the candidate's voter registration record
21 be the same as the name the candidate uses on the certificate of
22 nomination. If there is a difference between the name on the candidate's
23 certificate of nomination and the name on the candidate's voter
24 registration record, the officer with whom the certificate of nomination
25 is filed shall forward the information to the voter registration officer of
26 the appropriate county as required by IC 3-5-7-6(e). The voter
27 registration officer of the appropriate county shall change the name on
28 the candidate's voter registration record to be the same as the name on
29 the candidate's certificate of nomination.

30 (f) The certificate of nomination must be signed by the state
31 chairman and state secretary of the political party holding the
32 convention, and set forth the name and residence of the chairman and
33 secretary. The chairman and secretary shall acknowledge the certificate
34 before an individual authorized to administer oaths under IC 33-42-9.
35 The signed acknowledgment must be included in the certificate of
36 nomination executed under this section.

37 **(g) This subsection applies only to the certificate of nomination**
38 **for a candidate nominated for an office under IC 3-8-4-10. The**
39 **notice that the candidate is required to file under IC 3-8-4-10(c)**
40 **must be filed with the certificate of nomination.**

41 SECTION 4. IC 3-13-1-2, AS AMENDED BY P.L.193-2021,
42 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2023]: Sec. 2. (a) A candidate vacancy that exists on a
 2 primary election ballot may not be filled for the primary election. ~~The~~
 3 ~~resulting~~

4 **(b) If no individual files a declaration of candidacy for an office**
 5 **for the primary election of a major political party, the major**
 6 **political party may not fill the resulting candidate vacancy on the**
 7 **following general or municipal election ballot.**

8 (c) A candidate vacancy on the following general or municipal
 9 election ballot **resulting from a cause not described in subsection (b)**
 10 may be filled in the manner prescribed by this chapter if it is filled not
 11 later than the noon July 3 certification deadline under section 15(c) of
 12 this chapter.

13 SECTION 5. IC 3-13-1-20, AS AMENDED BY P.L.230-2005,
 14 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2023]: Sec. 20. (a) This section applies to a political party
 16 subject to IC 3-8-4-10, IC 3-10-2-15, or IC 3-10-6-12.

17 (b) A candidate vacancy that exists following the convention of the
 18 party shall be filled by the state committee of the political party not
 19 later than the date and time specified by section 7(a)(1) of this chapter
 20 for a major political party to fill a candidate vacancy. The chairman of
 21 the state committee shall file a notice of intent to fill the candidate
 22 vacancy with the official who is required to receive a certificate of
 23 candidate selection under section 15 of this chapter. The notice must
 24 be filed not later than ten (10) days before the chairman fills the
 25 candidate vacancy. The chairman of the state committee shall act in
 26 accordance with section 15 of this chapter to certify the candidate
 27 selected to fill the vacancy.

28 (c) ~~This subsection applies to a candidate vacancy resulting from a~~
 29 ~~vacancy on the general election ballot resulting from the failure of If~~
 30 ~~the convention of a political party fails to nominate a candidate for an~~
 31 ~~office, The certificate required by subsection (b) shall be filed not later~~
 32 ~~than the date and time specified by section 15(c) of this chapter for a~~
 33 ~~major political party to file a certificate of candidate selection: the~~
 34 ~~political party may not fill the resulting candidate vacancy on the~~
 35 ~~general election ballot.~~

36 (d) This subsection applies to all candidate vacancies not described
 37 by subsection (c). If a candidate vacancy occurs as a result of:

- 38 (1) the death of a candidate;
- 39 (2) the withdrawal of a candidate;
- 40 (3) the disqualification of a candidate under IC 3-8-1-5; or
- 41 (4) a court order issued under IC 3-8-7-29(d);

42 the political party may fill the vacancy within the same period of time



1 that a major political party is permitted to fill a candidate vacancy
2 under section 7(b) of this chapter.

3 (e) The certificate required by subsection (b) shall be filed within
4 the period of time required under section 15(d) of this chapter for a
5 major political party to file the certificate after selection of the
6 candidates.

