

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

### **Chapter 2. Late Candidate Vacancies**

#### **IC 3-13-2-1**

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

Sec. 1. This chapter applies to the filling of a candidate vacancy that exists due to the:

- (1) death of a political party's candidate;
- (2) withdrawal of a candidate who has moved from the election district;
- (3) disqualification of a candidate under IC 3-8-1-5; or
- (4) issuance of a court order under IC 3-8-7-29(d);

for nomination or election to an office at a general, municipal, or special election after the thirty-first day before a general, municipal, or special election.

*As added by P.L.5-1986, SEC.9. Amended by P.L.10-1988, SEC.187; P.L.4-1991, SEC.126.*

#### **IC 3-13-2-1.5**

##### **Individual filling candidate vacancy must meet qualifications for office**

Sec. 1.5. A candidate seeking to fill a candidate vacancy under this chapter must comply with the requirements imposed under IC 3-8-1 for the office.

*As added by P.L.230-2005, SEC.65.*

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

##### **United States Senator or state office**

Sec. 2. A candidate vacancy for United States Senator or a state office shall be filled by appointment by the state chairman of the political party.

*As added by P.L.5-1986, SEC.9.*

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

##### **United States Representative**

Sec. 3. A candidate vacancy for United States Representative shall be filled by appointment by the district chairman of the political party.

*As added by P.L.5-1986, SEC.9.*

#### **IC 3-13-2-4**

##### **Legislative office**

Sec. 4. A candidate vacancy for a legislative office shall be filled by a majority vote of the county chairmen of the political party for all of the counties that have territory in the senate or house district.

*As added by P.L.5-1986, SEC.9.*

#### **IC 3-13-2-5**

**Local office; office of circuit court judge or prosecuting attorney**

Sec. 5. (a) Except as provided in subsection (b), a candidate vacancy for a local office shall be filled by appointment by the county chairman of the political party of the county in which the greatest percentage of the population of the election district is located.

(b) A candidate vacancy for the office of circuit court judge or prosecuting attorney in a circuit having more than one (1) county shall be filled by a majority vote of the county chairmen of the political party for all of the counties in the circuit.

*As added by P.L.5-1986, SEC.9. Amended by P.L.10-1988, SEC.188.*

**IC 3-13-2-6**

**Tiebreaking vote; effect of lack of quorum**

Sec. 6. (a) If a tie vote occurs among a group of chairmen acting under section 4 or 5(b) of this chapter, the state chairman may cast the tiebreaking vote.

(b) If a quorum required under the rules of a meeting held under this chapter is not present, the state chairman shall fill the candidate vacancy.

*As added by P.L.5-1986, SEC.9. Amended by P.L.96-2012, SEC.5.*

**IC 3-13-2-7**

**Candidate written consent; required statements; time for filing**

Sec. 7. (a) The selection of a person as a candidate under this chapter is not effective unless:

- (1) the person's written consent is obtained and filed:
  - (A) in the office in which certificates and petitions of nomination must be filed; and
  - (B) when the certificate is filed; and
- (2) the candidate has complied with any requirement under IC 3-8-1-33 to file a statement of economic interests.

(b) A candidate's consent 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. If there is a difference between the name on the candidate's consent and the name on the candidate's voter registration record, the officer with whom the consent 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.

(c) A candidate's consent must contain the following statements:

- (1) A statement that the candidate has attached either of the following to the consent:
  - (A) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.
  - (B) A receipt or photocopy of a receipt showing that a

statement of economic interests has been filed.

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

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

(3) A statement that the candidate understands that if the candidate is elected to the office, the candidate may be required to successfully complete training or have attained certification related to service in an elected office. This requirement does not apply to a candidate for a federal office, state office, or legislative office.

(4) 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.

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

The candidate must separately initial each of the statements required by this subsection.

*As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.424; P.L.202-1999, SEC.23; P.L.76-2014, SEC.63.*

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

#### **Written certificate of candidate selection**

Sec. 8. (a) The chairman or chairmen filling a candidate vacancy under this chapter shall immediately file a written certificate of candidate selection on a form prescribed by the election division stating the following information for each candidate selected:

(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 residence address of each candidate.

(b) The certificate shall be filed with:

(1) the election division for:

(A) one (1) or more chairmen acting under section 2, 3, 4, or 5(b) of this chapter; or

(B) a committee acting under section 5(b) of this chapter to fill a candidate vacancy for the office of judge of a circuit, superior, probate, county, or small claims court or prosecuting attorney; or

(2) the circuit court clerk of the county in which the greatest percentage of the population of the election district is located, for a chairman acting under section 5(a) of this chapter to fill a

candidate vacancy for a local office not described in subdivision (1).

(c) The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidate.

(d) A certificate filed under this section is not effective unless the candidate selected to fill the candidate vacancy has filed a statement of economic interests under IC 3-8-9-5.

*As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.425; P.L.10-1988, SEC.189; P.L.3-1997, SEC.389; P.L.202-1999, SEC.24; P.L.66-2003, SEC.50; P.L.2-2005, SEC.5; P.L.169-2015, SEC.156.*

### **IC 3-13-2-9**

#### **Certified list of name and address of candidate**

Sec. 9. The election division shall furnish each circuit court clerk of a county in which the election district is located with a certified list of the name and address of each candidate selected under section 8 of this chapter. If a certificate of candidate selection filed with the election division is questioned under IC 3-8-1-2, the election division shall indicate on the certified list that the candidate's name is not to be printed on the ballot until the question is resolved by the commission or by a court with jurisdiction in the matter.

*As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.426; P.L.10-1988, SEC.190; P.L.3-1997, SEC.390; P.L.202-1999, SEC.25.*

### **IC 3-13-2-10**

#### **Eligibility of persons defeated in primary election or town or state convention**

Sec. 10. A person who was defeated in a primary election or in a town or state convention is eligible to be appointed by the person's own political party to fill any vacancy on the party's ticket as a candidate in any general, municipal, or special election following that primary election or convention.

*As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.427.*

### **IC 3-13-2-11**

#### **Validity of certificate of candidate selection**

Sec. 11. (a) All questions concerning the validity of a certificate of candidate selection filed with the election division shall be determined by the commission. A statement questioning the validity of a certificate of candidate selection must be filed with the election division under IC 3-8-1-2(c) not later than noon fourteen (14) days before general election day.

(b) All questions concerning the validity of a certificate of candidate selection filed with a circuit court clerk shall be determined by the county election board. A statement questioning the validity of a certificate of candidate selection must be filed with the county

election board under IC 3-8-1-2(c) not later than noon fourteen (14) days before general election day.

(c) The commission or a county election board shall rule on the validity of the certificate of candidate selection not later than noon seven (7) days before general election day.

*As added by P.L.3-1995, SEC.131. Amended by P.L.2-1996, SEC.206; P.L.3-1997, SEC.391; P.L.58-2001, SEC.5.*

### **IC 3-13-2-12**

#### **Vacancy filled by state committee of certain minor parties**

Sec. 12. (a) This section applies to a political party subject to IC 3-8-4-10.

(b) A candidate vacancy under this chapter shall be filled by the state committee of the political party. The chairman of the state committee shall act in accordance with section 8 of this chapter to certify the candidate selected to fill the vacancy.

*As added by P.L.3-1997, SEC.392.*