

IC 3-8-3

Chapter 3. Presidential Primary Candidates

IC 3-8-3-1

Written request to place name on ballot

Sec. 1. (a) This section applies to candidates affiliated with a major political party of the state.

(b) A candidate of a major political party for nomination for the office of President of the United States during the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for the primary election held in the year in which a President is to be elected, shall file with the election division a request that the candidate's name be placed upon the ballot under the label of the political party whose nomination the candidate is seeking.

(c) A candidate described under subsection (b) may, in the alternative, file the request with the secretary of state. If the secretary of state receives a request under this subsection, the secretary shall immediately forward the request to the election division.

(d) Notwithstanding subsection (b), a request filed on the final day permitted under subsection (b) must be filed with the secretary of state. For all other purposes under this title, a request filed with the secretary of state is subject to the same procedures and requirements as a request filed with the election division.

As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.36; P.L.3-1997, SEC.133.

IC 3-8-3-2

Petition accompanying request; requirements for a signature; petitioner with a disability; affidavit of assistance

Sec. 2. (a) A request filed under section 1 of this chapter must be accompanied by a petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

- (1) The signature of each petitioner.
- (2) The name of each petitioner legibly printed.
- (3) The residence address of each petitioner as set forth on the petitioner's voter registration record.

(c) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the election division. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

- (d) This subsection applies to a petition filed during the period:
- (1) beginning on the date that a congressional district plan has been adopted under IC 3-3; and
 - (2) ending on the date that the part of the act or order issued under IC 3-3-2 establishing the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under IC 3-3.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1995, SEC.54; P.L.126-2002, SEC.30; P.L.194-2013, SEC.21; P.L.169-2015, SEC.57.

IC 3-8-3-3

Validity of petition; certification

Sec. 3. (a) A petition required by section 2 of this chapter must request that the candidate's name be placed on the ballot at the primary election.

(b) The county voter registration office in the county where the petitioner is registered must certify whether each petitioner is a voter at the residence address listed in the petition at the time the petition is being processed. The certification must accompany and be part of the petition.

(c) If a county is part of more than one (1) congressional district, the certificate must indicate the number of petitioners from that county who are registered voters who reside in each congressional district.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.134; P.L.194-2013, SEC.22.

IC 3-8-3-4

Time for filing petition; return of petition

Sec. 4. (a) A petition required by section 2 of this chapter must be submitted to the county voter registration office during the period beginning on the first date that a declaration of candidacy for a primary election may be filed under IC 3-8-2-4 in the year in which the primary election will be held and ending at noon ten (10) days before the final date for filing a declaration of candidacy under IC 3-8-2-4 for the primary election.

(b) After the certification of a petition under this section, the county voter registration office may, upon the request of the candidate named in the petition, return the original petition to the candidate for filing under section 5 of this chapter.

As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.37; P.L.3-1997, SEC.135; P.L.225-2011, SEC.31.

IC 3-8-3-5

Deadline for receipt by election division

Sec. 5. A request or petition filed under this chapter is not valid unless received in the office of the election division by noon Indianapolis time on the final day for filing a declaration of candidacy under IC 3-8-2-4 before a primary election.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.136.

IC 3-8-3-6**Certification and release of list of candidates**

Sec. 6. Immediately after the deadline for filing, the election division shall certify and release to the public a list of the candidates for nomination as President of the United States for each political party who have filed a request for placement on the primary ballot under this chapter. The election division shall also release to the public a list of all requests whose validity has been questioned under IC 3-8-1-2.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.137.

IC 3-8-3-7**Questions concerning validity of request**

Sec. 7. All questions concerning the validity of a request shall be determined by the commission not later than the deadline to act upon questions concerning primary candidates under IC 3-8-2-18.

As added by P.L.5-1986, SEC.4. Amended by P.L.2-1996, SEC.87; P.L.3-1997, SEC.138.

IC 3-8-3-8**Certified list of candidates**

Sec. 8. (a) Not later than the date prescribed under IC 3-8-2-17 for transmitting a certified list of candidates before a presidential primary election, the election division shall transmit to each county election board a certified list containing the name of each person qualified as a candidate for nomination for the office of President of the United States and the name of the political party whose nomination the candidate is seeking. This list may be amended in the same manner prescribed by IC 3-8-2-17.

(b) Except in accordance with an amendment to the certified list, each county election board shall have the names of the candidates certified by the election division placed on the ballot as provided by law.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1997, SEC.139.

IC 3-8-3-9**Sending copy of returns to election division**

Sec. 9. (a) Each circuit court clerk shall, not later than noon on the second Monday after the day the primary election is held, send to the election division by certified mail or hand delivery one (1) complete copy of all returns for presidential candidates. The clerk shall state

the number of votes received by each candidate in each congressional district within the county.

(b) A statement described in subsection (a) may be sent by using the computerized list established under IC 3-7-26.3. A statement sent under this section complies with any requirement for the statement to be certified or sealed.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.100; P.L.3-1997, SEC.140; P.L.81-2005, SEC.30; P.L.221-2005, SEC.14; P.L.230-2005, SEC.26; P.L.1-2006, SEC.3.

IC 3-8-3-10

Certification of result of presidential primary vote to state chairmen

Sec. 10. The election division shall tabulate the results submitted under section 9 of this chapter and promptly certify to the state chairman of each political party the result of the presidential primary vote for the candidates of that party.

As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.101; P.L.3-1997, SEC.141.

IC 3-8-3-11

Delegates to national convention; support of candidate on first ballot

Sec. 11. A delegate or alternate delegate selected from a congressional district to the national convention of a political party shall, on the first ballot at the national convention, support the candidate for President of the United States who received the highest number of votes in the congressional district at the primary election if the person is in fact a candidate at the convention. A delegate-at-large or alternate delegate-at-large to the national convention is not required to support a specific candidate for President on any ballot at the convention.

As added by P.L.5-1986, SEC.4.