

## **IC 3-8-7**

### **Chapter 7. Certification of Nominees and Ballot Placement**

#### **IC 3-8-7-1**

##### **Candidate receiving highest vote; death of candidate before certification; candidate vacancy**

Sec. 1. (a) Subject to subsections (b) and (c), the candidate of a political party receiving the highest vote for an office at a primary election is the nominee of that party for that office.

(b) If the candidate of a political party receiving the highest vote for an office at a primary election for which a declaration of candidacy must be filed with the secretary of state or election division under IC 3-8-2 dies before the certification of primary election results by the election division, the election division shall promptly certify to the state chairman of the political party that a candidate vacancy exists, which may be filled by the political party under IC 3-13-1.

(c) If the candidate of a political party receiving the highest vote for an office at a primary election for which a declaration of candidacy must be filed with the circuit court clerk under IC 3-8-2 dies before the certification of primary election results by the county election board, the county election board shall promptly certify to the county chairman of the political party that a candidate vacancy exists, which may be filled by the political party under IC 3-13-1.  
*As added by P.L.5-1986, SEC.4. Amended by P.L.194-2013, SEC.30.*

#### **IC 3-8-7-2**

##### **Certification of primary results by election division**

Sec. 2. The election division shall, not later than noon seventy-four (74) days before the date of the general election, certify the primary election results canvassed and tabulated under IC 3-10-1-34 for:

- (1) candidates for federal and state offices; and
- (2) candidates for legislative and local offices who are required to file a declaration of candidacy with the election division under IC 3-8-2;

to the county election board of each county in which the candidates are to be voted for at the next general election. No other form of certification of nomination for the offices is necessary.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.124; P.L.3-1997, SEC.152; P.L.66-2003, SEC.16.*

#### **IC 3-8-7-3**

##### **Error in certification**

Sec. 3. (a) Except as provided in subsection (b), an error in certification discovered before sixty (60) days before a general election shall be corrected by the public officials charged with the duties of certification.

(b) An error in certification of candidates for a town office under IC 3-8-5 discovered before September 18 before a town election shall be corrected by the public officials charged with the duties of certification.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1993, SEC.75; P.L.144-1999, SEC.5.*

#### **IC 3-8-7-4**

##### **Person nominated within county or municipality; exemption from certification**

Sec. 4. A person nominated at a primary election held under this title within a county or a municipality does not have to be certified as a candidate to any election board.

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

#### **IC 3-8-7-5**

##### **Furnishing list of candidates and delegates to election division**

Sec. 5. (a) Each circuit court clerk, not later than noon on the second Monday after a primary election conducted in a year in which a general election will be held, shall furnish the election division with a complete list of all:

- (1) candidates nominated; and
- (2) state convention delegates elected;

at the primary election.

(b) The list must include:

- (1) the address of each candidate and delegate; and
- (2) the United States congressional district in which each delegate resides.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.54; P.L.3-1997, SEC.153; P.L.221-2005, SEC.18; P.L.169-2015, SEC.63.*

#### **IC 3-8-7-6**

##### **Candidate lists furnished to state chairmen of major political parties**

Sec. 6. (a) Not later than noon ten (10) days after the certification of the canvass performed by the election division under IC 3-10-1-34, the secretary of state shall furnish to the state chairman of each major political party of the state a list, certified under the secretary's hand and seal.

(b) The list described in subsection (a) must:

- (1) contain the names of all candidates shown to be nominated by the canvass of the election division conducted under IC 3-10-1-34; and
- (2) include the address of each candidate.

(c) No other form of certification of nomination for office is necessary for an individual included on the list described by this section.

*As added by P.L.5-1986, SEC.4. Amended by P.L.176-1999, SEC.34; P.L.64-2014, SEC.36.*

### **IC 3-8-7-6.5**

#### **Delegate lists furnished to state chairmen of major political parties**

Sec. 6.5. (a) Not later than noon ten (10) days after receipt of the delegate lists from each circuit court clerk under section 5 of this chapter, the secretary of state shall furnish to the state chairman of each major political party of the state a list of individuals elected as delegates to the convention of the chairman's political party.

(b) The list described under subsection (a) must:

- (1) contain the names of all delegates elected, as certified by the circuit court clerks under section 5 of this chapter; and
- (2) include the address of each delegate.

(c) The delegate lists must be certified separately from the candidate lists certified under section 6 of this chapter and may not contain the name of an individual appointed to serve as a state convention delegate.

*As added by P.L.176-1999, SEC.35.*

### **IC 3-8-7-7**

#### **Repealed**

*(Repealed by P.L.10-1988, SEC.238.)*

### **IC 3-8-7-8**

#### **Certification of candidates nominated at state convention**

Sec. 8. (a) This section applies to a state convention conducted by a political party described by IC 3-8-4-1.

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

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

- (1) The name of each candidate nominated 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) Each candidate's residence address.
- (3) Whether each candidate nominated by the convention has complied with IC 3-9-1-5 by filing a campaign finance statement of organization.
- (4) The following statements:
  - (A) A statement that the candidate has attached either of the following to the certificate:
    - (i) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests.

(ii) 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.

(B) 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.

(C) 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.

(D) A statement that the candidate:

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

(ii) 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 subdivision.

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

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

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

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

(f) The certificate of nomination must be signed by the state chairman and state secretary of the political party holding the convention, and set forth the name and residence of the chairman and secretary. The chairman and secretary shall acknowledge the certificate before an individual authorized to administer oaths under IC 33-42-4-1. The signed acknowledgment must be included in the

certificate of nomination executed under this section.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.125; P.L.3-1995, SEC.61; P.L.3-1997, SEC.154; P.L.202-1999, SEC.10; P.L.260-2001, SEC.3; P.L.76-2014, SEC.21; P.L.76-2014, SEC.22; P.L.169-2015, SEC.64.*

### **IC 3-8-7-9**

#### **Repealed**

*(As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.126; P.L.3-1997, SEC.155. Repealed by P.L.38-1999, SEC.73.)*

### **IC 3-8-7-10**

#### **County, city, or town conventions; certificates of nomination; requirements**

Sec. 10. (a) This section applies to a county, city, or town convention conducted by a political party described by IC 3-8-4-1.

(b) A certificate of nomination by convention or primary election must satisfy all of the following:

(1) Be in writing.

(2) Contain all of the following information for each person nominated:

(A) The name of each person nominated as:

(i) the person wants the person's name to appear on the ballot; and

(ii) the person's name is permitted to appear on the ballot under IC 3-5-7.

(B) Each person's residence address.

(C) The office for which each person is nominated.

(3) Be signed by the chairman and secretary of the county, city, or town committee, who shall also give their respective places of residence and acknowledge the certificate before an individual authorized to administer oaths under IC 33-42-4-1.

The signed acknowledgment must be included in the certificate of nomination executed under this section.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.55; P.L.202-1999, SEC.11; P.L.76-2014, SEC.23.*

### **IC 3-8-7-11**

#### **Device used to designate candidates**

Sec. 11. (a) Except as provided in subsection (f), if a political party has filed a statement with the election division (or any of its predecessors) that the device selected by the political party be used to designate the candidates of the political party on the ballot for all elections throughout the state, the device must be used until:

(1) the device is changed in accordance with party rules; and

(2) a statement concerning the use of the new device is filed with the election division.

(b) Except as provided in subsection (c), the device may be any

appropriate symbol.

(c) A political party or an independent candidate may not use any of the following as a device:

- (1) A symbol that has previously been filed by a political party or candidate with the election division (or any of its predecessors).
- (2) The coat of arms or seal of the state or of the United States.
- (3) The national or state flag.
- (4) Any other emblem common to the people.

(d) Not later than noon on the date specified under section 16 of this chapter for the certification of candidates and public questions by the election division, the election division shall provide each county election board with a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed so that ballots may be prepared using the best possible reproduction of the device.

(e) This subsection applies to a candidate or political party whose device is not filed with the election division under subsection (a) and is to be printed only on ballots to identify candidates for election to a local office. Not later than noon on the date specified under section 16 of this chapter for the certification of candidates and public questions by the election division, the chairman of the political party or the petitioner of nomination shall file a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed with the county election board of each county in which the name of the candidate or party will be placed on the ballot. The county election board shall provide the camera-ready copy of the device to the town election board of a town located wholly or partially within the county upon request by the town election board.

(f) If a copy of the device is not filed in accordance with subsection (a) or (e), or unless a device is designated in accordance with section 26 or 27 of this chapter, the county election board or town election board is not required to use any device to designate the list of candidates.

(g) If a device is filed with the election division or an election board after the commencement of printing of ballots for use at an election conducted under this title, the election board responsible for printing the ballots is not required to alter the ballots to include the device filed under this subsection.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.127; P.L.3-1997, SEC.156; P.L.14-2004, SEC.66; P.L.230-2005, SEC.31; P.L.225-2011, SEC.38.*

### **IC 3-8-7-12**

#### **Place to file certificates**

Sec. 12. A certificate of nomination for an office to be elected by the electorate of the whole state shall be filed with the election

division. A certificate of nomination for any other elected office shall be filed with the person with whom a declaration of candidacy shall be filed.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.128; P.L.3-1997, SEC.157; P.L.66-2003, SEC.17.*

### **IC 3-8-7-13**

#### **Candidates to satisfy statutory eligibility requirements**

Sec. 13. Each candidate nominated by certificate of nomination must satisfy all statutory eligibility requirements for the office for which the candidate is nominated, including filing statements of economic interest.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.56.*

### **IC 3-8-7-14**

#### **Deadline for filing certificate of nomination; exception for President and Vice President**

Sec. 14. (a) This section does not apply to the certification of nominees under IC 3-10-4-5.

(b) A certificate of nomination required to be filed with the election division or circuit court clerk shall be filed not later than noon July 15 before the date fixed for the election of the person nominated.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.129; P.L.10-1988, SEC.57; P.L.3-1997, SEC.158; P.L.260-2001, SEC.4; P.L.66-2003, SEC.18.*

### **IC 3-8-7-15**

#### **Special election called by governor; filing of certificate of nomination**

Sec. 15. In a special election called by the governor, a certificate of nomination may be filed with the public official with whom a certificate is required to be filed at any time after the election is called but no later than noon seventy-four (74) days before the date of the election.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.58; P.L.225-2011, SEC.39.*

### **IC 3-8-7-16**

#### **Certification by election division; designation of device; order of names; exception for President and Vice President**

Sec. 16. (a) This section does not apply to the certification of nominees under IC 3-10-4-5.

(b) The election division shall certify the following to each county election board not later than noon seventy-four (74) days before a general election:

(1) The name and place of residence of each person nominated for election to:

- (A) an office for which the electorate of the whole state may vote;
  - (B) the United States House of Representatives;
  - (C) a legislative office; or
  - (D) a local office for which a declaration of candidacy must be filed with the election division under IC 3-8-2.
- (2) The name of each:
- (A) justice of the supreme court;
  - (B) judge of the court of appeals; and
  - (C) judge of the tax court;
- who is subject to a retention vote by the electorate and who has filed a statement under IC 33-24-2 or IC 33-25-2 indicating that the justice or judge wishes to have the question of the justice's or judge's retention placed on the ballot.

(c) Subject to compliance with section 11 of this chapter, the election division shall designate the device under which the list of candidates of each political party will be printed and the order in which the political party ticket will be arranged under IC 3-10-4-2 and IC 3-11-2-6.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.130; P.L.10-1988, SEC.59; P.L.3-1995, SEC.62; P.L.2-1996, SEC.89; P.L.3-1997, SEC.159; P.L.66-2003, SEC.19; P.L.98-2004, SEC.32; P.L.14-2004, SEC.67.*

#### **IC 3-8-7-17**

##### **Notice that person will not accept nomination**

Sec. 17. (a) The election division may not certify the name of a person whose certificate or petition of nomination has been filed with the election division if the person has filed a notice with the election division that the person will not accept the nomination contained in the certificate or petition of nomination.

(b) The notice must be signed and acknowledged before an officer authorized to take acknowledgments of deeds in a form prescribed by the election division.

(c) A county election board may not include on the ballot the name of a person whose certificate or petition of nomination has been filed in the circuit court clerk's office if the person has notified the clerk in the same manner that the person will not accept the nomination.

(d) The name of a candidate who has given notice under this section may not be included on the ballot.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.131; P.L.10-1988, SEC.60; P.L.3-1997, SEC.160; P.L.169-2015, SEC.65.*

#### **IC 3-8-7-18**

##### **Certificate or petition containing names of more than one candidate**

Sec. 18. (a) This subsection applies to an office to which only one



(1) candidate may be elected. If a certificate or petition of nomination contains the name of more than one (1) candidate for the office, none of the names of the candidates on the certificate or petition may be printed on the ballot as a candidate for the office.

(b) This subsection applies to an office for which more than one (1) candidate may be elected. If the certificate or petition contains the names of more than the total number of candidates that may be elected to that office, none of the names of the candidates on the certificate or petition may be printed on the ballot as a candidate for the office.

*As added by P.L.5-1986, SEC.4. Amended by P.L.9-2004, SEC.11.*

### **IC 3-8-7-19**

#### **Names to appear only once on ballot; candidate for federal office and Vice President**

Sec. 19. (a) Except as provided in subsection (b), the name of a person who has been nominated as a candidate for an elected office may not appear in more than one (1) place on a ballot.

(b) The name of a person who is nominated as a candidate of a political party:

(1) for a federal office in a primary election; and

(2) for Vice President of the United States during the same year; may appear on the general election ballot as a candidate for the federal office and for Vice President of the United States.

*As added by P.L.5-1986, SEC.4. Amended by P.L.12-1988, SEC.2.*

### **IC 3-8-7-20**

#### **Person nominated by convention and petition, primary election and petition, or primary election and convention**

Sec. 20. (a) If a person has been nominated as a candidate for the same office by:

(1) both convention and petition;

(2) both primary election and petition;

(3) both primary election and convention;

(4) more than one (1) petition; or

(5) more than one (1) convention;

the person's name may be placed on the ballot only once.

(b) This subsection applies only to a person nominated by both convention and petition. The person's name shall be placed on the list of candidates nominated by convention, and the place occupied by the person's name in the petition must be left blank. However, if the candidate files a written statement:

(1) acknowledged before a person authorized to take acknowledgments;

(2) in the office where a petition of nomination for the office must be filed;

(3) no later than noon of the last day for filing a petition of nomination under IC 3-8-6-10(c); and

(4) requesting that the person's name be printed as nominated by petition;

the person's name must be so printed and omitted from the list nominated by convention.

(c) This subsection applies only to a person nominated by both primary election and petition. The person's name must be placed on the list of candidates nominated by primary election, and the place occupied by the person's name in the petition must be left blank. However, if the candidate files a written statement:

(1) acknowledged before a person who is authorized to take acknowledgments;

(2) in the office where a petition of nomination for the office must be filed;

(3) not later than noon the last day for filing a petition of nomination under IC 3-8-6-10(c); and

(4) requesting that the person's name be printed as nominated by petition;

the person's name must be so printed and omitted from the list nominated by primary election.

(d) This subsection applies only to a person nominated by both primary election and convention. The person's name must be placed on the list of candidates nominated by primary election, and the place occupied by the person's name in the certificate of nomination of the convention must be left blank. However, if the candidate files a written statement:

(1) acknowledged before a person who is authorized to take acknowledgments;

(2) in the office where a certificate of nomination for the office must be filed;

(3) not later than noon the last day for filing a certificate of nomination; and

(4) requesting that the person's name be printed as nominated by convention;

the person's name must be so printed and omitted from the list nominated by primary election.

(e) This subsection applies only to a person nominated by more than one (1) petition. The person's name must be placed on the list of candidates nominated by petition for the first petition of nomination certified under IC 3-8-6 and filed with the election division or county election board under IC 3-8-6-10(c), and the place occupied by the person's name in a subsequent petition must be left blank. However, if the candidate files a written statement:

(1) acknowledged before a person who is authorized to take acknowledgments;

(2) in the office where a petition of nomination for the office must be filed;

(3) not later than noon the last day for filing a petition of nomination under IC 3-8-6-10(c); and

(4) requesting that the person's name be printed as nominated by a subsequent petition;

the person's name must be placed on the list of candidates nominated by the subsequent petition.

(f) This subsection applies to a person nominated by more than one (1) convention. The person's name must be placed on the list of candidates nominated by convention for the first certificate of nomination filed with the public official with whom the certificate is required to be filed, and the place occupied by the person's name in a subsequent certificate of nomination of the convention must be left blank. However, if the candidate files a written statement:

(1) acknowledged before a person who is authorized to take acknowledgments;

(2) in the office where a certificate of nomination for the office must be filed;

(3) not later than noon the last day for filing a certificate of nomination; and

(4) requesting that the person's name be printed as nominated by a subsequent convention;

the person's name must be printed as nominated by the subsequent convention.

(g) If an individual is nominated as a candidate under IC 3-13-1 to fill a candidate vacancy, the individual is considered for purposes of this section to have been nominated in the same manner as the candidate whom the individual succeeded or in the same manner as a candidate would have been nominated if no nomination is made. If an individual is nominated as a candidate under IC 3-13-2 to fill a candidate vacancy, the individual may not be placed on the ballot as the candidate of any other political party.

*As added by P.L.5-1986, SEC.4. Amended by P.L.10-1988, SEC.61; P.L.38-1999, SEC.27.*

### **IC 3-8-7-21**

#### **Nomination by more than one political party or by political party and as independent; election of nomination**

Sec. 21. (a) If a person has been nominated by two (2) or more political parties, or as an independent candidate and as the nominee of at least one (1) political party, the person must elect which of the nominations the person will accept.

(b) The election must be in writing, signed, acknowledged before an officer authorized to take acknowledgments, and filed in the office where a declaration of candidacy must be filed for the office under IC 3-8-2 or where a certificate of nomination by a convention must be filed under this chapter by noon July 15 before the election.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.132; P.L.3-1993, SEC.76; P.L.3-1997, SEC.161; P.L.38-1999, SEC.28; P.L.260-2001, SEC.5.*

### **IC 3-8-7-22**

#### **Failure to make election**

Sec. 22. (a) This section applies if a person nominated by two (2) or more political parties or as an independent candidate and as the nominee of at least one (1) political party does not make and file an election as required by section 21 of this chapter.

(b) The election division or circuit court clerk shall make the election for the person.

(c) The election division or clerk shall give preference to the nomination made by primary election and secondly to the nomination given by convention. If the candidate is nominated by more than one (1) convention or more than one (1) petition and the candidate does not make the election, the election division or clerk shall give preference to the first certificate of nomination for a convention given to the candidate under IC 3-8-5-13 or IC 3-8-7-8, or the first petition of nomination given to the candidate under IC 3-8-6-10.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.133; P.L.3-1993, SEC.77; P.L.3-1997, SEC.162; P.L.38-1999, SEC.29.*

### **IC 3-8-7-23**

#### **Place of name on ballot following election**

Sec. 23. After the election required by section 21 or 22 of this chapter is made, the election division or the appropriate election board shall place the name of the person on the list of nominees under only the designation as an independent candidate or the political party name and device indicated by the person or by the election division or circuit court clerk.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.134; P.L.3-1993, SEC.78; P.L.3-1997, SEC.163.*

### **IC 3-8-7-24**

#### **Preservation of certificates and petitions of nomination**

Sec. 24. The election division and each circuit court clerk shall preserve all certificates and petitions of nomination filed under this article for the period required under IC 3-10-1-31 or IC 3-10-1-31.1.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.135; P.L.3-1993, SEC.79; P.L.3-1997, SEC.164; P.L.38-1999, SEC.30; P.L.14-2004, SEC.68.*

### **IC 3-8-7-25**

#### **Nominees entitled to have names on ballot**

Sec. 25. Each county election board shall have printed on the respective general, special, or municipal election ballots the names of the following candidates:

- (1) Nominees chosen at a primary election under IC 3-10 and certified as required by this chapter.
- (2) Nominees chosen by a convention of a political party in the state whose candidate received at least two percent (2%) of the

total vote cast for secretary of state at the last election and certified under section 8 of this chapter.

(3) Nominees nominated by petition under IC 3-8-6.

(4) Nominees selected to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2.

*As added by P.L.5-1986, SEC.4. Amended by P.L.2-1996, SEC.90; P.L.4-1996, SEC.32; P.L.3-1997, SEC.165; P.L.169-2015, SEC.66.*

### **IC 3-8-7-25.5**

#### **Statement designating former and current legal name of candidate**

Sec. 25.5. (a) This section does not apply to the change of a candidate's name that occurs after absentee ballots have been printed bearing the candidate's name.

(b) A candidate who:

(1) is:

(A) nominated for election; or

(B) a candidate for nomination; and

(2) changed the candidate's legal name after:

(A) the candidate has been nominated; or

(B) the candidate has become a candidate for nomination;

shall file a statement setting forth the former and current legal name of the candidate with the office where a declaration of candidacy or certificate of nomination for the office is required to be filed. If the final date and hour has not passed for filing a declaration of candidacy, consent for nomination, or declaration of intent to be a write-in candidate, the candidate must file the request for a change of name on the form prescribed by the election division for the declaration or consent.

(c) The statement filed under subsection (b) must also indicate the following:

(1) That the candidate has previously filed a change of name request with a county voter registration office so that the name set forth in the statement is identical to the candidate's name on the county voter registration record.

(2) How the candidate's legal name was changed.

(d) Upon the filing of the statement, each county election board shall print the candidate's legal name on the ballot as set forth in the statement.

*As added by P.L.3-1997, SEC.166. Amended by P.L.176-1999, SEC.36; P.L.202-1999, SEC.12; P.L.14-2000, SEC.5; P.L.225-2011, SEC.40; P.L.169-2015, SEC.67.*

### **IC 3-8-7-26**

#### **Factions within a political party; selection of names and devices**

Sec. 26. (a) If there is a division in a political party and two (2) or more factions claim the same party name, title, or device, the commission, or the county election board, if appropriate, shall give preference of name to the convention held at the time and place

designated in the call of the regularly constituted party authorities.

(b) If another faction presents no other party name, title, or device, the commission or county election board shall:

- (1) select a name or title;
- (2) place the selected name or title before the list of candidates of the faction that are on the ballot; and
- (3) select some suitable device that complies with section 11 of this chapter to designate the faction's candidates.

*As added by P.L.5-1986, SEC.4. Amended by P.L.2-1996, SEC.91; P.L.3-1997, SEC.167.*

### **IC 3-8-7-27**

#### **Two or more conventions called by factions within a political party; selection of devices**

Sec. 27. If two (2) or more conventions are called by authorities claimed to be the rightful authorities of a political party, the commission or county election board shall select suitable devices to distinguish one (1) faction from the other and have the ballots prepared accordingly. However, if a political party entitled to nominate by convention fails to do so, the names of all nominees by petition for any office who are designated in their petitions as members of and candidates of the party shall be placed on the ballot under the name and device of the party on the ballots, as if nominated by convention.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.136; P.L.2-1996, SEC.92.*

### **IC 3-8-7-28**

#### **Notice of withdrawal for withdrawal, disqualification, or moving out of election district**

Sec. 28. (a) Except as provided in subsections (b) and (c), if a nominee certified under this chapter, IC 3-8-5, IC 3-8-6, or IC 3-10-1 desires to withdraw as the nominee, the nominee must file a notice of withdrawal in writing with the public official with whom the certificate of nomination was filed by noon:

- (1) July 15 before a general or municipal election;
- (2) August 1 before a municipal election in a town subject to IC 3-8-5-10;
- (3) on the date specified for town convention nominees under IC 3-8-5-14.5;
- (4) on the date specified for declared write-in candidates under IC 3-8-2-2.7;
- (5) on the date specified for a school board candidate under IC 3-8-2.5-4; or
- (6) forty-five (45) days before a special election.

(b) A candidate who is disqualified from being a candidate under IC 3-8-1-5 must file a notice of withdrawal immediately upon becoming disqualified. IC 3-8-8-7 and the filing requirements of

subsection (a) do not apply to a notice of withdrawal filed under this subsection.

(c) A candidate who has moved from the election district the candidate sought to represent must file a notice of withdrawal immediately after changing the candidate's residence. IC 3-8-8-7 and the filing requirements of subsection (a) do not apply to a notice of withdrawal filed under this subsection.

*As added by P.L.5-1986, SEC.4. Amended by P.L.3-1987, SEC.137; P.L.4-1991, SEC.42; P.L.14-2004, SEC.69; P.L.194-2013, SEC.31; P.L.169-2015, SEC.68; P.L.216-2015, SEC.8.*

### **IC 3-8-7-29**

#### **Candidates moving out of district or disqualified without withdrawal of candidacy; procedure**

Sec. 29. (a) This section applies:

(1) if a person:

(A) has been certified as a candidate in a certificate of nomination filed under this chapter;

(B) moves from the election district that the person sought to represent following the filing of the certificate of nomination;

(C) does not file a notice of withdrawal of candidacy under section 28 of this chapter; and

(D) is no longer an active candidate; or

(2) if a person is disqualified from being a candidate under IC 3-8-1-5.

(b) The county chairman of any political party on the ballot in the election district or a candidate for the office sought by the person described in subsection (a) may, upon determining that this section applies, file an action in the circuit court, superior court, or probate court in the county where the person described in subsection (a) resided. The complaint in this action must:

(1) state that this section applies to the person; and

(2) name the person described in subsection (a) and the public official responsible for placing that person's name on the ballot as defendants.

(c) When a complaint is filed under subsection (b), the circuit court, superior court, or probate court shall conduct a hearing and rule on the petition within ten (10) days after it is filed.

(d) If the court finds in favor of the plaintiff, a candidate vacancy occurs on the:

(1) general election ballot; and

(2) primary election ballot if no other person is:

(A) a member of the same political party as the person described in subsection (a); and

(B) a candidate on the ballot for the office sought by the person described in subsection (a).

(e) The candidate vacancy shall be filled under IC 3-13-1 or

IC 3-13-2.

*As added by P.L.3-1987, SEC.138. Amended by P.L.4-1991, SEC.43; P.L.84-2016, SEC.9.*

**IC 3-8-7-30**

**Write-in candidates**

Sec. 30. (a) Not later than noon on the date specified under section 16 of this chapter, the election division shall certify to each county election board:

- (1) the name of each individual who filed a declaration of intent to be a write-in candidate with the election division; and
- (2) any political party that the individual is affiliated with, or whether the individual is an independent candidate.

(b) This subsection applies to a county that does not use a central location to tally ballot card votes. The circuit court clerk shall provide a copy of the certification under this section to the inspector of each precinct, with instructions concerning the counting of write-in votes for declared write-in candidates.

*As added by P.L.10-1992, SEC.14. Amended by P.L.3-1993, SEC.80; P.L.3-1997, SEC.168; P.L.14-2004, SEC.70; P.L.169-2015, SEC.69.*