

HOUSE BILL No. 1349

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8; IC 3-10-4.

Synopsis: Presidential candidates. Provides that a declaration of candidacy, a declaration of intent to be a write-in candidate, a petition of nomination, or a certification of nomination of a candidate for President of the United States must include a copy of every federal income tax return filed by the candidate for the candidate's five most recent taxable years. Provides that a certificate of nomination for a candidate who has already filed copies of these federal tax returns with the candidate's declaration of candidacy is not required.

Effective: July 1, 2018.

Kersey

January 16, 2018, read first time and referred to Committee on Elections and Apportionment.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1349

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 3-8-2-2.5, AS AMENDED BY P.L.201-2017,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 2.5. (a) A person who desires to be a write-in
4 candidate for a federal, state, legislative, or local office or school board
5 office in a general, municipal, or school board election must file a
6 declaration of intent to be a write-in candidate with the officer with
7 whom declaration of candidacy must be filed under sections 5 and 6 of
8 this chapter.

9 (b) The declaration of intent to be a write-in candidate required
10 under subsection (a) must be signed before a person authorized to
11 administer oaths and must certify the following information:

12 (1) The candidate's name must be printed or typewritten as:
13 (A) the candidate wants the candidate's name to be certified;
14 and
15 (B) the candidate's name is permitted to appear under IC 3-5-7.
16 (2) A statement that the candidate is a registered voter and the
17 location of the candidate's precinct and township (or ward, if



- 1 applicable, and city or town), county, and state.
- 2 (3) The candidate's complete residence address, and if the
- 3 candidate's mailing address is different from the residence
- 4 address, the mailing address.
- 5 (4) The candidate's party affiliation or a statement that the
- 6 candidate is an independent candidate (not affiliated with any
- 7 party). The candidate may not claim affiliation with any political
- 8 party described by IC 3-8-4-1.
- 9 (5) A statement of the candidate's intention to be a write-in
- 10 candidate, the name of the office, including the district, and the
- 11 date and type of election.
- 12 (6) If the candidate is a candidate for the office of President or
- 13 Vice President of the United States, **the following:**
- 14 (A) A statement declaring the names of the individuals who
- 15 have consented and are eligible to be the candidate's
- 16 candidates for presidential electors and each candidate for
- 17 alternate presidential elector for each presidential elector.
- 18 **(B) The materials required by section 2.8 of this chapter.**
- 19 **If the materials required by section 2.8 of this chapter are**
- 20 **not included with the declaration, the declaration is not**
- 21 **effective and may not be received by the secretary of state.**
- 22 (7) The following statements:
- 23 (A) A statement that the candidate has attached either of the
- 24 following to the declaration:
- 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 or photocopy of a receipt showing that a
- 29 statement of economic interests has been filed.
- 30 This requirement does not apply to a candidate for a federal
- 31 office.
- 32 (B) A statement that the candidate understands that if the
- 33 candidate is elected to the office, the candidate may be
- 34 required to obtain and file an individual surety bond before
- 35 serving in the office. This requirement does not apply to a
- 36 candidate for a federal office or legislative office.
- 37 (C) A statement that the candidate understands that if the
- 38 candidate is elected to the office, the candidate may be
- 39 required to successfully complete training or have attained
- 40 certification related to service in an elected office. This
- 41 requirement does not apply to a candidate for a federal office,
- 42 state office, or legislative office.



- 1 (D) A statement that the candidate:
 2 (i) is aware of the provisions of IC 3-9 regarding campaign
 3 finance and the reporting of campaign contributions and
 4 expenditures; and
 5 (ii) agrees to comply with the provisions of IC 3-9.
 6 This requirement does not apply to a candidate for a federal
 7 office.
 8 The candidate must separately initial each of the statements
 9 required by this subdivision.
 10 (8) A statement as to whether the candidate has:
 11 (A) been a candidate for state, legislative, or local office in a
 12 previous primary or general election; and
 13 (B) filed all reports required by IC 3-9-5-10 for all previous
 14 candidacies.
 15 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
 16 candidate has filed a campaign finance statement of organization
 17 for the candidate's principal committee or is aware that the
 18 candidate may be required to file a campaign finance statement of
 19 organization not later than noon seven (7) days after the final date
 20 to file the declaration of intent to be a write-in candidate under
 21 section 4 of this chapter.
 22 (10) If the candidate is subject to IC 3-9-1-5.5, a statement that
 23 the candidate is required to file a campaign finance statement of
 24 organization under IC 3-9 after the first of either of the following
 25 occurs:
 26 (A) The candidate receives more than five hundred dollars
 27 (\$500) in contributions.
 28 (B) The candidate makes more than five hundred dollars
 29 (\$500) in expenditures.
 30 (11) A statement that the candidate complies with all
 31 requirements under the laws of Indiana to be a candidate for the
 32 above named office, including any applicable residency
 33 requirements, and that the candidate is not ineligible to be a
 34 candidate due to a criminal conviction that would prohibit the
 35 candidate from serving in the office.
 36 (12) The candidate's signature and telephone number.
 37 (c) At the time of filing the declaration of intent to be a write-in
 38 candidate, the write-in candidate is considered a candidate for all
 39 purposes.
 40 (d) A write-in candidate must comply with the requirements under
 41 IC 3-8-1 that apply to the office to which the write-in candidate seeks
 42 election.



1 (e) A person may not be a write-in candidate in a contest for
2 nomination or for election to a political party office.

3 (f) A write-in candidate for the office of President or Vice President
4 of the United States must list the following:

5 (1) The names of the write-in candidate's candidates for
6 presidential elector. A write-in candidate may not list more than
7 the total number of presidential electors to be chosen in Indiana
8 under this subdivision.

9 (2) The name of the write-in candidate's candidate for each
10 alternate presidential elector for each presidential elector.

11 (g) The election division shall provide that the form of a declaration
12 of intent to be a write-in candidate includes the following information:

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

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

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

29 SECTION 2. IC 3-8-2-2.8 IS ADDED TO THE INDIANA CODE
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
31 1, 2018]: **Sec. 2.8. (a) As used in this section, "income tax return"**
32 **refers to any tax or information return, declaration of estimated**
33 **tax, or claim for refund:**

34 **(1) required by, provided for, or permitted under the Internal**
35 **Revenue Code; and**

36 **(2) filed on behalf of, or with respect to, an individual.**

37 **The term includes any amendment, supplement, supporting**
38 **schedules, or lists that are part of a return filed under the Internal**
39 **Revenue Code by an individual.**

40 **(b) A declaration required by section 2.5 of this chapter for a**
41 **candidate for President of the United States must include a copy of**
42 **every income tax return the candidate filed with the Internal**



1 Revenue Service for the candidate's five (5) most recent taxable
2 years.

3 (c) The requirement of this section for a particular taxable year
4 is satisfied if:

5 (1) a candidate was not required to file an income tax return
6 for that particular taxable year; and

7 (2) the materials included with the declaration state that fact.

8 (d) The copies of a candidate's income tax returns required to
9 be filed under this section may be redacted to protect the
10 confidentiality of any of the following information relating to any
11 individual included on the candidate's income tax return:

12 (1) An individual's Social Security number.

13 (2) An individual's address.

14 (3) An individual's telephone number.

15 (4) Any other information relating to an individual to protect
16 that individual's privacy.

17 SECTION 3. IC 3-8-3-2, AS AMENDED BY P.L.169-2015,
18 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2018]: Sec. 2. (a) A request filed under section 1 of this
20 chapter must be accompanied by a petition signed by at least four
21 thousand five hundred (4,500) voters of the state, including at least five
22 hundred (500) voters from each congressional district.

23 (b) Each petition must ~~contain~~ **include** the following:

24 (1) The signature of each petitioner.

25 (2) The name of each petitioner legibly printed.

26 (3) The residence address of each petitioner as set forth on the
27 petitioner's voter registration record.

28 **(4) The materials required by section 2.8 of this chapter. If the**
29 **materials required by section 2.8 of this chapter are not**
30 **included with the petition, the petition is not effective and may**
31 **not be received by the election division.**

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

42 (d) This subsection applies to a petition filed during the period:



1 (1) beginning on the date that a congressional district plan has
2 been adopted under IC 3-3; and

3 (2) ending on the date that the part of the act or order issued under
4 IC 3-3-2 establishing the previous congressional district plan is
5 repealed or superseded.

6 The petition must be signed by at least four thousand five hundred
7 (4,500) voters of Indiana, including at least five hundred (500) voters
8 from each congressional district created by the most recent
9 congressional district plan adopted under IC 3-3.

10 SECTION 4. IC 3-8-3-2.8 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2018]: **Sec. 2.8. (a) As used in this section, "income tax return"**
13 **refers to any tax or information return, declaration of estimated**
14 **tax, or claim for refund:**

15 (1) required by, provided for, or permitted under the Internal
16 Revenue Code; and

17 (2) filed on behalf of, or with respect to, an individual.

18 **The term includes any amendment, supplement, supporting**
19 **schedules, or lists that are part of a return filed under the Internal**
20 **Revenue Code by an individual.**

21 (b) A petition required by section 2 of this chapter for a
22 candidate must include a copy of every income tax return the
23 candidate filed with the Internal Revenue Service for the
24 candidate's five (5) most recent taxable years.

25 (c) The requirement of this section for a particular taxable year
26 is satisfied if:

27 (1) a candidate was not required to file an income tax return
28 for that particular taxable year; and

29 (2) the materials included with the petition state that fact.

30 (d) The copies of a candidate's income tax returns required to
31 be filed under this section may be redacted to protect the
32 confidentiality of any of the following information relating to any
33 individual included on the candidate's income tax return:

34 (1) An individual's Social Security number.

35 (2) An individual's address.

36 (3) An individual's telephone number.

37 (4) Any other information relating to an individual to protect
38 that individual's privacy.

39 SECTION 5. IC 3-10-4-5, AS AMENDED BY P.L.201-2017,
40 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2018]: **Sec. 5. (a) This subsection applies to a major political**
42 **party and to a political party subject to IC 3-8-4-10. The state chairman**



1 of each political party shall certify to the election division the names of
 2 the nominees of the party for President and Vice President of the
 3 United States and the state of which each nominee is a resident. **The**
 4 **certification under this subsection must include the materials**
 5 **required by section 5.5 of this chapter. If the materials required by**
 6 **section 5.5 of this chapter are not included with the certification,**
 7 **the certification is not effective and may not be received by the**
 8 **election division.**

9 (b) If candidates for presidential electors and alternate presidential
 10 electors are nominated by petitioners instead of by a convention of a
 11 major political party or a party subject to IC 3-8-4-10, the petitioners
 12 shall certify with the list of names of the presidential electors the
 13 following:

- 14 (1) The names of their nominees for President and Vice President
 15 of the United States.
- 16 (2) The state of which each nominee is a resident.
- 17 (3) The name of the political party of the nominees, or that the
 18 nominees are an independent ticket.

19 **The certification under this subsection must include the materials**
 20 **required by section 5.5 of this chapter. If the materials required by**
 21 **section 5.5 of this chapter are not included with the certification,**
 22 **the certification is not effective and may not be received by the**
 23 **election division.**

24 (c) This subsection applies to a political party described in
 25 subsection (a) and to candidates nominated by petitioners under
 26 subsection (b). The names of:

- 27 (1) all candidates for:
 28 (A) presidential electors; and
 29 (B) alternate presidential electors; and
- 30 (2) all nominees for President and Vice President of the United
 31 States;

32 shall be certified to the election division not later than noon on the
 33 second Tuesday in September before the general election. The election
 34 division shall certify to each county election board not later than noon
 35 on the next following Thursday in September before the general
 36 election the names of the nominees for President and Vice President of
 37 the United States certified to the election division under this
 38 subsection.

39 (d) The names of all candidates for presidential electors and
 40 alternate presidential electors for a write-in candidate shall be included
 41 on the declaration for candidacy filed by a write-in candidate for the
 42 office of President or Vice President of the United States filed under



- 1 IC 3-8-2.
 2 SECTION 6. IC 3-10-4-5.5 IS ADDED TO THE INDIANA CODE
 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 4 1, 2018]: **Sec. 5.5. (a) As used in this section, "income tax return"**
 5 **refers to any tax or information return, declaration of estimated**
 6 **tax, or claim for refund:**
 7 (1) **required by, provided for, or permitted under the Internal**
 8 **Revenue Code; and**
 9 (2) **filed on behalf of, or with respect to, an individual.**
 10 **The term includes any amendment, supplement, supporting**
 11 **schedules, or lists that are part of a return filed under the Internal**
 12 **Revenue Code by an individual.**
 13 (b) **A certification required by section 5 of this chapter for a**
 14 **candidate for President of the United States must include a copy of**
 15 **every income tax return the candidate filed with the Internal**
 16 **Revenue Service for the candidate's five (5) most recent taxable**
 17 **years.**
 18 (c) **The requirement of this section is satisfied if a candidate**
 19 **filed copies of the candidate's income tax returns under**
 20 **IC 3-8-3-2.8.**
 21 (d) **The requirement of this section for a particular taxable year**
 22 **is satisfied if:**
 23 (1) **a candidate was not required to file an income tax return**
 24 **for that particular taxable year; and**
 25 (2) **the materials included with the certification state that fact.**
 26 (e) **The copies of a candidate's income tax returns required to be**
 27 **filed under this section may be redacted to protect the**
 28 **confidentiality of any of the following information relating to any**
 29 **individual included on the candidate's income tax return:**
 30 (1) **An individual's Social Security number.**
 31 (2) **An individual's address.**
 32 (3) **An individual's telephone number.**
 33 (4) **Any other information relating to an individual to protect**
 34 **that individual's privacy.**

