

HOUSE BILL No. 1365

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-30; IC 3-8; IC 3-10-2-15; IC 5-28-4-2; IC 6-1.5-1-2; IC 33-33-49-13.1.

Synopsis: Ballot access for major and minor parties. Provides, for purposes of certain laws, that the term "major political party" refers to: (1) with respect to the state, any of the parties whose nominees received more than 2,500 votes statewide for secretary of state in the last election; or (2) with respect to a political subdivision, any of the parties whose nominees received more than 250 votes in that political subdivision for secretary of state in the last election. Provides that a political party whose nominee received at least 2,500 votes but less than 25% of the votes cast for secretary of state at the last election shall nominate the party's candidates at a state convention and for certain local offices at a county convention. Permits a petition of nomination for an independent or minor political party to be signed by 250 registered voters in the election district that the candidate seeks to represent.

Effective: July 1, 2025.

Dvorak

January 13, 2025, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1365

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 3-5-2-30 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2025]: Sec. 30. **(a) Except as provided in**
3 **subsection (b), "major political party" refers to:**
4 (1) with respect to the state, either of the two (2) parties whose
5 nominees received the highest and second highest numbers of
6 votes statewide for secretary of state in the last election; or
7 (2) with respect to a political subdivision, either of the two (2)
8 parties whose nominees received the highest and second highest
9 numbers of votes in that political subdivision for secretary of state
10 in the last election.
11 **(b) For purposes of IC 3-8, IC 3-10-2, IC 3-10-4, IC 3-10-6, and**
12 **IC 3-11-4-2, "major political party" refers to:**
13 (1) with respect to the state, any of the parties whose nominees
14 received more than two thousand five hundred (2,500) votes
15 statewide for secretary of state in the last election; or
16 (2) with respect to a political subdivision, any of the parties
17 whose nominees received more than:



1 **(A) two hundred fifty (250) votes in that political**
 2 **subdivision for secretary of state in the last election; or**
 3 **(B) if the total number of votes in that political subdivision**
 4 **for secretary of state in the last election was five hundred**
 5 **(500) or fewer, the highest and second highest numbers of**
 6 **votes in that political subdivision for secretary of state in**
 7 **the last election.**

8 SECTION 2. IC 3-8-4-1 IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2025]: Sec. 1. This chapter applies to each
 10 political party in the state whose nominee received at least ~~two percent~~
 11 ~~(2%)~~ **two thousand five hundred (2,500) votes** of the total vote cast
 12 for secretary of state at the last election.

13 SECTION 3. IC 3-8-4-10, AS AMENDED BY P.L.278-2019,
 14 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2025]: Sec. 10. (a) This section applies to a political party
 16 whose nominee received at least ~~two percent (2%)~~ **two thousand five**
 17 **hundred (2,500) votes** but less than ~~ten twenty-five percent (40%)~~
 18 **(25%)** of the votes cast for secretary of state at the last election for that
 19 office.

20 (b) A political party subject to this section shall also nominate the
 21 party's candidates for the following offices at the state convention of
 22 the party:

- 23 (1) United States Senator.
- 24 (2) United States Representative.
- 25 (3) Governor.
- 26 (4) Legislative office.
- 27 (5) A local office listed in IC 3-8-2-5.

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

32 SECTION 4. IC 3-8-6-3, AS AMENDED BY P.L.227-2023,
 33 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2025]: Sec. 3. (a) A petition of nomination must be signed by
 35 **the lesser of:**

- 36 **(1) at least** the number of voters equal to two percent (2%) of the
 37 total vote cast at the last election for secretary of state in the
 38 election district that the candidate seeks to represent; **or**
- 39 **(2) at least two hundred fifty (250) registered voters in the**
 40 **election district that the candidate seeks to represent.**

41 (b) In determining the number of signatures required under this
 42 section, any fraction in excess of a whole number must be disregarded.



1 (c) If an election district is included entirely within one (1) precinct,
2 and does not include the entire precinct, the petition of nomination
3 must be signed by at least five (5) voters of the election district.

4 SECTION 5. IC 3-8-7-25, AS AMENDED BY P.L.169-2015,
5 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2025]: Sec. 25. Each county election board shall have printed
7 on the respective general, special, or municipal election ballots the
8 names of the following candidates:

9 (1) Nominees chosen at a primary election under IC 3-10 and
10 certified as required by this chapter.

11 (2) Nominees chosen by a convention of a political party in the
12 state whose candidate received at least ~~two percent (2%)~~ **two**
13 **thousand five hundred (2,500) votes** of the total vote cast for
14 secretary of state at the last election and certified under section 8
15 of this chapter.

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

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

19 SECTION 6. IC 3-10-2-15 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 15. (a) This section
21 applies to a political party whose nominee received at least ~~two percent~~
22 ~~(2%)~~ **two thousand five hundred (2,500) votes** but less than ~~ten~~
23 ~~twenty-five percent (10%)~~ **(25%)** of the votes cast for secretary of
24 state at the last election for that office.

25 (b) This section applies only to a local office that is:

26 (1) not listed in IC 3-8-2-5; and

27 (2) not a municipal office subject to IC 3-8-5-17 or IC 3-10-6-12.

28 (c) A political party subject to this section shall nominate the party's
29 candidate for a local office at a county convention of the party
30 conducted not later than noon on the date specified by
31 IC 3-13-1-7(a)(1) for a major political party to act to fill a candidate
32 vacancy.

33 (d) The chairman and secretary of the convention shall execute a
34 certificate of nomination in writing, setting out the following:

35 (1) The name of each nominee as:

36 (A) the nominee wants the nominee's name to appear on the
37 ballot; and

38 (B) the nominee's name is permitted to appear on the ballot
39 under IC 3-5-7.

40 (2) The residence address of each nominee.

41 (3) The office for which each nominee was nominated.

42 (4) That each nominee is legally qualified to hold office.



1 (5) The political party device or emblem by which the ticket will
2 be designated on the ballot.

3 Both the chairman and secretary shall acknowledge the certificate
4 before an officer authorized to take acknowledgment of deeds.

5 (e) Each candidate nominated under this section shall execute a
6 consent to the nomination in the same form as a candidate nominated
7 by petition under IC 3-8-6.

8 (f) The certificate required by subsection (d) and the consent
9 required by subsection (e) must be filed with the circuit court clerk of
10 the county containing the greatest percentage of population of the
11 election district for which the candidate has been nominated by the
12 convention not later than noon on the date specified by IC 3-13-1-15(c)
13 for a major political party to file a certificate of candidate selection.

14 (g) A candidate's consent to the nomination must include a
15 statement that the candidate requests the name on the candidate's voter
16 registration record be the same as the name the candidate uses on the
17 consent to the nomination. If there is a difference between the name on
18 the candidate's consent to the nomination and the name on the
19 candidate's voter registration record, the officer with whom the consent
20 to the nomination is filed shall forward the information to the voter
21 registration officer of the appropriate county. The voter registration
22 officer of the appropriate county shall change the name on the
23 candidate's voter registration record to be the same as the name on the
24 candidate's consent to the nomination.

25 (h) A question concerning the validity of a candidate's nomination
26 under this section shall be determined by a county election board in
27 accordance with IC 3-13-1-16.5(b) and IC 3-13-1-16.5(c).

28 (i) A nominee who wants to withdraw must file a notice of
29 withdrawal in accordance with IC 3-8-7-28.

30 SECTION 7. IC 5-28-4-2, AS AMENDED BY P.L.237-2017,
31 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2025]: Sec. 2. (a) The board is composed of the following
33 members, none of whom may be members of the general assembly:

- 34 (1) The governor.
35 (2) Eleven (11) individuals appointed by the governor.
36 (3) The members (if any) appointed by the governor under
37 subsection (c).

38 The individuals appointed under subdivision (2) and the individuals
39 appointed under subsection (c) must be employed in or retired from the
40 private or nonprofit sector or academia.

41 (b) When making appointments under subsection (a)(2), the
42 governor shall appoint the following:



- 1 (1) At least five (5) members belonging to the same political party
 2 as the governor.
- 3 (2) At least three (3) members who belong to a major political
 4 party (as defined in ~~IC 3-5-2-30~~ **IC 3-5-2-30(a)**) other than the
 5 party of which the governor is a member.
- 6 (c) In addition to the members appointed under subsection (a)(2),
 7 the governor may appoint not more than three (3) additional members
 8 to the board. If the governor appoints more than one (1) additional
 9 member to the board under this subsection, at least one (1) of the
 10 additional members must belong to a major political party (as defined
 11 in ~~IC 3-5-2-30~~ **IC 3-5-2-30(a)**) other than the party of which the
 12 governor is a member.
- 13 SECTION 8. IC 6-1.5-1-2 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. "Major political
 15 party" has the meaning set forth in ~~IC 3-5-2-30~~ **IC 3-5-2-30(a)**.
- 16 SECTION 9. IC 33-33-49-13.1, AS ADDED BY P.L.245-2017,
 17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2025]: Sec. 13.1. (a) As used in this chapter:
- 19 (1) "close relative" has the meaning set forth in IC 33-23-11-2;
 20 and
- 21 (2) "committee" refers to the Marion County judicial selection
 22 committee established by subsection (b).
- 23 (b) The Marion County judicial selection committee is established
 24 to:
- 25 (1) select nominees for the court; and
 26 (2) make recommendations to the voters concerning the retention
 27 of a judge on the court.
- 28 (c) The committee consists of the following fourteen (14) members:
- 29 (1) Four (4) members who reside in Marion County, appointed as
 30 follows:
- 31 (A) One (1) member appointed by the speaker of the house of
 32 representatives.
- 33 (B) One (1) member appointed by the minority leader of the
 34 house of representatives.
- 35 (C) One (1) member appointed by the president pro tempore
 36 of the senate.
- 37 (D) One (1) member appointed by the minority leader of the
 38 senate.
- 39 A person appointed under this subdivision may not be a member
 40 of the general assembly.
- 41 (2) An attorney who resides in Marion County and practices
 42 primarily in the area of criminal law, appointed by the president



- 1 of the Indianapolis bar association.
- 2 (3) An attorney who resides in Marion County and practices
3 primarily in the area of criminal law, appointed by the president
4 of the Marion County bar association.
- 5 (4) An attorney who resides in Marion County, appointed by the
6 president of the Indiana Trial Lawyers Association.
- 7 (5) An attorney who resides in Marion County, appointed by the
8 president of the Defense Trial Counsel of Indiana.
- 9 (6) Two (2) members appointed by the chairperson of each major
10 political party (as defined by ~~IC 3-5-2-30(2)~~ **IC 3-5-2-30(a)**) in
11 Marion County. Each of the four (4) members appointed under
12 this subdivision must reside in Marion County and must reflect
13 the diversity and makeup of Marion County.
- 14 (7) The chief judge of the Indiana Court of Appeals or a designee
15 of the chief judge who is a judge of the Indiana Court of Appeals.
16 The chief judge or chief judge's designee serves as the vice
17 chairperson of the committee ex officio.
- 18 (8) The chief justice of Indiana or a designee of the chief justice
19 who is a justice of the Indiana Supreme Court. The chief justice
20 or chief justice's designee serves as the chairperson of the
21 committee ex officio.
- 22 (d) If a member of the committee is employed by a law firm, no
23 other person employed by the same law firm may be appointed to the
24 committee.
- 25 (e) A member of the committee may not be:
- 26 (1) a current or former judge of the Marion superior or circuit
27 court;
- 28 (2) a current or former judicial officer appointed by the Marion
29 superior or circuit court;
- 30 (3) a current or former employee of the Marion superior or circuit
31 court; or
- 32 (4) a close relative of anyone described in subdivision (1), (2), or
33 (3).
- 34 This subsection does not apply to a member appointed under
35 subsection (c)(7) or (c)(8).
- 36 (f) All attorney members of the committee must be in active and
37 good standing with the Indiana Supreme Court.
- 38 (g) Each member of the committee who is not an ex officio member
39 serves a four (4) year term, beginning on July 1, 2017, and ending on
40 June 30, 2021. A member of the committee may be reappointed for one
41 (1) or more additional four (4) year terms. If a member is appointed to
42 fill a vacancy, the member serves during the unexpired term of the



1 member's predecessor and may be reappointed for one (1) or more
2 additional four (4) year terms.

3 (h) If a vacancy exists on the committee, the appointing authority
4 who appointed the former member whose position has become vacant
5 shall appoint an individual to fill the vacancy.

6 (i) An ex officio member of the committee ceases to be a member
7 of the committee at the time the person no longer holds the office that
8 entitles the person to be a member of the committee.

9 (j) A member of the committee described in subsection (c)(1)
10 through (c)(6) who no longer resides in Marion County is considered
11 to have resigned from the committee. A member of the committee who
12 no longer resides in Marion County shall notify the chairperson in
13 writing of the member's change in residence.

14 (k) A quorum consists of nine (9) members of the committee.

15 (l) The affirmative votes of nine (9) members of the committee are
16 required for the committee to take official action with respect to any
17 candidate for judicial office.

18 (m) The committee shall:

19 (1) nominate judicial candidates for the court in accordance with
20 section 13.4 of this chapter; and

21 (2) make recommendations concerning retention in accordance
22 with section 13.7 of this chapter.

23 (n) The committee meets upon the call of the chairperson.

24 (o) The committee shall meet in the Indiana statehouse or in any
25 other appropriate location in Marion County, as determined by the
26 chairperson.

27 (p) Except as otherwise provided in subsection (q) or otherwise
28 provided in this chapter, the committee may adopt its own policies and
29 operating procedures. The policies and procedures must comply with
30 IC 5-14-1.5 (the open door law) and this chapter, and must include
31 procedures by which eligible candidates for a vacancy on the court may
32 submit their names to the committee. The policies and procedures are
33 public records, and the meetings of the committee at which the policies
34 and procedures are considered for initial adoption or amendment must
35 be publicly announced and open to the public. Applications of
36 candidates for judicial appointment are public records.

37 (q) Notwithstanding IC 5-14-1.5-2, the committee is a public agency
38 for the purposes of IC 5-14-1.5. The committee may meet in executive
39 session under IC 5-14-1.5-6.1 for the consideration of a candidate for
40 appointment to or retention on the court if:

41 (1) notice of the executive session is given in the manner
42 prescribed by IC 5-14-1.5-5; and



- 1 (2) all interviews of candidates are conducted at meetings open to
2 the public.
- 3 (r) Notwithstanding IC 5-14-3-4, all public records (as defined in
4 IC 5-14-3-2) of the committee are subject to IC 5-14-3-3, including
5 records described in IC 5-14-3-4(b)(12). However, the following
6 records are excepted from public inspection and copying at the
7 discretion of the committee:
- 8 (1) Personnel files of committee employees and members and
9 files of applicants for employment with the committee to the
10 extent permitted under IC 5-14-3-4(b)(8).
- 11 (2) Records specifically prepared for discussion or developed
12 during discussion in an executive session under IC 5-14-1.5-6.1,
13 unless the records are prepared for use in the consideration of a
14 candidate for retention or judicial appointment.
- 15 (3) Investigatory records prepared for the committee until:
- 16 (A) the records are considered in connection with the
17 consideration of a candidate;
- 18 (B) the records are publicly discussed by the committee in
19 connection with the consideration of a candidate;
- 20 (C) a candidate elects to have the records released by the
21 committee; or
- 22 (D) the committee elects to release the records that the
23 committee considers appropriate in response to publicly
24 disseminated statements relating to the activities or actions of
25 the committee;
- 26 whichever occurs first.
- 27 (4) The work product of an attorney (as defined in IC 5-14-3-2)
28 representing the committee.
- 29 (s) When an event described by subsection (r)(3) occurs, the
30 investigatory record becomes available for public inspection and
31 copying under IC 5-14-3-3.
- 32 (t) A former member of the committee may not be nominated as a
33 judge of the court if the person has served as a member of the
34 committee within the previous five (5) years.

