

IC 3-10-2

Chapter 2. General Elections

IC 3-10-2-1

Date of general election; offices to be filled

Sec. 1. A general election shall be held on the first Tuesday after the first Monday in November in each even-numbered year. All offices whose terms will expire before the next general election shall be filled at the election, unless otherwise provided by law.

As added by P.L.5-1986, SEC.6.

IC 3-10-2-2

Notice of election; publication of office to be filled or questions submitted; filing

Sec. 2. (a) Each county election board shall give notice of a general election and publish a statement in accordance with IC 5-3-1 showing what offices are to be filled and setting forth the text of the judicial retention and other public questions to be submitted to the voters and by filing a copy of this information:

- (1) with the election division; and
- (2) in the minutes of the county election board.

(b) The county election board shall file the copies required under subsection (a) not later than noon, ten (10) days before election day. However, an election is not invalidated by the failure of the board to perform this duty.

As added by P.L.5-1986, SEC.6. Amended by P.L.10-1988, SEC.82; P.L.3-1993, SEC.95; P.L.3-1997, SEC.219.

IC 3-10-2-3

Presidential and Vice Presidential Electors; time for electing

Sec. 3. Electors for President and Vice-President of the United States shall be elected in 2008 and every four (4) years thereafter at a general election held in accordance with 3 U.S.C. 1.

As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.39; P.L.3-1997, SEC.220; P.L.230-2005, SEC.36.

IC 3-10-2-4

United States Senators; time for electing

Sec. 4. United States Senators shall be elected at a general election held in accordance with 2 U.S.C. 1 and as follows:

- (1) One (1) in 2006 and every six (6) years thereafter.
- (2) One (1) in 2010 and every six (6) years thereafter.

As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.40; P.L.122-2000, SEC.7; P.L.230-2005, SEC.37.

IC 3-10-2-5

United States Representatives; time for electing

Sec. 5. United States Representatives shall be elected at each general election in accordance with 2 U.S.C. 7.

As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.41.

IC 3-10-2-6

Year for election of governor, lieutenant governor, attorney general, and superintendent of public instruction

Sec. 6. The following public officials shall be elected in 2008 and every four (4) years thereafter:

- (1) Governor.
- (2) Lieutenant governor.
- (3) Attorney general.
- (4) Superintendent of public instruction.

As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.42; P.L.3-1997, SEC.221; P.L.230-2005, SEC.38.

IC 3-10-2-7

Year for election of secretary of state, auditor of state, and treasurer of state

Sec. 7. The following public officials shall be elected in 2006 and every four (4) years thereafter:

- (1) Secretary of state.
- (2) Auditor of state.
- (3) Treasurer of state.

As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.43; P.L.122-2000, SEC.8; P.L.14-2004, SEC.79; P.L.230-2005, SEC.39.

IC 3-10-2-8

Supreme court justices and appellate court judges; time for electing

Sec. 8. Justices of the supreme court and judges of the court of appeals shall stand for approval or rejection by their respective electorates:

- (1) at the first general election that occurs at least two (2) years after their appointments; and
- (2) at the general election every ten (10) years thereafter;

in accordance with Article 7, Section 11 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.6.

IC 3-10-2-9

State senators; time for electing

Sec. 9. One-half (1/2) of the senators in the general assembly, as nearly as possible, shall be elected at each general election and every four (4) years thereafter in accordance with Article 4, Section 3 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.6.

IC 3-10-2-10

State representatives; time for electing

Sec. 10. Representatives in the general assembly shall be elected in each district at each general election in accordance with Article 4, Section 3 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.6.

IC 3-10-2-11

Judges; time for electing

Sec. 11. (a) A judge of the circuit court shall be elected at:

- (1) the first general election following an appointment by the governor to fill a vacancy in the office of judge of the circuit court; or
- (2) the general election before the term of the judge expires under Article 7, Section 7 of the Constitution of the State of Indiana;

whichever occurs first, and every six (6) years thereafter.

(b) Except as otherwise provided by law, judges of the superior, probate, and county courts shall be elected at the general election before their terms of office expire and every six (6) years thereafter. *As added by P.L.5-1986, SEC.6. Amended by P.L.334-1989(ss), SEC.1; P.L.5-1989, SEC.40.*

IC 3-10-2-12

Year for election of prosecuting attorneys

Sec. 12. A prosecuting attorney shall be elected in each judicial circuit in 2006 and every four (4) years thereafter in accordance with Article 7, Section 16 of the Constitution of the State of Indiana. *As added by P.L.5-1986, SEC.6. Amended by P.L.4-1996, SEC.44; P.L.122-2000, SEC.9; P.L.230-2005, SEC.40.*

IC 3-10-2-13 Version a

Local officials; time for electing

Note: This version of section effective until 1-1-2009. See also following version of this section, effective 1-1-2009.

Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner.
- (10) County council member.
- (11) Township trustee.
- (12) Township board member.
- (13) Township assessor.
- (14) Judge of a small claims court.
- (15) Constable of a small claims court.

As added by P.L.5-1986, SEC.6. Amended by P.L.8-1987, SEC.2.

IC 3-10-2-13 Version b

Local officials; time for electing

Note: This version of section effective 1-1-2009. See also preceding version of this section, effective until 1-1-2009.

Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner.
- (10) County council member.
- (11) Township trustee.
- (12) Township board member.
- (13) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- (14) Judge of a small claims court.
- (15) Constable of a small claims court.

As added by P.L.5-1986, SEC.6. Amended by P.L.8-1987, SEC.2; P.L.146-2008, SEC.5.

IC 3-10-2-14

Repealed

(Repealed by P.L.146-2008, SEC.818.)

IC 3-10-2-15

Nomination by convention; deadline for holding; certification of nominees; consent of nominees

Sec. 15. (a) This section applies to a political party whose nominee received at least two percent (2%) but less than ten percent (10%) of the votes cast for secretary of state at the last election for that office.

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

- (1) not listed in IC 3-8-2-5; and
- (2) not a municipal office subject to IC 3-8-5-17 or IC 3-10-6-12.

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

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

- (1) The name of each nominee as:
 - (A) the nominee wants the nominee's name to appear on the ballot; and
 - (B) the nominee's name is permitted to appear on the ballot

under IC 3-5-7.

- (2) The residence address of each nominee.
- (3) The office for which each nominee was nominated.
- (4) That each nominee is legally qualified to hold office.
- (5) The political party device or emblem by which the ticket will be designated on the ballot.

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

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

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

(g) A candidate's consent to the 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 consent to the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination is filed shall forward the information to the voter registration officer of the appropriate county. 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 to the nomination.

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

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

As added by P.L.4-1996, SEC.45. Amended by P.L.202-1999, SEC.14; P.L.66-2003, SEC.31; P.L.9-2004, SEC.14.