

STATE ELECTION COMMISSIONERS: Whether candidates at a primary election are required to file a petition along with their declaration of candidacy.

November 12, 1941.

Mr. Edwin H. Smith,
Member Indiana State Board of
Election Commissioners,
920 Peoples Bank Building,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of October 31, 1941, requesting an interpretation and opinion on Chapter 64 of the Acts of 1941, relative to the necessity of filing a petition along with the declaration of candidacy.

Chapter 64 amended Chapter 191 of the Acts of 1935. The Act of 1935 provided that before a candidate could have his name printed upon an official ballot used at any primary election, it was necessary, under subdivision (b) to file with the proper official a petition along with the declaration of candidacy. Such petition was required to contain a certain number of names of qualified voters of the same political party as the candidate, the number of names to be regulated according to the number of votes cast for certain designated officers at the preceding election in the territory from which such candidate was to submit his candidacy. Subdivision (c) provided that a certain number of names appearing first on such petition should be considered as sponsors of the candidate and subdivision (d) provided for the mailing by the proper official within the time prescribed, to the candidate, a statement showing that such candidate had filed his declaration for candidacy for a certain office and the fact that a petition accompanied such declaration.

The Act of 1941, amended the Act of 1935 by omitting all of subdivision (b), but leaving in subdivisions (c) and (d) without designating them as (c) and (d) in the Act of 1941.

It is my opinion that by omitting subdivision (b) of the Act of 1935, there is no longer any necessity or requirement upon candidates at a primary election to file a petition along with a declaration of candidacy, as required by the Act of 1935.