

2023

Indiana

Candidate Guide



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Important Note About Using the 2023 Indiana Candidate Guide

This publication is not a legal document. It does not replace the Indiana Election Code. Every effort has been made to ensure the accuracy of the information contained in this publication. However, this *Guide* should be used only in conjunction with the election statutes.

If any inconsistency exists between this publication and Indiana election statutes, the statutory language governs.

Most statements in this *Guide* are followed by a statutory cite, such as “IC 3-8-2-5.” The “IC” stands for Indiana Code and the numbers following “IC” refer to the title, article, chapter, and section of an Indiana statute (for example, “IC 3-8-2-5” means Indiana Code title 3, article 8, chapter 2, section 5).

Consult the online version of the Indiana Code and the 2022 print edition of the Indiana Election Code with the 2023 supplement to check for changes or updates to the election statutes. Become familiar with the laws governing your candidacy and the office you seek. The current version of the Indiana Code is available on the Internet at <http://iga.in.gov/legislative/laws/current/ic/>

The information in this *Guide* reflects Indiana law as of July 1, 2022. However, since election laws may be changed each year, **consult with your personal attorney** to make certain you know and understand the most current version of the law.

The Indiana Election Division cannot provide legal advice to you as a candidate. You must retain your own attorney. The Election Division cannot provide information concerning the specific duties or responsibilities of a local government office. For information on this subject, contact:

Association of Indiana Counties
101 West Ohio Street, Suite 1575
Indianapolis, IN 46204
(317) 684-3710
www.indianacounties.org

Accelerate Indiana Municipalities
125 W Market Street, Suite 100
Indianapolis, IN 46204
(317) 237-6200
<https://aimindiana.org/>

Indiana Township Association
P.O. Box 611
Fishers, IN 46038
(317) 813-3240
www.indianatownshipassoc.org

Note about Lake County, Porter County, and Tippecanoe County Boards of Elections and Registration: Each county, with the exception of Lake County, Porter County, and Tippecanoe County, has a county election board. In Lake, Porter, and Tippecanoe Counties, separate state statutes govern the organization of the county board of elections and registration. (IC 3-6-5.2 (Lake County); IC 3-6-5.4 (Tippecanoe County); IC 3-6-5.6 (Porter County)) For Lake, Porter, and Tippecanoe Counties, references in this *Guide* to a “county election board” (for candidate filing purposes for example), refers to the boards of elections and registration in Lake County, Porter County, and Tippecanoe County. References to circuit court clerk refer to the Lake County election director, the Porter County election director, and the office of the Tippecanoe County board of elections and registration.

Please feel free to contact the Indiana Election Division with any questions about this *Guide* or information concerning candidates.

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FEDERAL & STATE RESOURCES

State Offices		
<p>Indiana Election Division Office of the Secretary of State Indiana Government Center South E-204 302 West Washington Street Indianapolis, IN 46204 (317) 232-3939 * (800) 622-4941 www.in.gov/sos/elections</p>	<p>Secretary of State Administrative Division 200 West Washington Street State House, Room 201 Indianapolis, IN 46204 (317) 232-6531 www.in.gov/sos</p>	<p>Inspector General State Ethics Commission 315 West Ohio Street, Room 104 Indianapolis, IN 46202 (317) 232-3850 http://www.in.gov/ig/</p>
<p>Principal Clerk Indiana House of Representatives State House, Room 3A-8 200 West Washington Street Indianapolis, IN 46204 (317) 232-9608 iga.in.gov</p>	<p>Principal Secretary Indiana State Senate State House, Room 3A-N 200 West Washington Street Indianapolis, IN 46204 (317) 232-9421 iga.in.gov</p>	<p>Indiana Commission on Judicial Qualifications 251 N. Illinois Street, Suite 1600 Indianapolis, IN 46204 (317) 232-4706 https://www.in.gov/courts/jqc/</p>
Federal Offices		
<p>U. S. Election Assistance Commission 633 3rd Street NW, Suite 200 Washington, DC 20001 (301) 563-3913 * (866) 747-1471 https://www.eac.gov</p>	<p>Federal Election Commission 1050 First Street, NE Washington, DC 20463 (800) 424-9530 * (202) 694-1100 www.fec.gov</p>	
<p>House Committee on Ethics 1015 Longworth HOB Washington, D.C. 20515 (202) 225-7103 ethics.house.gov</p>	<p>Secretary of the Senate Office of Public Records 232 Hart Office Building Washington, D.C. 20510-7116 (202) 224-0758 https://www.senate.gov/legislative/opr.htm</p>	
Political Parties		
<p>Democratic State Central Committee 101 West Washington Street Suite 1110 East Tower Indianapolis, IN 46204 (317) 231-7100 or (800) 223-3387 www.indems.org</p>	<p>Libertarian Party of Indiana 456 N Meridian St #44265, Indianapolis, IN 46204 (317) 920-1994 http://lpin.org/</p>	<p>Republican State Central Committee 101 W. Ohio Street Suite 2200 Indianapolis, IN 46204 (317) 635-7561 www.indgop.org</p>

Foreign Influence & Cyber Security Information

Protected Voices is an FBI initiative, in collaboration with U.S. Department of Homeland Security (DHS) and the Office of the Director of National Intelligence (DNI), to help political campaigns improve their cybersecurity and defend against foreign influence operations.

If you would like to know a) what foreign influence operations are, b) why they are a threat to our system of government, c) what the US government is doing about that, or d) what you can do to safeguard sensitive information on your computer networks, then please visit the FBI's Protected Voices website:

<https://www.fbi.gov/investigate/counterintelligence/foreign-influence/protected-voices>

Report Suspicious Activity

Candidates or campaign staff should report suspicious cyber or foreign influence activity to their local FBI field office:

Indianapolis FBI Field Office (covers the entire state of Indiana)

8825 Nelson B Klein Pkwy

Indianapolis, IN 46250

<https://www.fbi.gov/contact-us/field-offices/indianapolis>

(317) 595-4000

More information about Indiana's efforts to further harden its election infrastructure and strengthen physical security of county's voting systems can be found at www.indianavoters.com under "election security."

BALLOT ACCESS, GENERALLY

A person is considered a major party candidate if the candidate affiliated with the party obtained the highest or second-highest number of votes cast for Indiana Secretary of State at the last election held for the Secretary of State's office. (IC 3-5-2-30) Thus, the Democratic Party and Republican Party are considered "major parties" based on the results of the 2022 election for Indiana Secretary of State. If a political party did not run a candidate for that office in 2022 or if the party's candidate did not receive the highest or second-highest number of votes in the 2022 for election to that office, the party is considered a "minor party" for ballot access purposes. An "independent" candidate is a candidate not affiliated with any political party.

The two major political parties are required by Indiana law to hold a primary election on May 2, 2023, where candidates for federal, state legislative, and local offices are nominated for November's municipal election. Voters must select either a Democratic or Republican ballot in the May primary election. In rare cases, a county may be conducting a special election on the same date as the primary election, and a separate "non-partisan" ballot may be offered to vote on a public question.

However, some small towns (those with a population of less than 3,500 persons) with offices on the ballot in 2023 do not hold a Democratic or Republican primary election in May unless the town council passes an ordinance to conduct a primary election. If no such ordinance has been passed, then the Democratic, Libertarian, and Republican parties may hold a town convention to nominate their candidates if there is competition within the party between candidates seeking the party's nomination to the same office. (IC 3-8-5-2; IC 3-8-5-10)

To seek nomination in the May primary election, a candidate must belong to the Democratic or Republican Party. The candidate meets this requirement if 1) the party ballot that the voter requested in the two (2) most recent primary elections in Indiana in which the candidate voted was the ballot of that party or 2) the candidate files a certification from their county chair affirming their membership in that political party. The declaration of candidacy for municipal primary nomination (CAN-42) requires the candidate to affirm their party affiliation and attach the certification, if required.

If a minor party received at least two percent (2%), but less than ten percent (10%) of the vote cast for Indiana Secretary of State at the last election held for the office, the party may nominate candidates for the municipal election by conducting a municipal convention. (IC 3-8-5-17; IC 3-10-6-12) The Libertarian Party falls into this category of "minor party" based on the 2022 election results.

For this reason, the Libertarian Party nominates candidates at municipal conventions and can fill a ballot vacancy where no candidate was selected at convention. However, the Libertarian Party must give notice to the county election board (for local offices) of their intent to fill these vacancies. (IC 3-13-1-20)

Although other minor parties (other than the Libertarian Party) may hold conventions to nominate candidates, these nominations are not recognized in Indiana for purposes of winning a place on the municipal election ballot. A minor party (other than the Libertarian Party), or independent candidate in Indiana is nominated for placement on the municipal election ballot by petition of nomination. The candidate must collect signatures of registered voters in the election district that total at least 2% of the total votes cast in the 2022 Secretary of State's race in the election district the candidate wishes to represent to have their name printed on the ballot. (CAN-44 Petition of Nomination for City or Town Office in 2023)

While it may be possible for candidates of the same minor political party seeking an office that serves the entire state or a congressional or legislative district, or the same political subdivision to be nominated on the same petition, only one independent candidate for an office may be nominated by the same petition of nomination. (IC 3-8-6-4)

EXCEPTION: Candidates for President and Vice President of the United States or Governor and Lt. Governor are elected as a ticket. An independent candidate for President may include their running mate for Vice President on the same petition of nomination. An independent candidate for Governor must include their running mate for Lt. Governor on the same petition of nomination (IC 3-8-1-9.5; IC 3-8-6-4) This does not apply in 2023 since these offices will not be on the ballot during that election cycle.

A person may run as a write-in candidate for any elected office but may not claim affiliation with a political party in the state whose nominee for Secretary of State received at least 2% of the total votes cast in the most recent election for the office of Secretary of State (currently the Democratic, Libertarian, or Republican parties). (IC 3-8-2-2.5) A person is considered an independent candidate if the candidate is a person who is not affiliated with **any** political party. (IC 3-5-2-26.6)

If no Democratic or Republican party candidate filed to run for an office in the May primary election, the ballot vacancy may be filled after the date of the primary election but before noon (prevailing local time), July 3, 2023. A candidate may also withdraw from the ballot for any reason not later than noon (prevailing local time), July 17, 2023, and may only withdraw after the July 17 deadline if the candidate is disqualified for a reason like death, a move out of the election district, or upon conviction of a felony. Information about filling ballot vacancies can be found in later chapters of this *Guide*.

A person may run as a write-in candidate for any elected office but may not claim affiliation with a political party in the state whose nominee for Secretary of State received at least 2% of the total votes cast in the most recent election for the office of Secretary of State (currently the Democratic, Libertarian, or Republican parties). (IC 3-8-2-2.5) A person is considered an independent candidate if the candidate is a person who is not affiliated with any political party. (IC 3-5-2-26.6)

A person may not be a write-in candidate during a primary election or for a party office, such as precinct committeeman or state convention delegate. (IC 3-8-2-2.5) Votes for write-in candidates are only counted in the municipal election if the write-in candidate filed a declaration of intent to be a write in candidate before the election no later than the deadline set by state law. **A write-in candidate's name is never printed on the municipal election ballot.**

On November 7, 2023, the municipal election will be held, and voters will decide who is elected to serve their respective term of office. This ballot may include Democratic, Independent, Libertarian, Republican, or other third party or write-in candidates. Local public questions may also appear.

Ballot access rules vary depending on the office sought and the candidate's political party. While this *Guide* provides much of this information, **please seek the advice of a personal attorney to understand your rights and responsibilities.**

IMPORTANT VOTER REGISTRATION INFORMATION

Candidates sometimes provide voter registration applications to potential voters. If the candidate accepts possession of a completed state registration application, the candidate is responsible for completing the Certified Statement of Acceptance on the application. If the candidate accepts possession of a completed state or federal registration application, the candidate is responsible for ensuring that the completed application is received by the appropriate county voter registration office NOT LATER THAN noon the earlier of ten (10) days after acceptance or THE REGISTRATION DEADLINE for the PRIMARY ELECTION (close of business on April 3, 2023) or the MUNICIPAL ELECTION (close of business on October 10, 2023). A candidate who recklessly fails to file the completed applications is subject to penalties under federal and state law.

IMPORTANT ABSENTEE BALLOT APPLICATION INFORMATION

Candidates or their campaigns sometimes provide absentee ballot applications to vote-by-mail to voters. If the candidate accepts possession of a completed absentee application, the individual who takes possession of the document is responsible for providing a date the application was received by the individual. This individual is responsible for ensuring that the completed application is received by the appropriate county election board office NOT LATER THAN the earlier of ten (10) days after acceptance or THE ABSENTEE APPLICATION DEADLINE for the PRIMARY ELECTION (11:59 p.m. on April 20, 2023 for absentee by mail voting; Noon, May 1, 2023 for absentee by travel board voting; both local prevailing time) and MUNICIPAL ELECTION (11:50 p.m. on October 26, 2023 for absentee by mail voting; Noon, November 6, 2023 for absentee by travel board voting; both local prevailing time). An individual who recklessly fails to file the completed applications is subject to penalties under federal and state law. (IC 3-11-4-2)

Further, a mailed communication of more than 100 pieces of substantially similar pieces of mail that includes an Indiana absentee ballot application is required to set forth, in a clear and conspicuous manner, the name and mailing address of the person who mailed the communication in at least 12-point type size that is clearly readable by the recipient of the mailing with a reasonable degree of color contrast between the background and the printed statement. A communication complies with the contrast requirement if the information is printed in black text on a white background or the degree of color contrast between the background and the text of the information is not less than the color contrast between the background and the largest text included in the mailing. The requirement to include the name and mailing address of the person who mailed the communication that includes an Indiana absentee ballot does not apply to direct mailings of one hundred (100) or less of substantially similar pieces of mail. (IC 3-11-4-5.2)

Additionally, any person sending an absentee ballot application to an individual must print on the envelope that contains the absentee ballot application, using at least 16-point font size, underlined, and clearly legible print:

“(Name of person sending the absentee ballot application) has sent you the enclosed application. This is unsolicited and is not sent by a state or local elections official.” (IC 3-11-4-2)

IMPORTANT CANDIDATE FILING DEADLINE INFORMATION

Indiana Code 3-5-4-1.9 provides that “Except as otherwise provided in [the state election laws, such as for campaign finance reports, for example] ... an election board, a circuit court clerk... or any other official responsible for receiving a filing... may not receive a filing that is offered to be filed after a deadline for the filing...” This state law should be carefully noted when a filing is offered by, or on behalf of, a candidate.

CANDIDATE QUALIFICATIONS, GENERALLY

All candidates, regardless of party affiliation (major party, minor party, independent, write-in), must meet the same qualifications before the candidate may run for a particular office. Specific references to candidate qualifications can be found in Indiana Code 3-8-1, the Indiana State Constitution, and detailed in this *Guide*.

Registered Voter

This section does not apply to candidates for federal office. Under the Constitution of the United States, a candidate for federal office is not required to be a registered voter. However, except for certain city and town judges, a person is NOT qualified to run for a state office, state legislative office, local office, or a school board office unless the person is a registered voter in the election district the person seeks to represent not later than the deadline set by statute for filing a declaration of candidacy, petition of nomination, or certificate of nomination. (IC 3-8-1-1) If the candidate is new to the community or updating their registration to a new address, the registration is generally not effective for at least seven (7) days after submitting the voter registration and after approval, generating the voter acknowledgement card. Candidates should consider this “pending” period when contemplating a run for office and ensure their registration at their residence address is “active” as of the filing deadline.

Felony Convictions

This section does not apply to candidates for federal office. Please review IC 3-8-1-5 for state law regarding the impact of a felony conviction on the ability to run for office in Indiana. This section is also included in the office chapters of the *Guide*.

Residency

Indiana law requires many candidates, but not all, seeking state and local office to have resided in their election district for at least one (1) year prior to the municipal election. Residency qualifications are detailed in IC 3-8-1, the Indiana State Constitution, and in the specific office chapters of this *Guide*.

Under IC 3-5-2-42.5 “residence” means the place where a person has the person’s true, fixed, permanent home and principal establishment, and to which place the person has, whenever absent, the intent of returning. Under IC 3-5-5-2, a person’s residence may be established by...origin or birth [or] intent and conduct taken to implement the intent. Please refer to the sections of the *Guide* for detailed information on residency requirements of certain offices.

Although Indiana residency laws include presumptions that a candidate must overcome to establish a difference residence, a county election board or Indiana Election Commission, depending on the office sought, will have to determine the facts of each particular situation to resolve a challenge regarding any candidate’s residence.

The county election board or the Indiana Election Commission will need to determine the actual facts in each residency dispute and decide what, if anything, the candidate did to establish the candidate’s residence, if it is called into question. The same process is used when a county voter registration office must determine if a voter resides at the location stated in a voter registration application.

Specific Office Qualifications

Specific references to candidate qualifications can be found in Indiana Code 3-8-1 and the Indiana State Constitution. Qualifications by office are detailed in this *Guide*, which is published by the Indiana Election Division. References to statutory qualifications for federal, state judicial, county, and other local offices are outlined in IC 3-8-1, including the qualifications or candidate for offices such as the Clerk of the Circuit Court.

For example, a Circuit Court Clerk candidate must be a registered voter in the county that the candidate seeks to represent. (IC 3-8-1-1; IC 3-8-1-19.5) The clerk serves a four-year term upon election and may serve only eight out of twelve years.

(Article 6, Section 2 of the Indiana State Constitution) Time spent filling a vacancy does not count against the Constitutional term limit. (Article 2, Section 11 of the Indiana State Constitution)

There may be other qualifications an individual must possess before assuming office after being elected. For example, a candidate who has never been a County Assessor must be certified at a level 2 assessor-appraiser to hold office. Not having the certification does not prevent the individual from running, but the individual must be certified by the date the individual assumes the office. (IC 3-8-1-23)

Please refer to the *Indiana Candidate Guide*, Indiana Code, and the Indiana State Constitution for other specific office or candidate qualifications. Where important legal rights are concerned, please seek advice from a personal attorney.

NOTE: Requirements, duties, and responsibilities for elected local officeholders can be found in Indiana Code Title 36, generally.

Sore Loser Law

A person who is defeated at a primary election, state convention, or town convention is not eligible to become a candidate for the same office in the next general or municipal election. The “sore loser” law does not prevent a person who was defeated at the primary election, state convention, or town convention from filling a ballot vacancy to a different office for the same political party in the next municipal or general election. For example, Sally lost her primary race for dogcatcher in the Democratic Party primary. The Democratic Party did not find a candidate to run for town manager in the primary, so Sally could seek the party’s nomination to fill the ballot vacancy for town manager, which is a different office than dogcatcher.

This “sore loser” law also does not apply to a person who did not vote in that primary but is certified as a member of the party by the county chair of the party in which the person is affiliated. For example, Sally lost her primary race for dogcatcher in the Democratic Party primary. The Republican Party did not find a candidate to run for dogcatcher in the primary, so Sally could seek the Republican Party’s nomination to fill the ballot vacancy for town manager, so long as the Republican Party county party chair certifies the Sally is a member of the Republican Party.

The “sore loser law” also applies to a defeated candidate who wants to be a write-in candidate for the office. (IC 3-8-1-5.5; IC 3-13-1-19)

Holding More Than One Lucrative “Office”

The Indiana State Constitution (Article 2, Section 9) provides that no person is eligible to hold more than one lucrative office at the same time. This restriction applies to any office, whether appointed or elected, but does not apply to a person who is merely an “employee” and not an “officer.”

The Attorney General’s office has opined that elected or appointed offices are “created by law instead of contract.” Further, the duties of someone holding an office, as opposed to employment, must include performance of some sovereign power for the public’s benefit to be considered an “office” when interpreting this Constitutional provision.

The Supreme Court has defined “lucrative office” as any office to which there is attached compensation, regardless of whether the compensation is paid directly to the individual. The definition of “lucrative office” does not depend upon the amount of compensation affixed to it or whether the office holder accepts any compensation. (Refer to *Attorney General Opinion #91-14*)

Not all persons who work for a government are considered officeholders. Instead, they may be considered employees. For example, a county commissioner is an officeholder. The receptionist at the county highway garage office is an employee. Sometimes, whether an individual is an officeholder, or an employee is not as clear cut.

State statutes and Attorney General opinions can shed light on this question in some cases. Indiana Code 5-4-1-1(c) and IC 5-6-4-3 provide that the position of an appointed deputy of an officer of a political subdivision or of a judicial circuit (for example, a deputy county auditor, a deputy mayor, or a deputy circuit court clerk) is not considered to be a “lucrative office.”

Likewise, a county attorney, state convention delegate, precinct election officer, an absentee ballot counter, a provisional ballot counter, and a notary public are not considered a lucrative officeholder (IC 36-2-2-30; IC 36-2-3-10; IC 3-6-6-37(c); IC 3-11.7-3-8; IC 33-42-12-1)

A person who assumes a second lucrative office is considered to have resigned from the first office automatically when the person begins serving in the second office. The Indiana Attorney General's office publishes a "Dual Office Holding" Guide on its website: <https://www.in.gov/attorneygeneral/2352.htm>

Prohibition on Government Employment for Some Officeholders

A government employee of the same unit of **local** government cannot hold an elected office. (IC 3-5-9) This does not prevent the individual from being a candidate; rather, should the government employee be elected to serve in an office of the same unit of government, the individual automatically resigns from government employment when taking elected office. (IC 3-5-9-5)

Example 1: Sally works for the county's highway department, runs for county council, and is elected by the voters to serve on the council. Since she is a county employee, Sally resigns from her position on the county highway department when she assumes her elected position on the council.

Example 2: Joe works for the township trustee, runs for county council, and is elected to serve on the council. Township government is not the same unit of government as the county council. Joe may continue to work for the township trustee after he assumes his elected position on the council.

While this law does not add qualifications to run for office, it does limit the employment options of locally elected officials. If an employee of a local unit of government takes office within the same unit, the employee's employment is terminated. A full-time paid firefighter may not assume or hold a position at any level of government that receives fire protection services from the department in which the firefighter serves. Some exemptions may apply. (IC 3-5-9-4; IC 3-5-9-7)

Federal Hatch Act and "Little Hatch Act"

The Hatch Act is a federal law that prohibits certain federal, government employees from running for partisan elected office and engaging in certain partisan political activity. The "Little Hatch Act" prohibits certain state and local government employees from engaging in certain partisan political activity.

Before becoming a candidate for partisan elected office, a person who is a federal government employee, or a state or local government employee that works in connection with programs funded (in whole or in part) by federal funds, loans, or grants or whose salary entirely funded by the federal dollars should determine if the Hatch Act or Little Hatch Act prohibit them from doing so. However, in recent years, these federal laws have been amended to restrict their application to local government employees whose salary is *entirely* paid for with federal funds, and no longer apply to employees whose salaries may be only partially paid by federal funds.

If a person is prohibited under the Hatch Act or Little Hatch Act from being a candidate for partisan election office, then they are disqualified from becoming a candidate or assuming elected office. (IC 3-8-1-5)

Questions on whether the Hatch Act or Little Hatch Act applies to or disqualifies a candidate should be directed to the U.S. Office of Special Counsel at 202-804-7002, 1-800-854-2824, or HatchAct@osc.gov

CANDIDATE FILINGS

Primary Election

To seek nomination in the May 2, 2023, primary election, a candidate must belong to the Democratic or Republican Party. This is determined by 1) the political party ballot requested by the candidate at the two (2) most recent primary elections in Indiana the candidate voted, or 2) the candidate files a certification from their county chair affirming their membership in that political party. The declaration of candidacy for primary nomination (CAN-42) requires the candidate to affirm their party affiliation and attach the certification, if required.

Note: This law does not mean the candidate must have voted in the two (2) most chronologically recent primary elections and requested a Democratic or Republican ballot; instead, the person's vote history must demonstrate that the last two (2) primary elections *in which the person voted* must align with the party the candidate seeks to affiliate in the primary election. For example, if a candidate pulled a Republican Party primary ballot in 2018, did not vote in the 2019 and 2020 primary election, and requested a Republican Party primary ballot in 2022, then this candidate meets the requirements set forth in state law to file a declaration of candidacy (CAN-42) for the Republican Party primary without attaching the chair's certification.

Alternatively, if a candidate requested a Democratic Party primary ballot in 2020 and a Republican Party primary ballot in 2022, then this candidate would not meet the requirements set forth in state law to file a declaration of candidacy for primary nomination (CAN-42) in the Democratic Party primary in 2023 and would need to attach the chair's certification with their filing. Failure to attach the chair's certification does not result in the filing being rejected, but it may be challenged by a voter of the precinct or a county chair.

Candidates for **local office** also must file a financial disclosure statement before a declaration of candidacy may be accepted. Please refer to the *Guide* for information on which form is required of the office and where to file the document.

Municipal Election

The municipal election ballot may include Democrats, Republicans, Libertarians, Independent, and minor party candidates, other public questions. Some of the Democratic and Republican candidates will have been nominated during the primary election, while others will be nominated at Convention or selected to fill ballot vacancies.

Libertarian candidates are nominated at their party's conventions but might also be selected to fill a ballot vacancy. Independent candidates have a deadline to submit the necessary petition signatures to appear on the ballot. An independent candidate or the candidate of a party other than the Democrats, Libertarians, or Republicans, may also file to be a write-in candidate. Details on these processes are found in later chapters of the *Guide*.

Like those candidates running in the primary election, local candidates filing for November's municipal election are required to file financial disclosure statements.

Candidate Forms

General Information

Several candidate-related election forms approved for use in 2023 are noted in the Appendix of this *Guide*, though are subject to change. The Election Division will release election related forms to each circuit court clerk not later than the annual conference (next scheduled to be held December 12-14, 2022) and will publish these forms (and other forms) on the Election Division's website at www.in.gov/sos/elections/4564.htm. These forms will then be available from county election board offices. However, please allow time for the circuit court clerk to arrange for the printing and delivery of copies of these forms following the December distribution date. This *Candidate Guide* along with the candidate forms will also be available from the Indiana Election Division's office and Division's website at www.in.gov/sos/elections.

Indiana Code 3-5-4-8 provides that a person must use the most recent version of any form approved by the Indiana Election Division to comply with the election statutes. IC 3-5-4-8(c) states that the election division, an election board, a circuit court clerk, a county voter registration office, or any other official responsible for receiving an election filing **shall reject** a filing that is not on the most recent version of a state prescribed form or a “grandfathered” form whose continued use has been authorized by the Indiana Election Division.

FOR THIS REASON, IT IS CRITICALLY IMPORTANT TO ENSURE THAT A CANDIDATE COMPLIES WITH INDIANA CODE 3-5-4-8 BEFORE FILING A DOCUMENT REQUIRED OR PERMITTED BY THE INDIANA ELECTION CODE.

Each state prescribed form contains a state form number and a revision date, usually in the upper left or upper right corner of the form, for example: “SF 46439 (R6;11-11).” This provides a method to quickly determine which version of a form has been provided. For more information concerning the current version of any state prescribed election form, contact the Election Division.

Candidates must sign their declaration of candidacy after swearing or affirming the truth of the statements made in the statement before an individual who has the authority to administer an oath (such as a notary public). (IC 3-8-2-7) The Election Division provides notary services for federal, statewide, and state legislative candidates. Candidates for local or school board office, precinct committeeman, or state convention delegate should contact their county election official to inquire if services provided by a notary public or other person authorized to administer oaths are available.

The Indiana Election Division or county election board cannot accept a late candidate filing. Hand-delivery remains the best option to ensure the form is timely received. While a candidate form may be mailed, it will be considered late if the county election board or Indiana Election Division receives the form after the deadline, regardless of when the envelope may be postmarked.

State and local candidates must also follow Indiana campaign finance law, while federal candidates must follow federal campaign finance rules. Please consult the *2023 Indiana Campaign Finance Manual* or later sections in this *Guide* for more information.

Petition of Nomination

Gaining access to the ballot as an independent or minor party candidate for local office has two distinct steps. The first is to gather signatures of registered voters within the election district totaling at least 2% of the total votes cast for all candidates in the 2022 Secretary of State’s election within the precincts making up the election district. If this applies to the office you are seeking, please contact your county election board for assistance with computing this number.

The CAN-44 (Petition of Nomination for City or Town Office in 2023) must be filed with the county voter registration official no later than the deadline set forth in state law. (IC 3-8-6-10) The county voter registration official must review and certify the signatures as set forth in IC 3-5-6. Petition signatures must be “wet.” In other words, photocopies of signatures, electronic signatures, digital signatures, or digitized signatures will not be accepted. (IC 3-5-4-1.7(b)) Candidates may pick up the certified petitions from the county voter registration office, but the candidate should make arrangements with the office to do so.

(More information about the petition review process conducted by county voter registration officials can be found in the current edition of the *Indiana Voter Registration Guidebook*.)

An independent or minor party candidate running for other local offices must then file the certified petitions (CAN-44), the candidate’s signed consent (CAN-45), and applicable statement of economic interests not later than the filing deadline set forth in state law.

An independent candidate may not include the name of any other candidate on the petition, unless the other candidate included on the petition is part of an independent ticket of candidates for President and Vice-President of the United States, or governor and lieutenant governor. (IC 3-8-6-4)

Write-in Candidates

A write-in candidate must file the CAN-51 and the applicable statement of economic interests not later than noon, July 3, 2023. A write-in candidate's ballot name is never printed on the ballot. Instead, the county election board provides a write-in line for a voter to mark and enter the name of the write-in candidate on their ballot. The county election board will review the cast ballots to tabulate the results for only those candidates that filed the CAN-51. See IC 3-12-1-1.7 and IC 3-12-4-4(b) for details on tabulating the results for write-in candidates.

Statement of Economic Interests

A statement of economic interests is required for most candidates running for office in Indiana. The Indiana Election Division and the county clerk must reject any candidate filing that does not include the statement of economic interests. (IC 3-8-1-33) More information about where these offices can be found later in this *Guide*.

Note: Statements of economic interest for judicial offices, such as for city or town judge, are not created by the Indiana Election Division.

- **Judicial candidates (City or Town Judge):** Contact the Indiana Commission on Judicial Qualifications or visit <https://www.in.gov/judiciary/jud-qual/2357.htm> for instructions on filling the statement of economic interest form with their office.
- **Local government candidates:** File the CAN-12 statement of economic interests, which is available at the office of the Indiana Election Division or its website, and through the county clerk or election board.

NOTE: City and town court judges are not required to file the statement of economic interests (CAN-12) filed by other candidates for local office. Instead, these candidates are required to file an economic interest statement with the judicial qualifications commission like other candidates for judicial office. (IC 3-8-9-4)

NOTE: A petition candidate for local office (other than city or town judge) in a county with a separate board of registration must file the candidate's statement of economic interests (CAN-12) with the circuit court clerk after the signatures on the petitions have been certified by the board of registration. In a county that does not have a separate board of registration, the candidate's statement of economic interests (CAN-12) must be filed with the circuit court clerk at the time the candidate's petitions are filed for review and certification. (IC 3-8-9-5)

When a Filing MUST Be Rejected

- 1) **The circuit court clerk must determine whether a sufficient number of signatures have been obtained to meet the requirements to nominate a minor party or independent candidate for local office by petition.** If the clerk determines, based on the certification of the signatures by the county voter registration office, that the petition does not have enough signatures to nominate the candidate(s) on the petition, the county circuit court clerk must deny certification to the petitioner(s). A challenge to this denial can then be brought before the county election board for local offices by a registered voter in the election district or the Democratic or Republican Party county chair where the election district is located by filing the candidate challenge form. (Form CAN-1) (IC 3-8-1-2; IC 3-8-6-12; IC 3-8-2.5-6)
- 2) **A county voter registration office must determine whether petition carrier laws have been complied with before certifying petitions.** A law that applies to all candidate petitions, as well as petitions to place a public question on the ballot, requires that the petition carrier must also complete a signed affirmation, under penalties of perjury, that the individual has no reason to believe that any signer on the page is ineligible to sign the petition; and below the affirmation include printed information that identifies the petition carrier (name, address, and date of birth) (IC 3-8-2-7). This requirement applies to the candidate whenever the candidate personally circulates petitions. A signature page that does not comply with these requirements must be received for filing and retained as other

election materials are retained and the county voter registration office shall not make a determination regarding the validity of the signatures on the signature page.

- 3) The county voter registration office shall also notify the petition carrier and allow the petition carrier to make certain additions and corrections to the information to be provided by the petition carrier on the signature page. If the final date and hour for filing a petition with the county voter registration office has not passed, a petition carrier may sign the affirmation or add identification information required to be provided by the petition carrier. However, if the final date and hour for filing a petition with the county voter registration office has passed, a petition carrier may not sign the affirmation or add identification information required to be provided by the petition carrier or add or correct information supplied by or requested from a person who signs the petition as a petitioner. Please see the current version of the *Indiana Voter Registration Guidebook* for more information.

Candidate or public question petitions that do not comply with the petition carrier affirmation and information requirements, may be challenged after the final date and hour for filing the petition with the county voter registration office. A challenge may be filed with the county election board as otherwise provided by law.

- 4) **A clerk must reject a candidate filing that is required to be filed with the Secretary of State or Election Division to be effective (such as a CAN-2 declaration of candidacy for circuit, superior, probate, and small claims court judge or prosecuting attorney).** Alternatively, the Secretary of State or Election Division must reject a candidate filing that is required to be filed with the circuit court clerk. (IC 3-5-4-1.2)
- 5) **The Secretary of State, Indiana Election Division, or circuit court clerk must reject candidate documents offered after the filing deadline.** (IC 3-5-4-1.9)
- 6) **The Secretary of State, Indiana Election Division, or the circuit court clerk must reject a declaration of candidacy, petition of nomination, declaration of intent to be a write-in candidate, or certificate of candidate selection that does not also include a statement of economic interests.** Local candidates are required to file the applicable statement of economic interests at the time of filing. Minor party and independent candidates are advised to review the rules on when the applicable statement of economic interests is to be filed in counties with a separate Board of Registration. (IC 3-8-1-33)
- 7) **Filings tendered on a candidate form not currently approved for use by the Indiana Election Division must be rejected.** (IC 3-5-4-8)
- 8) **The Secretary of State, Indiana Election Division or circuit court clerk may not receive a Certificate of Candidate Selection) to fill a ballot vacancy if the related Call of Caucus or Meeting or Declaration of Candidacy to fill a Ballot Vacancy was not filed at all, or not timely filed, with the Secretary of State, Indiana Election Division or circuit court clerk.** (IC 3-13-1-21)

Candidate Names and Nicknames

An individual filing as a primary election, convention, minor or independent, or write-in candidate must list the individual's name on the candidate filing **in the same form as the individual wants the name to appear on the ballot and the candidate's name is permitted to appear on the ballot under IC 3-5-7.** (IC 3-8-2-2.5; IC 3-8-2-7; IC 3-8-5-10.5; IC 3-8-6-5; IC 3-8-7-10; IC 3-10-2-15)

A candidate is only permitted to use certain “designations” for the form in which the candidate’s legal name appears on the ballot. To implement this requirement, a candidate’s “designation” is defined as referring to the name, nickname, initial, abbreviation, or number used to identify the individual. However, a designation may not be a title or degree, or imply a title or degree. A candidate’s “name” refers to any of the following: (1) the candidate’s given name; (2) the candidate’s surname; and (3) the candidate’s middle name. (IC 3-5-7)

To determine a candidate’s “legal name” for ballot placement purposes, the candidate’s legal name is the name shown on the candidate’s birth certificate. If a candidate takes another name through a judicial proceeding or uses a name after marriage in the manner described below, then the most recent name used after marriage or taken in the judicial proceeding is considered the candidate’s legal name. If a candidate changes the candidate’s legal name after a candidate is nominated, the candidate shall file a statement with the office where the candidate previously filed the declaration of candidacy or certificate of nomination setting forth: (1) the former legal name; (2) the current legal name; and (3) how the candidate’s legal name was changed.

A candidate’s legal name after marriage can be any one of the following: (1) the name appearing on the candidate’s birth certificate (as in Mary Jane Doe, for example); (2) the name used by the candidate on the application for a marriage license, (as in John Smith, for example); or (3) any combination of the names that the candidate or the candidate’s spouse used as applicants for the marriage license, (as in Mary Jane Smith, Mary Doe Smith, or John Smith-Doe, for example).

First Designation: Assume a candidate has the legal name of Judith Anne Smith with the nickname of Judy. The first designation used on the ballot may be any one of the following: (1) the candidate’s legal given name (*Judith*); (2) the initial of the candidate’s legal given name (*J*); (3) the candidate’s legal middle name (*Anne*); (4) the initial of the candidate’s legal middle name (*A*); or (5) the candidate’s nickname (*Judy*).

Second Designation: The second designation used on the ballot may be any one of the following, without repeating any designation used as the first designation: (1) the candidate’s legal middle name (*Anne*); (2) the initial of the candidate’s legal middle name (*A*); (3) the candidate’s nickname (*Judy*); or (4) the candidate’s legal surname (*Smith*).

Third Designation: The third designation used on the ballot may be any one of the following, without repeating any designation already used as the first or second designation: (1) the candidate’s nickname (*Judy*); or (2) the candidate’s legal surname (*Smith*).

The following are examples of acceptable candidate name designations:

<i>Judith Anne Smith</i>	<i>J. Anne Smith</i>
<i>Judith A. Smith</i>	<i>Judith Smith</i>
<i>Anne Smith</i>	<i>J.A. Smith</i>
<i>J. Smith</i>	<i>A. Smith</i>
<i>Judith (Judy) Anne Smith</i>	<i>Judy Smith</i>

A candidate can use the candidate’s legal surname after the third designation if the candidate did not use the legal surname as the second or third designation. A candidate can also use Sr., Jr., or a numerical designation such as II or III after the candidate’s legal surname.

A nickname used by a candidate on the ballot must:

- 1) be the nickname by which the candidate is commonly known;
- 2) not exceed twenty (20) characters in length; and
- 3) not imply a title or degree.

Unless the candidate uses the nickname as the first designation, the nickname must appear in parentheses. For example, Judith (Judy) Anne Smith.

EXAMPLE: A ballot listing of "John R. (Doc) Doe" would not be permitted since the nickname implies a title or degree. Likewise, a ballot listing would not be permitted if the selected nickname was NOT one by which the candidate was COMMONLY known. However, unless the candidate's filing is properly challenged regarding the candidate's name, and this issue brought before the Commission or a county election board for determination, the candidate's name will be placed on the ballot in the form used in the candidate's filing or certification.

Sometimes an individual may change his or her name after filing as a candidate. If the candidate wishes to change the candidate's legal name **before** absentee ballots are printed for the election, the candidate must file a statement with the office where the candidate's declaration of candidacy or certificate of nomination was filed. This statement must set forth the current and former name of the candidate and indicate that the candidate has already filed a change of name request with the appropriate county voter registration office. After this statement is filed, the county election board will print ballots bearing the candidate's new name. (IC 3-8-7-25.5)

If a candidate's legal name is changed after absentee ballots are printed the Election Division or county election board is not required to reprint ballots to reflect the new name. (IC 3-11-3-29)

Key Candidate Filing Dates in 2023

Below are many of the key dates for candidate filing in 2023, though it is not an exhaustive list. Please consult the current edition of the *Election Calendar Guide* for more information. Where your important legal rights are concerned, please seek the advice of a personal attorney.

Unless noted differently, **all deadlines end at NOON (12 PM), prevailing local time**. Candidates filing with the Indiana Election Division are reminded local prevailing time in Indianapolis, which is in the Eastern time zone, which may be an hour earlier for parts of the state observing Central Time.

January 4, 2023	First day of candidate filing
February 3, 2023	Last day to file declaration of candidacy to run in the municipal primary election
February 10, 2023	Deadline to withdraw from the municipal primary election
February 10, 2023	Deadline to open candidate's campaign finance committee, for candidates filing a declaration of candidacy for the primary election and running for offices paying more than \$5,000 in a calendar year
February 10, 2023	Deadline for filing candidate challenges against a municipal primary election candidate
May 2, 2023	Primary Election Day
July 3, 2023	Deadline for Democratic, Libertarian, Republican parties to fill ballot vacancies
July 3, 2023	Deadline for party chairs to file ballot vacancy paperwork
July 17, 2023	Deadline for minor party and independent candidates to file declaration and certified petitions of nomination (Deadline date moves from noon, July 15, 2023, to noon, July 17, 2023, due to July 15 th falling on a weekend)
July 17, 2023	Municipal election candidate withdrawal (Deadline date moves from noon, July 15, 2023 to noon,

July 17, 2023, due to July 15th falling on a weekend)

August 1, 2023	Deadline to file a declaration or withdraw a declaration of candidacy for nomination by a Democratic, Libertarian, or Republican Party town convention in a town having a population of less than 3,500
August 18, 2023	Deadline for filing candidate challenges against a write-in candidate in the municipal election
September 4, 2023	Last day for filing candidate challenges against a candidate for a “small town” office in the municipal election where no primary election is conducted
October 24, 2023	Last day for filing candidate challenges against a municipal election candidate that filled a late ballot vacancy under IC 3-13-2
November 7, 2023	Municipal Election Day

Key Candidate Filing Forms

Candidate forms are available from the Indiana Election Division or county election board and can be downloaded from the Division’s website: www.in.gov/sos/elections. These forms are subject to change.

CAN-1	Candidate Filing Challenge
CAN-12	Statement of Economic Interest for Local and School Board Offices <i>(Note: City and Town Judge candidates should refer to above materials on where to find the statement of economic interests specific to their office sought)</i>
CAN-16	“Small” Town Office Declaration of Candidacy by a Democratic, Libertarian, or Republican Party candidate when No “Small” Town Primary is Conducted in 2023
CAN-42	Declaration of Candidacy for Municipal Primary Nomination in 2023
CAN-43	Municipal Primary Election Candidate Withdrawal in 2023
CAN-44	Petition of Nomination for City or Town Office in 2023
CAN-45	Consent of Independent or Minor Political Party Candidate Nominated by Petition for City or Town Office in 2023
CAN-46	Municipal Election Candidate Withdrawal in 20123
CAN-48	Declaration of Candidacy and Written Consent to Fill a Ballot Vacancy for a City or Town Office in 2023
CAN-51	Declaration of Intent to be a Write-In Candidate for City or Town Office in 2023

NOTE: Candidates are required to comply with the Indiana Campaign Finance Act. (IC 3-9, generally) These forms can be found in the current version of the *Indiana Campaign Finance Manual* or online at campaignfinance.in.gov.

Where to File

The following outline summarizes where major political party candidates (Democratic and Republican) file their declarations of candidacy. (CAN-42 in a city or town primary in a municipal election year like 2023)

Current law requires that all candidates affiliated with one of the two major political parties file a declaration of candidacy with the appropriate authority between one hundred eighteen (118) days and noon (prevailing local time), eighty-eight (88) days before the primary election. (IC 3-8-2-4, 3-8-2-5 and 3-8-2-6) Different deadlines apply in certain small towns. (IC 3-8-5-10.5; IC 3-8-5-13)

OFFICE	WHERE TO FILE DECLARATION
Federal, state or legislative office (U.S. Senate or U.S. Representative), state offices, state senator, and state representative	Indiana Election Division
Judge of a circuit, superior, probate, or small claims court; prosecuting attorneys	Indiana Election Division
All other county offices	county election board
All township offices	county election board
All city offices (including city judges)	county election board
Town offices (including town judges) in towns over 3,500 population, in Marion County, or which have an agreement with the county election board under IC 3-10-7-4	county election board
Town officers (including town judges) in towns under 3,500 population (without an agreement under IC 3-10-7-4)	county election board
Party offices (precinct committeemen and state convention delegates only)	county election board

Note: The deadline to withdraw a declaration of candidacy is noon (prevailing local time), eighty-one (81) days before the primary election. (IC 3-8-2-20) However, presidential candidates can withdraw as late as noon (Eastern Time), seventy-five (75) days before the primary election. (IC 3-8-3-6.5) Once nominated, the deadline for a candidate to withdraw for any reason is noon (prevailing local time), July 15, 2022. (IC 3-8-7-28, IC 3-5-4-1.5) The deadline for a candidate nominated by petition or for a write-in candidate to withdraw for any reason is also noon (prevailing local time), July 17, 2023. (IC 3-8-2-2.7; IC 3-8-6-13.5)

There are procedures for a disqualified candidate to be removed from the ballot after noon, July 15 in the instance a candidate dies, moves out of the election district, is convicted of a felony (does not apply to federal candidates), or is ordered off the ballot by a judge, among other reasons for disqualification. (IC 3-8-1-5; IC 3-8-7-29; IC 3-8-8; IC 3-5-4-1.5) (NOTE: In 2023, the July 15 deadline moves to noon, July 17, 2023, since July 15th falls on a Saturday.) A primary candidate who dies or withdraws before the primary election may be removed from the ballot, depending on whether the ballots have been printed or programmed when the death occurs. (IC 3-11-3-29.4)

If a municipal election candidate dies or withdraws before a municipal election, the candidate's name may be removed from the municipal election ballot, and a replacement candidate's name printed, depending on when the death or withdrawal occurred and when the replacement candidate was selected. (IC 3-11-3-29.5)

Financial disclosure statements must be filed with the appropriate office, and a copy or receipt of its filing must be presented at the time of filing the declaration of candidacy.

The **Indiana Commission on Judicial Qualifications** is located at 30 South Meridian Street, Suite 500 (in the first block south of Washington Street). This office is open from 8:30 a.m. until 4:30 p.m. each business day and can be reached by calling 317-232-4706.

On-street parking is available on West Washington Street directly south of the State House. Parking garages are also available. Please note the Office of Inspector General and State Court Administration are not on the Government Center/State House campus, so plan extra time for your trip.

Filing with the County Election Board

Candidates for city offices and town offices file their declaration of candidacy with the appropriate county election board. Candidates for local and school board office must file the applicable statement of economic interests at the time of filing.

CANDIDATE CHALLENGES & DISQUALIFICATIONS

The placement of any individual on the primary or municipal election ballot may be challenged if the individual has not complied with the requirements set forth for candidates under Indiana law.

Candidate challenges concerning individuals who file as candidates for federal, statewide, state legislative, or judicial offices including the office of prosecuting attorney come before the Indiana Election Commission for resolution.

Candidate challenges concerning individuals who file as candidates for circuit court clerk, county offices, township offices, town offices, school board offices, precinct committeeman, or state convention delegate come before the appropriate county election board for resolution.

Before the Indiana Election Commission or a county election board may consider a challenge to a candidate, a registered voter of the election district that the candidate seeks to represent or a county chairman of a major political party of a county in which any part of the election district is located must file a sworn statement with the Election Division or the county election board. The sworn statement must question the eligibility of the candidate to seek the office and set forth the facts known to the voter concerning this question. (IC 3-8-1-2) The CAN-1 form may be used for a candidate challenge.

There is one exception to the requirement that a registered voter or a county chairman of a major political party in the election district must file a candidate challenge. The circuit court clerk must determine whether a sufficient number of valid signatures have been obtained to meet the requirements to nominate a candidate by petition in a municipal election. If the clerk determines, based on the certification of the signatures by the county voter registration office, that the petition does not have enough valid signatures to nominate the candidate(s) on the petition, the clerk must deny the certification to the petitioners. An appeal of this denial can then be brought before the Indiana Election Commission or county election board by the candidate by filing the CAN-1. (IC 3-8-1-2; IC 3-8-6-12)

In 2023, the county election board must determine the validity of the candidate's filing, since only local offices are on the ballot. State law specifies the various deadlines before the primary election or municipal election by which a challenger must file a challenge with the board, and the deadlines by which the board must make this determination. See IC 3-8-2-14 (primary candidates); IC 3-8-6-14 (independent and minor party candidates); IC 3-13-1-16.5 (candidates who fill "early ballot" vacancies); and IC 3-13-2-11 (candidates who fill "late ballot" vacancies); IC 3-8-2-14 (write-in candidates).

The county election boards will make every effort to notify candidates and other interested parties as promptly as possible when a challenge has been filed. However, due to the short period of time between the close of candidate filing and the printing of absentee ballots, the board may need to rely on informal methods such as telephone calls to give the best possible notice to these individuals.

County election board meetings concerning candidate challenges are public meetings, for which notice must be given in accordance with the Open Door Law. (IC 5-14-1.5) Except for requirements set forth in the Open Door Law, county election boards are not required to follow specific procedures in conducting these meetings.

The Election Division cannot give legal advice or assistance to candidates who are challenged before the Commission or a county election board. The candidate must seek the advice and representation of a personal attorney in these cases.

If a candidate or other interested party objects to the determination of a county election board, the candidate or interested party may appeal the determination to an appropriate court for a decision in the same manner that other administrative decisions are appealed. An appeal from a decision of a county election board must be filed with the appropriate circuit court clerk not later than thirty (30) days after the election board makes the decision subject to the appeal (IC 3-6-5-34; IC 3-6-5.2-9; IC 3-6-5.4-10; IC 3-6-5.6-10).

If a candidate selected to fill a ballot vacancy is subject to a candidate challenge, the candidate's name shall not be printed on the municipal election ballot until a court resolves the challenge. (IC 3-13-1-16; IC 3-13-2-9)

Disqualification of a Candidate or Officeholder

An individual can be disqualified as a candidate or removed from office if the individual becomes ineligible to become a candidate or hold an office because of failing to comply with a specific requirement under state law. For example, IC 3-8-1-5 disqualifies a person from assuming or being a candidate for elected office (other than a federal office) if the person:

- 1) gave or offered a bribe, threat, or reward to procure the person's election;
- 2) was convicted for violating a federal law listed in IC 5-8-3;
- 3) was found guilty of a felony by a jury or the court, entered a plea of guilty or nolo contendere to a felony even if the felony conviction was later reduced to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5;
- 4) has been removed as a judge or prosecuting attorney by the Indiana Supreme Court and seeks to be a candidate for the same office;
- 5) is a member of the armed forces on active duty and prohibited by the Department of Defense from being a candidate;
- 6) is subject to the Hatch Act or Little Hatch Act, and would violate these federal statutes by being a candidate for elected office; or
- 7) is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

If a person is a voter of the election district a candidate seeks to represent and believes that a candidate is not eligible to be on the ballot, then the voter may file a sworn statement (CAN-1), with the county election board (for candidates for municipal office, including city and town judge). The sworn statement must set forth the facts known to the voter as to why the candidate is ineligible. The county election board must then conduct a hearing to determine if the candidate is ineligible.

With regard to officeholders, IC 5-8-3-1 prohibits anyone from serving as a public officer in Indiana (not a federal office) who has been convicted of:

- 1) evading the Selective Service Act of the United States;
- 2) engaging in any conspiracy or attempt to defraud the United States government;
- 3) any seditious utterances in violation of any of the laws of the United States; and
- 4) any other crime against the laws of the United States where the sentence imposed exceeds six (6) months.

Other statutes disqualify a person from holding office if the individual has been convicted of a felony (IC 5-8-1-38), is habitually intoxicated (IC 5-8-2-1), or fails to reside in the election district that the person represents. (IC 36-2-3-5, for example)

A public officer convicted of a felony while in office is removed from office by operation of law when the conviction of the person for the felony is publicly announced by a jury or the court, or when the trial court accepts and enters a guilty plea. (IC 5-8-1-38) In other cases, if an elected official does not meet these requirements, then an interested person can file a lawsuit in court to have the official removed. The court must decide whether the complaints made by the interested person are true, and whether the official should be removed from office.

A county council, city council, and town council can also remove a county commissioner or city or town council member from office in certain cases. (IC 5-8-5; IC 36-2-2-5; IC 36-4-6-6) A court may remove a township trustee from office in certain cases. (IC 36-6-4-16)

A court may expunge records concerning minor, Level 6 (formerly Class D) felony convictions, and some more serious felony convictions, under certain circumstances. The civil rights of a person whose conviction has been expunged shall be restored, including the right to vote and to be a candidate and, if elected, hold public office.

CANDIDATE (BALLOT) VACANCIES

There are several reasons why a “candidate vacancy” may occur on a primary or municipal election ballot:

- The Democratic or Republican parties may not have a candidate run for nomination in the primary election.
- The Libertarian party may have a vacancy in an office following their party’s nominating convention. (Note: In towns where the Democratic, Libertarian, or Republican parties hold small town conventions to nominate candidates for town office, if no candidate files to run for a town office at the party’s town convention, the party has not ability under law to fill that ballot vacancy on the municipal election ballot.)
- A candidate nominated by the Democratic, Libertarian, or Republican parties may be disqualified, pass away, or withdraw at least thirty-one (31) days before the municipal election, creating another type of early ballot vacancy. (IC 3-13-1)
- A Democratic, Libertarian, or Republican candidate dies, moves out of the election district, is disqualified due to a felony conviction, or is removed via court order under IC 3-8-7-29(d) after the thirty-first (31) day before a municipal election creates a late ballot vacancy. (IC 3-13-2)

Democratic & Republican Party Early Ballot Vacancies

On occasion, no candidate will file for the Democratic or Republican Party nomination to an office before a primary election. If this occurs, the vacancy may not be filled before the primary. (IC 3-13-1-2) Immediately following the primary election, the political party may begin the process of filling the ballot vacancy. However, no political party is ever required to fill a ballot vacancy, even if an individual wishes to run as a candidate for the vacant nomination.

Candidate (ballot) vacancies for city offices or town offices, the county chairman calls a caucus of the precinct committeemen within the district.

The deadline for the Democratic or Republican Party to conduct a political party caucus or to make a direct appointment to fill a vacancy existing on the municipal election ballot resulting from a vacancy on the primary election ballot is noon, Monday, July 3, 2023. (IC 3-13-1-2; IC 3-13-1-7) **Certificate of appointment and candidate’s statement economic interest must be filed not later than noon, prevailing local time Monday, July 3, 2023.** (IC 3-13-1-2; IC 3-13-1-7; IC 3-13-1-15)

Filling Early Ballot Vacancies by Caucus

If a chairman calls a caucus of the political party to fill a ballot vacancy, the chairman must use the notice of caucus form (CAN-47) prescribed by the Indiana Election Division. Instructions are included on the form. A CAN-47 is available from the Election Division’s office and each circuit court clerk’s office. The notice must be sent by first class mail to members of the political party not later than ten (10) days before the caucus. A copy of the notice must also be filed with the circuit court clerk.

A person who wishes to be selected by the caucus to fill a ballot vacancy for local office city offices or town offices, including town or city judge, must file a declaration of candidacy (CAN-48) form with **both** the caucus chairman **and** the county election board. (IC 3-13-1-10.5) A CAN-48 is available from the Election Division’s office and each circuit court clerk’s office and included on the Election Division’s website: in.gov/sos/elections.

After the political party fills this vacancy, the chairman must file a certificate with the circuit court clerk if the nomination is for a local office such as city office or a town office (CAN-49). The CAN-49 form is available from the Election Division’s office or each circuit court clerk’s office.

Filling Early Ballot Vacancy by Direct Appointment

A county committee can adopt a resolution to delegate filling candidate (ballot) vacancies to the county chairman (or to the chairman, vice-chairman, secretary, and treasurer of the county committee), by direct appointment, without conducting a caucus. Likewise, if fewer than two (2) precinct committeemen are eligible to participate in a caucus, then the candidacy may be filled by direct appointment by the county chairman. (IC 3-13-1-3; IC 3-13-1-4; IC 3-13-1-5; IC 3-13-1-6; IC 3-13-1-8; IC 3-13-1-13)

If the county chair or county central committee make a direct appointment for a candidacy to fill a local office ballot vacancy, then a copy of the meeting minutes or resolution adopted by the county party authorizing the county chair or county central committee must be attached to the certification. (IC 3-13-1-6(b)(2))

State law does not specify requirements concerning the text of a resolution (or motion to record in the meeting minutes) that county party must adopt in order to authorize the county chair or a caucus comprised of the chairman, vice chairman, secretary, and treasurer of the county committee to make a direct appointment to fill a local candidate (ballot) vacancy.

As part of the motion or resolution, a county party may authorize a chair or committee to make the appointment for one election, several elections, or in perpetuity. The county party may also choose to limit the authority to a specific individual serving as chair when the authority is granted, or to provide any person serving as county chairman with this authority until the county party decides otherwise, the decision is left to the county party to draft a document noting the parameters of the appointment authority and approve by a majority vote of party membership (IC 3-13-1-6(b)(2)).

If the ballot vacancy is filled by direct appointment, then it is not necessary to use the CAN-47 notice, and candidates are not required to file the CAN-48 with the chair of the caucus or the clerk before the direct appointment is made. However, the chair must attach the selected candidate's CAN-48 and appropriate statement of economic interests filing with the certificate of candidate selection. (More information about the statement of economic interests can be found in the specific office categories in this *Guide*.) Further, a copy of the meeting minutes or resolution adopted by the party organization to fill ballot vacancies as described above must be included with each ballot vacancy filing. A candidate to fill a statewide, state legislative, or judicial office vacancy, including prosecuting attorney, must file a copy of the candidate's filed statement of economic interest or a receipt showing the statement of economic interest has been filed with the appropriate office when they file their CAN-48 with the Indiana Election Division.

NOTE: state law prescribes the process by which a county chair or a caucus of the party leadership (chair, vice chair, secretary, treasurer) may be granted the authority by the party membership to make a direct appointment to fill a ballot vacancy for local candidates only.

Filling Democratic or Republican Early Ballot Vacancies Due to the Death, Withdrawal or Disqualification of a Candidate

This information applies to a ballot vacancy that arises for any reason if the vacancy leaves a major political party without a candidate for the office and occurs before the thirtieth day before a general, special or municipal election. (IC 3-13-1-1) Please note candidate vacancies that exist on a primary election ballot are subject to different rules. (See paragraph above)

When a candidate nominated at the primary election or at the party's nominating convention dies, withdraws, or is disqualified under Indiana Code 3-8-1-5 due to a criminal conviction or a court order issued under IC 3-8-7-29(d) a major political party is permitted to fill the resulting vacancy IF it does so no later than thirty (30) days after the vacancy occurs. (IC 3-13-1-7)

The requirements discussed above for calling a caucus and filing a declaration of candidacy apply to filling this type of candidate vacancy. However, the political party chairman must file the certificate of candidate selection (CAN-49) and candidate's statement of economic interest no later than noon, three (3) days (excluding Saturdays and Sundays) after the party fills the candidate vacancy. (IC 3-13-1-15) Special restrictions apply to statewide or state legislative candidates. (IC 3-8-8)

If the political party fills the vacancy not later than five (5) days before the municipal election, then the county election board must reprint the ballots or reprogram the voting system. A new public test must be conducted. Posting notice pursuant to the Open Door law is required; however, public notice published in the newspaper is not. If the vacancy is filled within five (5) days of the municipal election, then the county election may reprint the ballot, if desired. (IC 3-11-3-29.5) County election administrators are advised to review the tabulation requirements under IC 3-12-1-14, IC 3-12-1-15, IC 3-12-1-16 to understand how ballot re-printing may impact the programming of their voting systems to ensure proper tabulation of results.

Filling Democratic or Republican Late Ballot Vacancies Due to Death or Disqualification of a Candidate

This section applies to the filling of a candidate vacancy that exists due to the:

- 1) Death of a political party's candidate;
- 2) Withdrawal of a candidate who has moved from the election district;
- 3) Disqualification of a candidate due to a felony conviction under IC 3-8-1-5;
- 4) Issuance of a court order under IC 3-8-7-29(d);
- 5) the successful challenge of a candidate nominated by a state, county, or town convention of a political party;
- 6) the successful challenge of candidate under IC 3-8-8; or
- 7) the successful challenge of a candidate under IC 3-13-1-16.5 and IC 3-13-1-20.5;

for nomination or election to an office at the general, municipal, or special election after the thirty-first day before a general, municipal, or special election.

In most cases, the state or county chairman of the political party of the county in which the greatest percentage of the population of the election district resides fills the candidate vacancy by direct appointment. (IC 3-13-2) The same general procedures apply regarding the filing of a certificate of candidate selection in these cases. (IC 3-13-2-8)

If the political party fills the vacancy not later than five (5) days before the municipal election, then the county election board must reprint the ballots or reprogram the voting system. A new public test must be conducted. Posting notice pursuant to the Open Door law is required; however, public notice published in the newspaper is not. If the political party fills a candidate vacancy during the final five (5) days before an election, state law does not require a county election board to reprint ballots. (IC 3-11-3-29.5)

County election administrators are advised to review the tabulation requirements under IC 3-12-1-14; IC 3-12-1-15; IC 3-12-1-16 to understand how ballot re-printing may impact the programming of their voting systems to ensure proper tabulation of results.

Libertarian Party Ballot Vacancies

If a candidate vacancy exists following a Libertarian Party state or county convention, the party's state committee may fill the vacancy. **The Libertarian Party must fill a vacancy existing on the municipal election ballot resulting from a vacancy for an office nominated by that party at a state or county convention by Monday, July 3, 2023.** (IC 3-13-1-20)

At least ten (10) days before filling the candidate vacancy, the state chairman of the Libertarian Party must file a notice of intent to fill the vacancy with the official who will receive the certificate of candidate selection filing (the Indiana election division or a circuit court clerk). (IC 3-13-1-20)

Once the Libertarian Party fills a vacancy for city offices or town offices, the county chair and secretary must file a certificate of nomination and the candidate's applicable statement of economic interests with the county election board. **The Party must file the certificate no later than noon, Monday, July 3, 2023.** (IC 3-13-1-20)

If a vacancy occurs for any other reason at least thirty-one days before the general, municipal, or special election, the same procedure applies. The vacancy must be filled within 30-days, but the certificate and candidate's statement of economic interest must be filed no later than noon, three (3) days (excluding Saturdays and Sundays) after the selection of the

candidate. (IC 3-13-1-20) Special procedures apply to late ballot vacancies occurring within the final 30 days before the election and to statewide or state legislative candidates. (IC 3-13-2-12; IC 3-8-8)

Other Minor Party Candidate Vacancies

If a candidate for federal, statewide, or state legislative offices does not affiliate with the Democratic Party, the Libertarian Party, or the Republican Party, and the candidate withdraws, dies, or is disqualified, the state chairman of the candidate's political party may fill the resulting candidate vacancy. The chairman can fill this vacancy at any time after a petition of nomination has been circulated or filed for certification by a county voter registration office by filing a statement with the Election Division. (IC 3-8-6-17) (CAN-40, CAN-45)

This statement must include the following:

- 1) The name of the individual who ceased to be a candidate.
- 2) The date and reason why the person ceased to be a candidate.
- 3) The name and written consent of the successor candidate.
- 4) If other individuals were also candidates on the same petition of nomination, the consent of each other candidate to the selection of the successor candidate.

For candidates nominated by petition for the office of circuit court clerk, county offices, township offices, or town offices, the county chairman must file the statement with the county election board. (IC 3-8-6-17)

The state or county chairman must file the statement no later than noon, Monday, July 3, 2023. The CAN-40 and CAN-45 are available from the Election Division's office or each circuit court clerk's office. (IC 3-8-6-17) The forms can also be found on the Election Division's website: in.gov/sos/elections.

A similar procedure applies to filling candidate vacancies for individuals nominated by petition for "**small**" town offices with a population of less than 3,500. The town chairman of the party must file a certificate of candidate selection (CAN-18) with the county election board no later than 12:00 noon, prevailing local time, Monday, August 28, 2023. (IC 3-13-1-18)

Independent and Write-In Candidate Vacancies

If a petition of nomination is circulated or filed by an independent candidate, another candidate may not be substituted on the petition of nomination. (IC 3-8-6-17)

Indiana law has no procedure for the replacement of a write-in or independent candidate.

CAMPAIGN FINANCE INFORMATION

When a person signs and files a declaration of candidacy to run for office, the individual must indicate on the form: "I acknowledge that I am aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign finance contributions and expenditures and agree to comply with the provision of IC 3-9."

Candidates and members of their campaign finance committees are encouraged to review the current version of the *Indiana Campaign Finance Manual*. The *Manual* can be accessed from the Indiana Election Division's office or the Division's website at www.campaignfinance.in.gov. Forms required for campaign finance filings can be found online or at the offices of the Indiana Election Division and County Election Boards.

UNITED STATES SENATOR

Candidates for United States Senator should contact the Federal Election Commission for information on campaign finance reporting requirements or visit www.fec.gov. Candidates should contact the Office of the Secretary of the Senate for information on economic interest statement reporting requirements.

UNITED STATES REPRESENTATIVE

Candidates for United States Representative should contact the Federal Election Commission for information on campaign finance reporting requirements or visit www.fec.gov. Candidates should contact the House Standards of Official Conduct for information on economic interest statement reporting requirements.

SECRETARY OF STATE, STATE AUDITOR, STATE TREASURER

Candidates for any statewide office file campaign finance documents with the Indiana Election Division and should contact the Indiana Election Division for information on campaign finance reporting requirements or visit the Division's campaign finance website at www.campaignfinance.in.gov.

STATE LEGISLATIVE OFFICES

Candidates for any of the state legislative offices file campaign finance documents with the Indiana Election Division. Candidates should contact the division for information on campaign finance reporting requirements or visit the Division's campaign finance website at www.campaignfinance.in.gov.

JUDICIAL OFFICE

Candidates for these offices file campaign finance documents with the county election board and should contact the county election board for information on campaign finance reporting requirements.

CIRCUIT COURT CLERK AND COUNTY OFFICES

Candidates for these offices file campaign finance documents with the county election board and should contact the county election board for information on campaign finance reporting requirements.

TOWNSHIP OFFICES

Candidates for these offices file campaign finance documents with the county election board and should contact the county election board for information on campaign finance reporting requirements.

SCHOOL BOARD OFFICES

Candidates for these offices file campaign finance documents with the county election board and should contact the county election board for information on campaign finance reporting requirements.

CITY OFFICES

Candidates for these offices file campaign finance documents with the county election board of the county in which most of the municipality's population is located and should contact the county election board for information on campaign finance reporting requirements.

TOWN OFFICES

Candidates for these offices file campaign finance documents with the county election board and should contact the county election board of the county in which most of the municipality's population is located for information on campaign finance reporting requirements.

PRECINCT COMMITTEEMAN AND STATE CONVENTION DELEGATE

Indiana law does not require that precinct committeeman or state convention delegate candidates file campaign finance documents regardless of the amount of money candidates raise or spend.

CAMPAIGN RELATED VIOLATIONS AND ENFORCEMENT

A county election board may investigate and rule on questions concerning reported election law violations. If the county election board has substantial reason to believe that an election violation has or will occur, the board may conduct a hearing to resolve the issue.

The county election board has the power to subpoena witnesses, and question those witnesses under oath. If, after affording due notice and an opportunity for a hearing, the county election board believes that an act constitutes or will constitute an election violation, the board may take whatever action it deems proper under the circumstances. This includes referring the matter to the attorney general for civil action or the county prosecuting attorney for criminal prosecution. (IC 3-6-5-31; IC 3-14-5-3)

Indiana law also requires that a county election board forward all voter challenge affidavits (PRE-4) returned by precinct election officers following the close of the polls to the foreman of the grand jury when the jury is next in session and to forward photocopies of the affidavits to the Secretary of State. The grand jury is required to inquire into the truth or falsity of the affidavits and file a report of the results of its inquiry with the court. (IC 3-14-5-2) *Exception: This procedure does not apply to affidavits solely concerning an individual who failed to provide additional documentation as a "first time" voter under IC 3-7-33-4.5 but has since provided this documentation.* (IC 3-14-5-1)

Unless otherwise stated, Indiana election law provides that the following offenses are Level 6 felonies, which subject a person to up to two and one-half years of imprisonment, a \$10,000 fine, or both, upon conviction. *The laws cited below should be studied carefully, since they may contain requirements or exemptions that are not set forth in detail in this summary.*

- 1) Using a government employer's property to solicit contributions or advocate the election or defeat of a candidate or public question at any time, or to distribute campaign materials on government's real property during normal business hours. Class A misdemeanor for first offense. (IC 3-14-1-17)
- 2) Conspiring with a person to encourage an individual to submit a false registration application or to vote illegally. (IC 3-14-2-1)
- 3) Paying or accepting payment for applying for or casting an absentee ballot. (IC 3-14-2-1)
- 4) Paying or accepting payment for registering to vote or voting. (IC 3-14-2-1)
- 5) Paying or offering to pay an individual any property based on the number of signatures obtained to place a candidate or public question on a ballot. This does not prohibit payment for gathering signatures not based, either directly or indirectly, on the number of signatures obtained to place a candidate or public question on a ballot. (IC 3-14-2-1)
- 6) Paying or offering to pay an individual any property based on the number of absentee ballot applications or voter registration applications obtained by the individual. This does not prohibit payment for gathering absentee ballot applications or voter registration applications not based, either directly or indirectly, on the number of applications obtained. (IC 3-14-2-1)
- 7) Soliciting a person known to be ineligible to vote to complete or submit an absentee ballot application. (IC 3-14-2-2.5)
- 8) Signing another person's name to an absentee ballot application that contains a false statement. (IC 3-14-2-3)
- 9) Signing another person's name to an absentee ballot application without writing on it the person's own name and address as an attesting witness. (IC 3-14-2-3)
- 10) Knowingly making a false statement regarding one's name, residence, or voter identification number when signing a poll book or making an oral affirmation to a poll worker. (IC 3-14-2-11)
- 11) Hiring or soliciting a person to go into a precinct for the purpose of voting when the person hired or solicited is not a voter of the precinct. (IC 3-14-2-13)

- 12) Receiving from a voter a ballot prepared for voting, except by an inspector, county election board member, absentee voter board member, a member of the voter's household, an individual designated as the attorney in fact for the voter, a family member of the voter list in IC 3-6-6-7(a)(4), or an employee of the United States Postal Service or a bonded courier company when delivering an envelope containing an absentee ballot. (IC 3-14-2-16)
- 13) Delivering an absentee ballot to an election official that is not the ballot cast by the voter. (IC 3-14-2-16)
- 14) Interfering with a watcher. (IC 3-14-3-3)
- 15) Obstructing, interfering, or injuring an election officer or a voter in the exercise of the election officer's or voter's rights or duties or because the officer or voter has exercised the officer's or voter's rights or duties. (IC 3-14-3-4)
- 16) Failing to receive the vote of a legal voter. (IC 3-14-3-9)
- 17) Interfering with the secrecy of voting. (IC 3-14-3-11)
- 18) Inducing or persuading a voter to vote for a candidate, while acting as a precinct election officer or absentee voter board member. (IC 3-14-3-17)
- 19) Inducing or procuring a person to apply for or cast an absentee ballot or vote or refrain from voting for or against a candidate or public question at an election, caucus, an appointment of a candidate by a political party chair or central committee officers, or at a political convention by giving, offering, or promising money or other property. (IC 3-14-3-19)
- 20) Receiving, accepting, requesting or soliciting money or other property to induce a voter to apply for or cast an absentee ballot or to vote or refrain from voting for or against a candidate or public question. (IC 3-14-3-20)
- 21) Conspiring to obtain property an individual would be entitled to receive as compensation for serving as an elected official by securing false or fraudulent absentee ballot applications or voter registration applications and to transport fraudulent voter registration applications or absentee ballot applications by private or commercial carrier operating entirely within Indiana. (IC 3-14-3-20.5)
- 22) Intimidating, threatening, or coercing another person for voting or attempting to vote, urging or aiding another individual to vote or attempt to vote, or exercising any power or duty related to registration or voting. (IC 3-14-3-21.5)

Unless otherwise stated, Indiana election law provides that the following offenses are Class A misdemeanors, which subject a person to up to one year of imprisonment, and possibly a \$5,000 fine upon conviction. *The laws cited below should be studied carefully, since they may contain requirements or exemptions that are not set forth in detail in this summary.*

- 1) Filing a declaration of candidacy or other similar document to place or remove a candidate from the ballot, knowing that any part of the document is falsely made. (IC 3-14-1-1)
- 2) Refusing to receive and record a declaration of candidacy or other similar document when presented in accordance with the election laws or suppressing such a document that has been duly filed. (IC 3-14-1-1)

See the current version of the *Election Administrator's Manual*, published by the Indiana Election Division, for information regarding other criminal violations of the election laws. See the current version of the *Indiana Campaign Finance Manual*, published by the Indiana Election Division, for information regarding criminal violations of the campaign finance laws, and the county election board's authority to impose civil penalties for campaign finance related violations. See the current version of the *Voter Registration Guidebook*, published by the Indiana Election Division, for information regarding criminal violations of the voter registration law.

CITY OFFICES

MAYOR

CITY-COUNTY COUNCIL

CITY COMMON COUNCIL

CITY CLERK

CITY CLERK-TREASURER

CITY JUDGE

A. Qualifications

PLEASE NOTE: Indiana law do not permit an elected officeholder to be a government employee of the same unit of local government. (IC 3-5-9) While this does not prevent such an individual from running for office, the individual effectively resigns from their government position by assuming office, if elected to serve. (IC 3-5-9-5)

For example, John works for the city public works department, but wants to run for city council. If John is elected to serve on the council and takes the oath of office, then he has automatically resigned from the city public works department. On the other hand, if John worked for the county health department and ran for city council, he could remain employed at the county while serving on the city council. City and county government would not be considered the same unit of government in this example.

Volunteer firefighters may be eligible to hold elected office of the same unit of local government if certain criteria are met. See IC 3-5-9-4 for details. The term "government employee" does not include an individual who holds only an elected office. (IC 3-5-9-2)

MAYOR

IC 3-8-1-1 provides that:

“(b) A person is not qualified to run for ...

(2) A local office...

unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certification of nomination.”

IC 3-8-1-24 provides that:

“A candidate for the office of mayor of a first class city [Indianapolis] must have resided in the city for at least one (1) year before the date of taking office.”

IC 3-8-1-26 provides that:

“A candidate for the office of mayor of a second or third class city must have resided in the city for at least one (1) year before the election.”

IC 36-4-5-2(c) provides that:

“Residency in territory that is annexed by the city before the election is considered residency for the purposes of [candidate qualifications under IC 3-8-1-26] ...even if the annexation takes effect less than one (1) year before the election.”

IC 3-8-1-5 provides that:

“Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction for which the convicted person might have been imprisoned for more than one (1) year.

(c) A person is not disqualified under this section for:

(1) a felony conviction for which the person has been pardoned;

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

(D) not entered because the trial court did not accept the person's guilty plea; or

(E) expunged under IC 35-38-9; or

(3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.

(d) A person is disqualified from assuming or being a candidate for an elected office if:

(1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;

(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;

(3) in a:

(A) jury trial, a jury publicly announces a verdict against the person for a felony;

(B) bench trial, the court publicly announces a verdict against the person for a felony; or

(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;

(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;

(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;

(6) the person is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or

- (7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.
- (e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:
- (1) jury has announced its verdict against the person for a felony;
 - (2) court has announced its verdict against the person for a felony; or
 - (3) person has pleaded guilty or nolo contendere to a felony;
- does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:

“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.

(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

(4) A candidate for a local office..., in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).” (Subdivision 3 requires certain judge and prosecutor candidates to already file statements of economic interest)

A candidate for local office (other than judge or prosecuting attorney) is required to file a statement of economic interest (CAN-12). **The circuit court clerk must reject a declaration of candidacy that does not include the CAN-12 statement.** This form is available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office. A CAN-12 form can be downloaded from in.gov/sos/elections.

City-County Council (Marion County Only)

IC 3-8-1-1 provides that:

“ . . . (b) A person is not qualified to run for: . . .

(2) A local office; . . .

unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination.”

IC 3-8-1-25 provides that:

“A candidate for membership on city-county of a first class city [Indianapolis] must have resided in the district in which seeking election, if applicable, for at least one (1) year before the date of taking office.”

IC 36-4-6-2(c) provides that:

“Residency in territory that is annexed by the city before the person files a declaration of candidacy or petition of nomination is considered residency for the purposes of [candidate qualifications under IC 3-8-1-27, even if the annexation takes effect less than one (1) year before the election.”

IC 3-8-1-5 provides that:

“Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction for which the convicted person might have been imprisoned for more than one (1) year.

(c) A person is not disqualified under this section for:

(1) a felony conviction for which the person has been pardoned;

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

(D) not entered because the trial court did not accept the person's guilty plea; or

(E) expunged under IC 35-38-9; or

(3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.

(d) A person is disqualified from assuming or being a candidate for an elected office if:

(1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;

(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;

(3) in a:

(A) jury trial, a jury publicly announces a verdict against the person for a felony;

(B) bench trial, the court publicly announces a verdict against the person for a felony; or

(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;

(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;

(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;

(6) the person is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or

(7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:

(1) jury has announced its verdict against the person for a felony;

(2) court has announced its verdict against the person for a felony; or
(3) person has pleaded guilty or nolo contendere to a felony;
does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:

“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.

(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

(4) A candidate for a local office..., in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).” (Subdivision 3 requires certain judge and prosecutor candidates to already file statements of economic interest)

A candidate for local office (other than judge or prosecuting attorney) is required to file a statement of economic interest (CAN-12). **The circuit court clerk must reject a declaration of candidacy that does not include the CAN-12 statement.** This form is available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office. A CAN-12 can be downloaded from in.gov/sos/elections.

CITY COMMON COUNCIL

IC 3-8-1-1 provides that:

“ . . . (b) A person is not qualified to run for: . . .

(2) A local office; . . .

unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination.”

IC 3-8-1-27 provides that:

“A candidate for membership on the common council of a second or third class city must: (1) have resided in the city for at least one (1) year; and (2) have resided in the district in which seeking election, if applicable, for at least six (6) months before the election.”

IC 36-4-6-2(c) provides that:

“Residency in territory that is annexed by the city before the person files a declaration of candidacy or petition of nomination is considered residency for the purposes of [candidate qualifications under IC 3-8-1-27], even if the annexation takes effect less than one (1) year before the election.”

IC 3-8-1-5 provides that:

“Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction for which the convicted person might have been imprisoned for more than one (1) year.

(c) A person is not disqualified under this section for:

(1) a felony conviction for which the person has been pardoned;

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

(D) not entered because the trial court did not accept the person's guilty plea; or

(E) expunged under IC 35-38-9; or

(3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.

(d) A person is disqualified from assuming or being a candidate for an elected office if:

(1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;

(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;

(3) in a:

(A) jury trial, a jury publicly announces a verdict against the person for a felony;

(B) bench trial, the court publicly announces a verdict against the person for a felony; or

(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;

(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;

(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;

(6) the person is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or

(7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

- (e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:
- (1) jury has announced its verdict against the person for a felony;
 - (2) court has announced its verdict against the person for a felony; or
 - (3) person has pleaded guilty or nolo contendere to a felony;
- does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:

“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.
(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

(4) A candidate for a local office..., in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).” (Subdivision 3 requires certain judge and prosecuting attorney candidates to already file statements of economic interest)

A candidate for local office (other than judge or prosecuting attorney) is required to file a statement of economic interest (CAN-12). **The circuit court clerk must reject a declaration of candidacy that does not include the CAN-12 statement.** This form is available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office. A CAN-12 can be downloaded from in.gov/sos/elections.

If a city has adopted an ordinance to establish or recertify city council or city-county council districts, the city council or city-county council can only adopt an ordinance to establish district boundaries during the times permitted under IC 3-5-10-7.

**FIRST CLASS CITY
(INDIANAPOLIS)**

In Indianapolis, the city’s legislative body is designated as the “City-County Council” due to the consolidated city-county structure of local government. The City-County Council consists of twenty-five (25) members elected by voters in each of the 25 city-county council districts. (IC 36-3-4-3)

SECOND CLASS CITIES

In all cities other than Indianapolis, the legislative body is designated as the “City Common Council.” However, the number and election procedures for city common council members differs between second and third class cities and can be altered in some cases by city ordinance. (IC 36-4-6-3; 36-4-6-4; 36-4-6-5)

In a second class city, the city common council consists of 6 members elected by voters in each of the six (6) city council districts, plus three (3) additional members elected at large by all the voters of the city. (IC 36-4-6-3)

THIRD CLASS CITIES

In a third class city, the city common council consists of five (5) members elected by voters in each of 5 city council districts, plus two (2) members elected at large by all the voters of the city. (IC 36-4-6-4) However, a third class city can alter this structure by adopting an ordinance to provide for a common council consisting of four (4) district members elected by voters in each of 4 city council districts, and three (3) members elected at large by all the voters of the city. Consult with the city clerk-treasurer or city attorney for more information about any such ordinance.

In other third class cities with a population of less than 10,000, the city common council may be organized and elected in accordance with an ordinance adopted after June 30, 2010 (and during a year in which the election of the city common council will not occur) (IC 36-4-6-5). The city ordinance organizing the common councils in these cities may provide that

the common council consists of four (4) district members and one (1) at large member. Each voter may vote for one candidate from the district in which the voter resides and for one candidate for the at large seat.

As an alternative, the city ordinance organizing the common council in these cities provide that the common council consists of three (3) district members and two (2) at-large members. Each voter may vote for one candidate from the district in which the voter resides and for two (2) candidates for the at large seats.

Consult with the city clerk-treasurer or city attorney for more information about any such ordinance.

Some third class cities with a population of less than 7,000 may also elect their five (5) member city common council in accordance with a resolution adopted *before* May 7, 1991. A voter in a city operating under this procedure votes for one (1) at large candidate for city common council and for one (1) candidate from each of its 4 council districts.

Consult with the city clerk-treasurer or city attorney for more information about any such resolution.

CITY CLERK

CITY CLERK-TREASURER

Each second class city is required to elect a city clerk. The city clerk is elected by all the voters of the city. (IC 36-4-10-2)

Each third class city is required to elect a city clerk-treasurer. The city clerk-treasurer is elected by all the voters of the city. (IC 36-4-10-2)

IC 3-8-1-1 provides that:

“(b) A person is not qualified to run for ...

(2) A local office...

unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certification of nomination.”

IC 3-8-1-28 provides that:

“A candidate for the office of city clerk of a second class city or city clerk-treasurer of a third class city must have resided in the city for at least one (1) year before the election.”

IC 36-4-10-3(b) provides that:

“(b) Residency in territory that is annexed by the city before the election is considered residency for the purposes of [candidate qualifications under IC 3-8-1-28], even if the annexation takes effect less than one (1) year before the election.”

IC 3-8-1-5 provides that:

“Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction for which the convicted person might have been imprisoned for more than one (1) year.

(c) A person is not disqualified under this section for:

(1) a felony conviction for which the person has been pardoned;

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

(D) not entered because the trial court did not accept the person's guilty plea; or

(E) expunged under IC 35-38-9; or

(3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.

(d) A person is disqualified from assuming or being a candidate for an elected office if:

(1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;

(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;

(3) in a:

(A) jury trial, a jury publicly announces a verdict against the person for a felony;

(B) bench trial, the court publicly announces a verdict against the person for a felony; or

(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;

(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;

(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;

(6) the person is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or

(7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:

(1) jury has announced its verdict against the person for a felony;

(2) court has announced its verdict against the person for a felony; or

(3) person has pleaded guilty or nolo contendere to a felony;

does not affect the operation of subsection (d)."

IC 3-8-1-33 provides that:

"Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.

(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

(4) A candidate for a local office..., in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3)." (Subdivision 3 requires certain judge and prosecutor candidates to already file statements of economic interest)

A candidate for local office (other than judge or prosecuting attorney) is required to file a statement of economic interest (CAN-12). **The circuit court clerk must reject a declaration of candidacy that does not include the CAN-12 statement.** This form is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-12 can be downloaded from in.gov/sos/elections.

CITY JUDGE

Unless abolished by ordinance, each second class or third class city is required to elect a city judge if the city has created a city court by ordinance. The city judge is elected by all voters of the city. (IC 33-35-1-1)

Statement of Economic Interest: A candidate for city judge must file a statement of economic interest with the Commission on Judicial Qualifications. (IC 33-23-11-14 & 15)

The statement of economic interest form is available from the Commission on Judicial Qualifications.

IC 3-8-1-1 does not apply to a candidate for judge of a city court.

IC 3-8-1-5 provides that:

“Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction for which the convicted person might have been imprisoned for more than one (1) year.

(c) A person is not disqualified under this section for:

(1) a felony conviction for which the person has been pardoned;

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

(D) not entered because the trial court did not accept the person's guilty plea; or

(E) expunged under IC 35-38-9; or

(3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.

(d) A person is disqualified from assuming or being a candidate for an elected office if:

(1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;

(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;

(3) in a:

(A) jury trial, a jury publicly announces a verdict against the person for a felony;

(B) bench trial, the court publicly announces a verdict against the person for a felony; or

(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;

(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;

(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;

(6) the person is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or

(7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:

(1) jury has announced its verdict against the person for a felony;

(2) court has announced its verdict against the person for a felony; or

(3) person has pleaded guilty or nolo contendere to a felony;

does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:

“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests. (b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

(4) A candidate for a local office..., in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).” (Subdivision 3 requires judge and prosecutor candidates to already file statements of economic interest)

A candidate for city judge is required to file a statement of economic interest for judges and judicial candidates with the Commission on Judicial Qualifications and then provide a filed copy of the statement with their candidate filing. **The circuit court clerk must reject a declaration of candidacy that does not include the filed copy of the candidate’s statement of economic interest.** This statement of economic interest is available from the Commission on Judicial Qualifications.

CITY JUDGES FOR CITIES IN ST. JOSEPH COUNTY

IC 3-8-1-1.5 provides that:

“...(b) A person is not qualified to run for [city court judge in a city in St. Joseph County] unless not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination the person is registered to vote in a county in which the municipality is located.

(c) Except as provided in [IC 33-35-5-7.5](#), before a candidate for the office of [city court judge in a city in St. Joseph County]...may file a:

- (1) declaration of candidacy or petition of nomination;
 - (2) certificate of candidate selection under [IC 3-13-1-15](#) or [IC 3-13-2-8](#); or
 - (3) declaration of intent to be a write-in candidate or certificate of nomination under [IC 3-8-2-2.5](#) or [IC 3-10-6-12](#);
- the candidate must be an attorney in good standing admitted to the practice of law in Indiana.”

CITY JUDGES FOR CITIES IN ALL OTHER COUNTIES

IC 3-8-1-28.5 provides that:

“...(b) A candidate for the office of judge of a city court must reside in the city upon filing any of the following:

- (1) A declaration of candidacy or declaration of intent to be a write-in candidate under IC 3-8-2.
- (2) A petition of nomination under IC 3-8-6.
- (3) A certificate of nomination under IC 3-10-6-12.

(c) A candidate for the office of judge of a city court must reside in a county in which the city is located upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.”(d) Before a candidate for the office of judge of the court may file a:

- (1) declaration of candidacy or petition of nomination;
- (2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; or
- (3) declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

the candidate must be an attorney in good standing admitted to the practice of law in Indiana.”

B. Democratic and Republican Party Candidates Nominated at the Primary Election

1. Filing Requirements

Candidates for city offices from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 2, 2023.

A candidate for the nomination for the office of mayor, city-county council member, city common council member, city clerk, city clerk-treasurer, or city judge by the Democratic or Republican Party must file a statement of economic interest and a Declaration of Candidacy for Municipal Primary Nomination (CAN-42) with the county election board. (IC 3-8-2-5) Indiana law

requires the county to reject a declaration of candidacy that does not include a statement of economic interest. (IC 3-8-9-6) *(Petitions signed by registered voters are **NOT** required of Democratic or Republican Party candidates for city offices.)*

The **first day** for a candidate for a city office to submit a declaration of candidacy and statement of economic interest to the county election board is **Wednesday, January 4, 2023**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, Friday, February 3, 2023**. (IC 3-8-2-4; IC 3-8-2-5) **A statement of economic interest or declaration of candidacy presented after February 3, 2023, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The statement of economic interest (CAN-12) and declaration of candidacy form (CAN-42) are available from the Election Division's office, on the Division's website, and each circuit court clerk's office. The statement of economic interest to be filed by candidate for city judge is available at the Office of the Commission on Judicial Qualifications website.

2. Political Party Affiliation

Indiana Code 3-8-2-7 sets forth the standard for determining the political party affiliation of a candidate who files a declaration of candidacy for a primary election. The political party affiliation of the candidate is deemed to be:

- 1) the political party in who's last two (2) primaries in Indiana the candidate voted in; or
- 2) the political party of the county chair of the county in which the candidate resides who certifies that the candidate is a member of that political party.

Note: This law does not mean the candidate must have voted in the two (2) most chronologically recent primary elections and requested a Democratic or Republican ballot; instead, the person's vote history must demonstrate that the last two (2) primary elections in which the person voted must align with the party the candidate seeks to affiliate in the primary election. For example, if a candidate pulled a Republican Party primary ballot in 2018, did not vote in the 2019 and 2020 primary election, and requested a Republican Party primary ballot in 2022, then this candidate meets the requirements set forth in state law to file a declaration of candidacy (CAN-42) for the Republican Party primary without attaching the chair's certification.

Alternatively, if a candidate requested a Democratic Party primary ballot in 2020 and a Republican Party primary ballot in 2022, then this candidate would not meet the requirements set forth in state law to file a declaration of candidacy for primary nomination (CAN-42) in the Democratic Party primary in 2023 and would need to attach the chair's certification with their filing. Failure to attach the chair's certification does not result in the filing being rejected, but it may be challenged by a voter of the precinct or a county chair.

3. Candidate Withdrawal Requirements

Primary Election Candidate Withdrawal

A Democratic or Republican candidate for city office who filed with the county election board a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the county election board certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, Friday, February 10, 2023**. (IC 3-8-2-20) Upon receipt of this notice, the county election board will **not** certify that individual's name as a candidate for the primary election. (IC 3-8-2-21) **Notice of candidate withdrawal filed after February 10, 2023, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The primary election candidate withdrawal (CAN-43) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office.

Municipal Election Candidate Withdrawal

After the primary, if a nominee for city office wishes to withdraw from the ticket for the municipal election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2023**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the municipal election. **Notice**

to withdraw candidacy presented after July 17, 2023, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.

The municipal election candidate withdrawal (CAN-46) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office.

C. Libertarian Party Candidates

1. Filing Requirements

Libertarian Party candidates are not nominated in a primary election but are nominated by political party convention. (IC 3-8-4-10)

The Libertarian Party will nominate candidates for city offices at the Party's city convention. Candidates for these offices should contact the Libertarian Party's state committee for information concerning any candidate filing requirements.

Libertarian Party candidates for city offices are **not** required to file declarations of candidacy with the county election board. Instead, the Libertarian Party chair and secretary will certify the Party's nominees to the county election board. (CAN-22)

Indiana law requires all Libertarian nominees for municipal office to file a statement of economic interests along with the certificate of nomination. Indiana law requires the county to reject a certification that does not include a statement of economic interests. (IC 3-8-9-5) The statement of economic interests (CAN-12) is available at each circuit court clerk's office and can be downloaded from in.gov/sos/elections. The statement of economic interest to be filed by candidate for city judge is available at the Office of the Commission on Judicial Qualifications website.

2. Candidate Withdrawal Requirements

If a nominee for a city office wishes to withdraw from the Libertarian Party ticket for the municipal election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2023**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will **not** certify that individual's name as a candidate for the municipal election. **Notice to withdraw candidacy filed after July 17, 2023, at 12:00 noon, local prevailing time, will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The municipal election withdrawal form (CAN-46) is available from the Election Division's office, on the Division's website.

D. Minor Party and Independent Candidates

1. Filing Requirements

This section addresses the filing and petition requirements for a person who does not intend to affiliate with the Democratic, Libertarian or Republican Party, and who does not intend to be a write-in candidate.

A person who wishes to become an independent candidate or a candidate of a minor party not qualified to nominate candidates in a primary election or by political party convention, and who wishes to be a candidate for a city office at the municipal election, must file the applicable statement of economic interest, written consent to become a candidate (CAN-45) and certified petition(s) of nomination (CAN-44) with the county election board. (IC 3-8-6-12 and IC 3-8-6-14(a)) The county is required to reject a declaration of candidacy that does not include a statement of economic interest. (IC 3-8-9-6)

Candidates for city judge must file the statement of economic interest for judges and judicial candidates with the Commission on Judicial Qualifications and provide a file stamp copy with their candidate filing. Candidates for all other city offices must file the CAN-12 form.

Each candidate nominated by petition of nomination must satisfy all statutory eligibility requirements for the office for which the candidate is nominated. (IC 3-8-6-14(b))

The statement of economic interest (CAN-12), written consent (CAN-45) and petition of nomination (CAN-44) are available from the Election Division's office, on the Division's website, and each circuit court clerk's office. Candidates for city judge must contact the Commission on Judicial Qualifications for the statement of economic interest for judges and judicial candidates.

To be placed on the municipal election ballot, an independent or minor party candidate must obtain signatures of registered voters in the election district the candidate seeks to represent. A petition of nomination must be signed by the number of registered voters equal to 2% of the total votes cast for secretary of state in the 2022 general election **in the election district** the candidate seeks to represent. Any fraction in excess of a whole number is disregarded in computing this figure. (IC 3-8-6-3) Signatures on any petition of nomination must be those of registered voters of the state who reside in the district the candidate seeks to represent. (IC 3-8-6-2)

EXAMPLE: A candidate for the office of city council must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2022 general election in that city council election district.

The circuit court clerk or the director of the Lake or Porter County Board of Elections and Registration must make the determination of the number of signatures required for a minor party or independent candidate to be eligible to run in the election district. Further, the circuit court clerk must determine whether enough valid signatures were certified for the candidate and filed with the clerk to be placed on the municipal election ballot. If the clerk determines that an insufficient number of certified signatures were filed by the candidate, then the clerk must reject the declaration of candidacy and not place the candidate on the municipal election ballot. The clerk must immediately send the denial to the candidate by certified mail. (IC 3-8-6-12))

While it may be possible for candidates of the same minor political party seeking an office that serves the entire state or a congressional or legislative district, or the same political subdivision to be nominated on the same petition, only one independent candidate for an office may be nominated by the same petition of nomination. (IC 3-8-6-4)

The **first day** a candidate for a city office may submit the petition of nomination (CAN-44) to the county voter registration official for certification is **Wednesday, January 4, 2023**, and the **DEADLINE** for filing petitions for review by county voter registration officials is **12:00 noon, prevailing local time, Friday, June 30, 2023**. (IC 3-8-6-12; IC 3-5-4-1.5)

Additionally, in a county that does not have a separate board of registration, the applicable statement of economic interests must be filed with the circuit court clerk or the Lake, Porter, and Tippecanoe County Board of Elections and Registration at the time the candidate's petitions are filed for review and certification. In the few counties with a separate board of registration, the applicable statement of economic interests is filed with the county clerk after the signatures on the petitions have been certified by the board of registration. (IC 3-8-9-5) As of October 2021, Allen, La Porte, Madison, Marion, St. Joseph, Vanderburgh, and Vigo counties have a separate board of registration.

For candidates for city office, once the county voter registration official certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-45) must be filed with the county election board. In most counties, the **DEADLINE** for filing the petition of nomination (CAN-44), accompanied by the written consent (CAN-45), with the county election board is **12:00 noon, prevailing local time, Monday, July 17, 2023**. (See note above about when the statement of economic interests are to be filed.) (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5; IC 3-8-9-5)

In the counties with a separate board of registration, the **DEADLINE** for filing the applicable statement of economic interest, certified petition of nomination (CAN-44), and written consent (CAN-45) with the county election board is **12:00 noon, prevailing local time, Monday, July 15, 2023**. (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5; IC 3-8-9-5)

The county voter registration official must file the certified petitions of nomination with the county election board. However, the candidate for a city office may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-45) with the county election board to be placed on the municipal election ballot. (IC 3-8-6-10)

2. Nominating Petition Requirements

Candidates or political party members may wish to contact county voter registration offices to coordinate the processing of nominating petitions. Some county offices prefer to process all petitions for a candidate at the same time, while others are willing to process partial submissions.

For a petition of nomination to be considered valid, the county voter registration office in the county where the individual signing the petition is registered must certify whether each person who signs the petition is a registered voter at the residence listed in the petition at the time the county processes the petition and in the election district the candidate seeks to represent. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-44) (IC 3-8-6-10; IC 3-8-6-11)

A petition carrier is required to sign an affidavit at the bottom of each page of the petition prior to filing with the county voter registration office. A petition carrier is required to fully complete and affix their signature to the affidavit at the bottom of each page of the petition prior to filing with the county voter registration office. If the petition carrier information is incomplete, then the county voter registration office may not process the signature page but must give the best possible notice to the petition carrier who submitted the signature page to allow for the correction. The petition carrier may correct the missing information concerning the petition carrier up to the final date an hour for filing the petition with the county voter registration office. If the information is not completed by this deadline, then the signature page may not be processed. (IC 3-6-12)

Sometimes a county voter registration office rejects a signature on a nominating petition because the individual who signed the petition is not a registered voter of the election district of the office sought by the candidate or has changed the individual's address without notifying the county voter registration office. (IC 3-8-6-8) A person's residence address on the petition must conform to the residence address on the person's voter registration record at the time the petition is processed. (IC 3-8-6-6) Although a minor variation between the name or address of a petition signer and the name or address on the county voter registration records does not invalidate the signature, a substantial variation renders the signature invalid. Reasonable doubts must be resolved in favor of the signer of the petition. (IC 3-5-6)

3. Political Party Names

A candidate may not submit a petition of nomination requesting ballot placement for a political party whose name would result in voter confusion due to its similarity with another party's name. If the candidate declines to amend the petition to remove this confusion, the petition shall be denied. (IC 3-8-6-5.5) A candidate must indicate whether the candidate is affiliated with any other candidate or group of candidates filing a petition under the same political party name. (IC 3-8-6-5)

4. Candidate Withdrawal Requirements

The **DEADLINE** for a person nominated by petition for a township office who wishes to withdraw from the municipal election ballot to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2023**. (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the municipal election. **Notice to withdraw candidacy presented after July 17, 2023, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The municipal election candidate withdrawal (CAN-46) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office.

E. Write-in Candidates

1. Filing Requirements

Indiana law provides that only votes for declared write-in candidates are counted. (IC 3-12-1-1.7(a))

A person who desires to be a write-in candidate for a city office in the municipal election on Tuesday, November 7, 2023, must file the applicable statement of economic interest and declaration of intent to be a write-in candidate (CAN-51) with the county election board. (IC 3-8-1-33; IC 3-8-2-2.5) **The county is required to reject a declaration of intent to be a write-in candidate that does not include a statement of economic interest.** (IC 3-8-9-6)

Candidates for city judge must file the statement of economic interest for judges and judicial candidates with the Commission on Judicial Qualifications and provide a file stamp copy with their candidate filing. Candidates for all other city offices must file the CAN-12 form.

The CAN-12 and CAN-51 are available from the Election Division's office, on the Division's website, and each circuit court clerk's office. Candidates for city judge must contact the Commission on Judicial Qualifications for the statement of economic interest for judges and judicial candidates.

The **first day** a write-in candidate may file the CAN-12 and CAN-3 forms with the county election board is **Wednesday, January 4, 2023**, and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Monday, July 3, 2023**. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5)

2. Candidate Withdrawal Requirements

The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for a city office to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2023**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the municipal election. **Notice to withdraw candidacy presented after July 17, 2023, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The municipal election candidate withdrawal (CAN-46) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office.

3. Political Party Affiliation

A write-in candidate may claim affiliation with a political party other than the Democratic, Libertarian, or Republican Parties (the parties whose nominee for Secretary of State of Indiana received at least 2% of the total votes cast in the most recent election for the office of Secretary of State (November 2022)). IC 3-8-2-2.5

However, if a write-in candidate claims affiliation with a political party: (1) that already has ballot access, (2) of a candidate who has previously filed a petition of nomination under IC 3-8-6, or (3) whose name would result in voter confusion due to its similarity with the name of the political party in (1) or (2), then a registered voter in the election district may question the validity of the filing under IC 3-8-1-2. The election board shall determine the validity of the questioned filing. If the election board determines that the candidate's stated party affiliation would result in voter confusion due to its similarity with another party's name, and the candidate declines to amend the declaration to remove this confusion, then the board shall deny the filing. (IC 3-8-2-12.5)

“LARGE TOWN” OFFICES

Town Council Member

Town Clerk-Treasurer

Town Judge

The election procedures in this chapter apply to candidates for town offices in any of the following types of town:

- 1) A town with a population of 3,500 or more (excluding prison inmates from that count)
- 2) A town of any population located wholly or partially within Marion County
- 3) A town with a population of less than 3,500 which has passed an ordinance to nominate major party candidates by municipal primary election.

For the purposes of this *Guide*, these towns will be referred to as “large towns.” Election procedures in any of these large towns are essentially identical to those used in cities. However, different offices are elected in these towns as part of the town government structure.

Municipal Primaries

In towns with a population of **3,500 or more**, a municipal primary is the method state law provides for nominating major party candidates. No ordinance or other action by the town council is necessary for a municipal primary to be conducted in these towns.

A. Qualifications

NOTE: Indiana law does not permit an elected officeholder to be a government employee of the same unit of government. (IC 3-5-9) While this does not prevent such an individual from running for office, the individual automatically resigns from their government position by assuming office, if elected to serve. (IC 3-5-9-5)

For example, Sally works for the town clerk-treasurer, but wants to run for town council. If Sally is elected to serve on the town council and takes the oath of office, then she has automatically resigned from the town clerk-treasurer’s office. On the other hand, if Sally worked for the county’s public works department and ran for town council, she could keep her county position while serving on the town council. County and town government would not be considered the same unit of government in this example.

Town Council Member

Each town is required to elect a town council. (IC 36-5-2)

IC 3-8-1-29 provides that:

“A candidate for membership of a town council must reside in the district in which seeking election, if applicable.”

IC 3-8-1-1 provides that:

“ . . . (b) A person is not qualified to run for: . . .

(2) A local office; . . .

unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination.”

IC 3-8-1-5 provides that:

“Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction for which the convicted person might have been imprisoned for more than one (1) year.

(c) A person is not disqualified under this section for:

(1) a felony conviction for which the person has been pardoned;

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

(D) not entered because the trial court did not accept the person's guilty plea; or

(E) expunged under IC 35-38-9; or

(3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.

(d) A person is disqualified from assuming or being a candidate for an elected office if:

(1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;

(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;

(3) in a:

(A) jury trial, a jury publicly announces a verdict against the person for a felony;

(B) bench trial, the court publicly announces a verdict against the person for a felony; or

(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;

(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;

(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;

(6) the person is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or

(7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:

(1) jury has announced its verdict against the person for a felony;

(2) court has announced its verdict against the person for a felony; or

(3) person has pleaded guilty or nolo contendere to a felony;

does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:

“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.

(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

(4) A candidate for a local office..., in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).” (Subdivision 3 requires certain judge and prosecuting attorney candidates to already file statements of economic interest)

A candidate for local office (other than judge or prosecuting attorney) is required to file a statement of economic interest (CAN-12). **The circuit court clerk must reject a declaration of candidacy that does not include the CAN-12 statement.** This form is available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office.

Number of Town Council Members

In a town, the town council consists of at least three (3) members, but no more than seven (7) members. The number of town council members in each town was originally set by the county commissioners when the commissioners incorporated the town under IC 36-5-1-10.1. The number of town council members can be increased or decreased within this range only after the voters of the town approve a proposal to do so at a referendum. (IC 36-5-2-4.2)

Election Schedule

As a general rule, all town council members are elected for four-year terms at each municipal election year (2023, 2027, etc.). (IC 3-10-6-2; 3-10-7-6) However, a town can alter this election schedule by adopting one of several types of ordinances permitted under state law.

A town may adopt an ordinance to provide for “staggered terms” for town council members by providing that at the next municipal election, some council members will be elected for three-year terms, and the other council members will be elected for four-year terms. After the first “short terms” for town council members are over, this system results in the town electing some town council members in the “non-presidential general election year” (2026, 2030), and the other town council members in the ordinary municipal election years (2023, 2027). (IC 3-10-6-2.5)

Two other towns (Cambridge City in Wayne County and Montezuma in Parke County) adopted similar “staggered term” ordinances under state laws that have since been repealed or have expired (IC 18-3-1-16(b), repealed 1981; P.L. 13-1982, SECTION 3, expired 1988) to elect town council members in the year following a presidential election year (2025, 2029). These towns have the additional option of adopting an ordinance to move the election date for all town offices (including town council) to the “presidential general election year” (2024, 2028). (IC 3-10-6-3) This changeover is accomplished by electing all town officers to a “short term” of one year at the municipal election (2023, 2027), and then electing successors to a full four-year term. (IC 3-10-6-2.6)

Consult with the town clerk-treasurer or town attorney for more information about any such ordinances.

Unopposed Candidates

In some towns there may be no more than one nominee for each office, and no declared write-in candidates for any town office. When this occurs, a municipal election may not be held for these offices in the municipal election year **if the entire membership of the county election board adopts a resolution NOT to hold an election in this situation.** (IC 3-10-6-7.5(d)) The one nominee for the office will be elected at the closing of the polls on election day. **However, if there is a contest for any office of the town, all nominees for each town office must be on the municipal election ballot.**

EXCEPTIONS: The printing of all nominees on the town’s municipal election ballot is not required if there is a contest for at least one town council seat, only the voters within that town council election district are eligible to vote for the town council seat, there is no election for an office to be voted on by all the voters of the town, and the county election board adopts, by

unanimous vote of its members, a resolution to conduct an election only in the town council district. (IC 3-10-6-7.5(c))

Districts

As a general rule, town council members must be elected from districts established by ordinance adopted by the town council during the second year (2022 for example) following each federal decennial census (such as the 2020 federal census, for example).

If a town has adopted an ordinance to establish or recertify town council districts, the town council can only adopt an ordinance to establish town council district boundaries during the times permitted under IC 3-5-10-7. A town can establish town council districts in 2022. (IC 36-5-2-4.1(f), IC 3-5-10-7)

The town must specify by ordinance how town council members are to be elected from these districts. The ordinance may provide: (1) that all council members must reside in their districts but are to be elected at large by all the voters of the town; (2) that all council members must reside in their districts but are elected only by the voters of that district; or (3) or some combination of (1) and (2) specified by the ordinance. (IC 36-5-2-5) Consult with the town clerk-treasurer or town attorney for more information about any such ordinances.

A special procedure can also be used in towns that have a population of more than 10,000. The town council can adopt an ordinance to provide that the council consists of seven (7) members (five (5) elected by the voters of each of 5 town council districts, and two (2) members elected at large by all the voters of the town). The ordinance must also provide for four (4) of the 7 members to be elected in a municipal election year (2019, 2023), and for the remaining three (3) members to be elected either in the previous general election year (2018, 2022), or the following general election year (2020, 2024). The 2 at large members may not be elected during the same election year. (IC 36-5-2-4.5)

Consult with the town clerk-treasurer or town attorney for more information about any such ordinances.

Town Clerk-Treasurer

Each town is required to elect a town clerk-treasurer. The town clerk-treasurer is elected by all the voters of the town. (IC 36-5-6-4)

IC 3-8-1-1 provides that:

“... (b) A person is not qualified to run for... (2) A local office... unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination.”

IC 3-8-1-5 provides that:

“Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction for which the convicted person might have been imprisoned for more than one (1) year.

(c) A person is not disqualified under this section for:

(1) a felony conviction for which the person has been pardoned;

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

(D) not entered because the trial court did not accept the person's guilty plea; or

(E) expunged under IC 35-38-9; or

(3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.

(d) A person is disqualified from assuming or being a candidate for an elected office if:

(1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;

(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;

(3) in a:

(A) jury trial, a jury publicly announces a verdict against the person for a felony;

(B) bench trial, the court publicly announces a verdict against the person for a felony; or

(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;

(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;

(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;

(6) the person is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or

(7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:

(1) jury has announced its verdict against the person for a felony;

(2) court has announced its verdict against the person for a felony; or

(3) person has pleaded guilty or nolo contendere to a felony;

does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:

“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.

(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or

declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

(4) A candidate for a local office..., in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).” (Subdivision 3 requires certain judge and prosecutor candidates to already file statements of economic interest)

A candidate for local office (other than judge or prosecuting attorney) is required to file a statement of economic interest (CAN-12). **The circuit court clerk must reject a declaration of candidacy that does not include the CAN-12 statement.** This form is available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office.

Town Judge

Each town is required to elect a town judge if the town has created a town court by ordinance. (IC 33-35-1-1) The town judge is elected by all the voters of the town. (IC 33-35-1-3)

IC 3-8-1-1 does not apply to a candidate for judge of a town court.

IC 3-8-1-1.5 provides that:

“(b) A person is not qualified to run for [town judge] unless not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination the person is registered to vote in a county in which the municipality is located.

(c) Except as provided in [IC 33-35-5-7.5](#), before a candidate for the office of judge of a ... town court may file a:

- (1) declaration of candidacy or petition of nomination;
- (2) certificate of candidate selection under [IC 3-13-1-15](#) or [IC 3-13-2-8](#); or
- (3) declaration of intent to be a write-in candidate or certificate of nomination under [IC 3-8-2-2.5](#) or [IC 3-10-6-12](#);

the candidate must be an attorney in good standing admitted to the practice of law in Indiana.

IC 3-8-1-5 provides that:

“Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction for which the convicted person might have been imprisoned for more than one (1) year.

(c) A person is not disqualified under this section for:

- (1) a felony conviction for which the person has been pardoned;
- (2) a felony conviction that has been:
 - (A) reversed;
 - (B) vacated;
 - (C) set aside;
 - (D) not entered because the trial court did not accept the person's guilty plea; or
 - (E) expunged under IC 35-38-9; or
- (3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.

(d) A person is disqualified from assuming or being a candidate for an elected office if:

- (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
- (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
- (3) in a:
 - (A) jury trial, a jury publicly announces a verdict against the person for a felony;
 - (B) bench trial, the court publicly announces a verdict against the person for a felony; or
 - (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
- (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
- (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;
- (6) the person is subject to:
 - (A) 5 U.S.C. 1502 (the Little Hatch Act); or
 - (B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or

(7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:

- (1) jury has announced its verdict against the person for a felony;
- (2) court has announced its verdict against the person for a felony; or
- (3) person has pleaded guilty or nolo contendere to a felony;

does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:

“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.
(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

(4) A candidate for a local office..., in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).” (Subdivision 3 requires judge and prosecutor candidates to already file statements of economic interest)

A candidate for town judge is required to file a statement of economic interest for judges and judicial candidates with the Commission on Judicial Qualifications and then provide a filed copy of the statement with their candidate filing. **The circuit court clerk must reject a declaration of candidacy that does not include the filed copy of the candidate’s statement of economic interest.** This statement of economic interest is available from the Commission on Judicial Qualifications.

B. Democratic, Libertarian, and Republican Party Candidates Nominated at the Primary Election

1. Filing Requirements

Candidates for town offices from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 2, 2023.

A candidate for the nomination for the office of town council member, town clerk-treasurer, or town judge by the Democratic or Republican Party must file a statement of economic interest and a declaration of candidacy with the county election board. (IC 3-8-2-5) Indiana law requires the county to reject a declaration of candidacy if it is not accompanied by a statement of economic interest. (IC 3-8-9-6) ***(Petitions signed by voters are NOT required of Democratic or Republican Party candidates for town offices.)***

The **first day** for a candidate for a town office to submit a statement of economic interest and declaration of candidacy to the county election board is **Wednesday, January 4, 2023**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, Friday, February 3, 2023.** (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy presented for filing after February 3, 2023 at 12:00 noon cannot be accepted and will not be considered valid.**

The statement of economic interest (CAN-12) and declaration of candidacy form (CAN-42) are available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office. The statement of economic interest to be filed by candidate for city judge is available at the Office of the Commission on Judicial Qualifications.

2. Political Party Affiliation

Indiana Code 3-8-2-7 sets forth the standard for determining the political party affiliation of a candidate who files a declaration of candidacy for a primary election. The political party affiliation of the candidate is deemed to be:

- 1) the political party in who’s last two (2) primaries in Indiana the candidate voted in; or
- 2) the political party of the county chair of the county in which the candidate resides who certifies that the candidate is a member of that political party.

Note: This law does not mean the candidate must have voted in the two (2) most chronologically recent primary elections and requested a Democratic or Republican ballot; instead, the person’s vote history must demonstrate that the last two (2) primary elections in which the person voted must align with the party the candidate seeks to affiliate in the primary election. For example, if a candidate pulled a Republican Party primary ballot in 2018, did not vote in the 2019 and 2020 primary election, and requested a Republican Party primary ballot in 2022, then this candidate meets the requirements set forth in state law to file a declaration of candidacy (CAN-42) for the Republican Party primary without attaching the chair’s certification.

Alternatively, if a candidate requested a Democratic Party primary ballot in 2020 and a Republican Party primary ballot in 2022, then this candidate would not meet the requirements set forth in state law to file a declaration of candidacy for primary nomination (CAN-42) in the Democratic Party primary in 2023 and would need to attach the chair's certification with their filing. Failure to attach the chair's certification does not result in the filing being rejected, but it may be challenged by a voter of the precinct or a county chair.

3. Candidate Withdrawal Requirements

Primary Election Candidate Withdrawal

A Democratic or Republican candidate for town office who filed with the county election board a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the county election board certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, Friday, February 10, 2023**. (IC 3-8-2-20) Upon receipt of this notice, the county election board will **not** certify that individual's name as a candidate for the primary election. (IC 3-8-2-21) **Notice of candidate withdrawal filed after February 10, 2023, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The primary election candidate withdrawal (CAN-43) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office.

Municipal Election Candidate Withdrawal

After the primary, if a nominee for town office wishes to withdraw from the ticket for the municipal election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2023**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the municipal election. **Notice to withdraw candidacy presented after July 17, 2023, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The municipal election candidate withdrawal (CAN-46) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office.

D. Libertarian Party Candidates Where a Primary Election Was Conducted

1. Filing Requirements

Libertarian Party candidates are not nominated in a primary election but are nominated by political party convention. (IC 3-8-4-10)

The Libertarian Party will nominate candidates for town offices at the Party's city convention. Candidates for these offices should contact the Libertarian Party's state committee for information concerning any candidate filing requirements.

Libertarian Party candidates for town offices are **not** required to file declarations of candidacy with the county election board. Instead, the Libertarian Party chair and secretary will certify the Party's nominees to the county election board. (CAN-22)

Indiana law requires all Libertarian nominees for municipal office to file a statement of economic interests along with the certificate of nomination. Indiana law requires the county to reject a certification that does not include a statement of economic interests. (IC 3-8-9-5) The statement of economic interests (CAN-12) is available at each circuit court clerk's office and is available on the Election Division's website: in.gov/sos/elections. The statement of economic interest to be filed by candidate for city judge is available at at the Office of the Commission on Judicial Qualifications.

2. Candidate Withdrawal Requirements

If a nominee for a town office wishes to withdraw from the Libertarian Party ticket for the municipal election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2023**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will **not** certify that individual's name as a candidate for the municipal election. **Notice to withdraw candidacy filed after July 17, 2023, at 12:00 noon, local prevailing time, will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The municipal election withdrawal form (CAN-46) is available from the Election Division's office, on the Division's website, and the circuit court clerk's office.

E. Minor Party and Independent Candidates

1. Filing Requirements

This section addresses the filing and petition requirements for a person who does not intend to affiliate with the Democratic, Libertarian or Republican Party, and who does not intend to be a write-in candidate.

A person who wishes to become an independent candidate or a candidate of a minor party not qualified to nominate candidates in a primary election or by political party convention, and who wishes to be a candidate for a town office at the municipal election, must file a written consent to become a candidate for the town office (CAN-45), a petition of nomination (CAN-44), and the applicable statement of economic interest form with the county election board. (IC 3-8-6-12; 3-8-6-14(a)) Indiana law requires the county to reject a petition that does not include a statement of economic interests. (IC 3-8-9-6)

Candidates for city judge must file the statement of economic interest for judges and judicial candidates with the Commission on Judicial Qualifications and provide a file stamp copy with their candidate filing. Candidates for all other city offices must file the CAN-12 form.

More than one minor party candidate can be nominated on the same petition form if each of the candidates is seeking an office that serves the entire town (town clerk-treasurer and at large town council member, for example). If offices serve different legislative districts (such as town council members elected only by voters of a specific district), then the candidates for office must use separate petition forms.

Only one (1) independent candidate for town office can be nominated on the same petition form. (IC 3-8-6-4)

Each candidate nominated by petition of nomination must satisfy all statutory eligibility requirements for the office for which the candidate is nominated. (IC 3-8-6-14)

The written consent (CAN-45), petition of nomination (CAN-44), and statement of economic interests (CAN-12) are available from the Election Division's office and each circuit court clerk's office. The statement of economic interest to be filed by candidate for city judge is available at the Office of the Commission on Judicial Qualifications website.

To be placed on the municipal election ballot, an independent or minor party candidate must obtain signatures of registered voters in the election district the candidate seeks to represent. A petition of nomination must be signed by the number of registered voters equal to 2% of the total votes cast for secretary of state in the 2022 general election **in the election district** the candidate seeks to represent. Any fraction in excess of a whole number is disregarded in computing this figure. (IC 3-8-6-3) Signatures on any petition of nomination must be those of registered voters of the state who reside in the district the candidate seeks to represent. (IC 3-8-6-2)

EXAMPLE: A candidate for the office of town council member must obtain signatures of registered voters equal to 2% of the total votes cast for **all** candidates for secretary of state in the 2022 general election in that town council district.

Circuit court clerks will have information on the votes by precinct for the office of secretary of state in the 2022 general election to help determine the number of signatures required for a candidate seeking ballot placement by petition of

nomination. However, the candidate may be required to make an initial calculation of the number of votes cast for secretary of state within the town council district, or the town as a whole. In some cases, there may not be an exact match between town council districts and precinct boundaries, so a precise minimum number of signatures necessary for ballot access may be impossible to calculate. Candidates seeking nomination by petition may wish to use a higher figure based on the votes cast for this office in all precincts **wholly or partially** within the town or town council district to ensure that the candidate has a sufficient number of valid signatures.

The **first day** a candidate for a town office may submit the petition of nomination (CAN-44) to the county voter registration office for certification is **Wednesday, January 4, 2023**, and the **DEADLINE** for filing petitions for review by county voter registration officials is **12:00 noon, prevailing local time, Friday, June 30, 2023**. (IC 3-8-6-10; IC 3-5-4-1.5)

Additionally, in a county that does not have a separate board of registration, the applicable statement of economic interest form must be filed with the circuit court clerk or the Lake, Porter, and Tippecanoe County Board of Elections and Registration at the time the candidate's petitions (CAN-44) are filed for review and certification. In the few counties with a separate board of registration, the applicable statement of economic interest form is filed with the county clerk after the signatures on the petitions have been certified by the board of registration. (IC 3-8-9-5) As of September 2022, Allen, La Porte, Madison, Marion, St. Joseph, Vanderburgh, and Vigo counties have a separate board of registration

For candidates for town offices, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-45) and the application statement of economic interest form must be filed with the county election board. In most counties, the **DEADLINE** for filing the petition of nomination (CAN-44), accompanied by the written consent form (CAN-45) and the statement of economic interest form with the county election board is **12:00 noon, prevailing local time, Monday, July 17, 2023**. (See note above about when the statement of economic interest form are to be filed.) (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5; IC 3-8-9-5)

In the counties with a separate board of registration, the **DEADLINE** for filing the applicable statement of economic interest, certified petition of nomination (CAN-44), and written consent (CAN-45) with the county election board is **12:00 noon, prevailing local time, Monday, July 17, 2023**. (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5; IC 3-8-9-5)

The county voter registration office must file the certified petitions of nomination with the county election board. However, the candidate for a town office may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-45 and statement of economic interest) with the county election board to be placed on the municipal election ballot. (IC 3-8-6-10)

The county clerk or the director of the Lake and Porter County Boards of election and registration shall determine whether a sufficient number of signatures as required have been obtained, and certify the petition if it includes a sufficient number of signature or deny the certification if it does not. If the petition is denied, the circuit court clerk shall notify the candidate immediately by certified mail. (IC 3-8-6-12)

2. Nominating Petition Requirements

Candidates or political party members may wish to contact county voter registration offices to coordinate the processing of nominating petitions. Some county offices prefer to process all petitions for a candidate at the same time, while others are willing to process partial submissions.

A petition carrier is required to sign an affidavit at the bottom of each page of the petition prior to filing with the county voter registration office. A petition carrier is required to fully complete and affix their signature to the affidavit at the bottom of each page of the petition prior to filing with the county voter registration office. If the petition carrier information is incomplete, then the county voter registration office may not process the signature page but must give the best possible notice to the petition carrier who submitted the signature page to allow for the correction. The petition carrier may correct the missing information concerning the petition carrier up to the final date an hour for filing the petition with the county voter registration office. If the information is not completed by this deadline, then the signature page may not be processed. (IC 3-6-12)

For a petition of nomination to be considered valid, the county voter registration office in the county where the individual signing the petition is registered must certify whether each person who signs the petition is a registered voter at the

residence listed in the petition at the time the county processes the petition and in the election district the candidate seeks to represent. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-44 form.) (IC 3-8-6-10; IC 3-8-6-11)

Sometimes a county voter registration office rejects a signature on a nominating petition because the individual who signed the petition is not a registered voter of the election district for the office sought by the candidate or has changed the individual's address without notifying the county voter registration office. (IC 3-8-6-8) A person's residence address on the petition must conform to the residence address on the person's voter registration record at the time the petition is processed. (IC 3-8-6-6) Although a minor variation between the name or address of a petition signer and the name or address on the county voter registration records does not invalidate the signature, a substantial variation renders the signature invalid. Reasonable doubts must be resolved in favor of the signer of the petition. (IC 3-5-6)

3. Political Party Names

A candidate may not submit a petition of nomination requesting ballot placement for a political party whose name would result in voter confusion due to its similarity with another party's name. If the candidate declines to amend the petition to remove this confusion, the petition may be challenged, and shall be denied by the county election board if the board finds that confusion would exist. (IC 3-8-6-5.5) A candidate must indicate whether the candidate is affiliated with any other candidate or group of candidates filing a petition under the same political party name. (IC 3-8-6-5)

4. Candidate Withdrawal Requirements

The **DEADLINE** for a person nominated by petition for a town office who wishes to withdraw from the municipal election ballot to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2023**. (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the municipal election. **Notice to withdraw candidacy presented after July 17, 2023, at 12:00 noon, prevailing location time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The municipal election candidate withdrawal (CAN-46) is available from the Election Division's office, the Division's website, and each circuit court clerk's office.

F. Write-in Candidates

1. Filing Requirements

Indiana law provides that only votes for declared write-in candidates are counted. (IC 3-12-1-1.7(a))

A person who desires to be a write-in candidate for a town office in the municipal election on Tuesday, November 7, 2023, must file a declaration of intent to be a write-in candidate (CAN-51) and the application statement of economic interest form with the county election board. (IC 3-8-2-2.5) Indiana law requires the county to reject a declaration that does not include a statement of economic interests. (IC 3-8-9-6)

Candidates for city judge must file the statement of economic interest for judges and judicial candidates with the Commission on Judicial Qualifications and provide a file stamp copy with their candidate filing. Candidates for all other city offices must file the CAN-12 form.

The CAN-3 and CAN-12 are available from the Election Division's office, the Division's website, and each circuit court clerk's office. The statement of economic interest to be filed by candidate for city judge is available at the Office of the Commission on Judicial Qualifications website.

The **first day** a write-in candidate may file the CAN-3 and the applicable statement of economic interest form with the county election board is **Wednesday, January 4, 2023**, and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Monday, July 3, 2023**. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5)

2. Candidate Withdrawal Requirements

The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for a town office to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 17,**

2023. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the municipal election. **Notice to withdraw candidacy presented after July 17, 2023, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The municipal election candidate withdrawal (CAN-46) is available from the Election Division's office, the Division's website, and each circuit court clerk's office.

3. Political Party Affiliation

A write-in candidate may claim affiliation with a political party other than the Democratic, Libertarian, or Republican Parties (the parties whose nominee for Secretary of State of Indiana received at least 2% of the total votes cast in the most recent election for the office of Secretary of State (November 2022)). (IC 3-8-2-2.5)

However, if a write-in candidate claims affiliation with a political party: (1) that already has ballot access, (2) of a candidate who has previously filed a petition of nomination under IC 3-8-6, or (3) whose name would result in voter confusion due to its similarity with the name of the political party in (1) or (2), then a registered voter in the election district may question the validity of the filing under IC 3-8-1-2. The county election board shall determine the validity of the questioned filing. If the county election board determines that the candidate's stated party affiliation would result in voter confusion due to its similarity with another party's name, and the candidate declines to amend the declaration to remove this confusion, then the board shall deny the filing. (IC 3-8-2-12.5)

“SMALL TOWN” OFFICES

Town Council Member

Town Clerk-Treasurer

Town Judge

The election procedures in this chapter apply to candidates for town offices in a town with a population of 3,500 or more (excluding prison inmates from that count).

The towns using the procedures described in this chapter will be referred to as “small towns.”

The procedures in this chapter **do not apply** to either of the following types of towns:

- 1) A town of any population located wholly or partially within Marion County
- 2) A town with a population of less than 3,500 which has passed an ordinance to nominate major party candidates by municipal primary election.

Municipal Primaries

A town with a population of less than 3,500 may adopt an ordinance to provide for a nomination of Democratic and Republican candidates for town office in a primary election (instead of by town convention). The town council must adopt the ordinance not later than January 1 of the year in which a municipal election is held (2023, for example), and the town clerk-treasurer shall file a copy of the ordinance with the circuit court clerk in the county that contains the greatest percentage of the town’s population no later than the first day in which a candidate can file a declaration of candidacy. (IC 3-8-5-2)

If the town council adopts such an ordinance, the county election board shall conduct the primary election for the town according to the statutes governing primary elections, including the times for filing a declaration of candidacy under IC 3-8-2-4. The town may not change the method of nominating candidates for town offices more than one time in any 12-year period. (IC 3-8-5-2(e))

A. Qualifications

NOTE: Indiana law does not permit an elected officeholder to be a government employee of the same unit of government. (IC 3-5-9) While this does not prevent such an individual from running for office, the individual automatically resigns from their government position by assuming office, if elected to serve. (IC 3-5-9-5)

For example, Sally works for the township trustee, but wants to run for township board. If Sally is elected to serve on the township board and takes the oath of office, then she has automatically resigned from the township trustee’s office. On the other hand, if Sally worked for the city’s public works department and ran for township board, she could keep her city position while serving on the township board. City and township government would not be considered the same unit of government in this example.

Volunteer firefighters may be eligible to hold elected office of the same unit government if certain criteria are met. See IC 3-5-9-4 for details. The term “government employee” does not include an individual who holds only an elected office. (IC 3-5-9-2)

Town Council Member

Each town is required to elect a town council. (IC 36-5-2)

IC 3-8-1-29 provides that:

"A candidate for membership of a town council must reside in the district in which seeking election, if applicable."

IC 3-8-1-1 provides that:

". . . (b) A person is not qualified to run for: . . .

(2) A local office; . . .

unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination."

IC 3-8-1-5 provides that:

"Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction for which the convicted person might have been imprisoned for more than one (1) year.

(c) A person is not disqualified under this section for:

(1) a felony conviction for which the person has been pardoned;

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

(D) not entered because the trial court did not accept the person's guilty plea; or

(E) expunged under IC 35-38-9; or

(3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.

(d) A person is disqualified from assuming or being a candidate for an elected office if:

(1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;

(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;

(3) in a:

(A) jury trial, a jury publicly announces a verdict against the person for a felony;

(B) bench trial, the court publicly announces a verdict against the person for a felony; or

(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;

(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;

(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;

(6) the person is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or

(7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:

(1) jury has announced its verdict against the person for a felony;

(2) court has announced its verdict against the person for a felony; or

(3) person has pleaded guilty or nolo contendere to a felony;

does not affect the operation of subsection (d)."

IC 3-8-1-33 provides that:

“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.

(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

(4) A candidate for a local office..., in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).” (Subdivision 3 requires certain judge and prosecuting attorney candidates to already file statements of economic interest)

A candidate for local office (other than judge or prosecuting attorney) is required to file a statement of economic interest (CAN-12). **The circuit court clerk must reject a declaration of candidacy that does not include the CAN-12 statement.** This form is available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office.

Number of Town Council Members

In a town, the town council consists of at least three (3) members, but no more than seven (7) members. The number of town council members in each town was originally set by the county commissioners when the commissioners incorporated the town under IC 36-5-1-10.1. The number of town council members can be increased or decreased within this range only after the voters of the town approve a proposal to do so at a referendum. (IC 36-5-2-4.2)

Election Schedule

As a general rule, all town council members are elected for four-year terms at each municipal election year (2023, 2027, etc.). (IC 3-10-6-2; 3-10-7-6) However, a town can alter this election schedule by adopting one of several types of ordinances permitted under state law.

A town may adopt an ordinance to provide for “staggered terms” for town council members by providing that at the next municipal election, some council members will be elected for three-year terms, and the other council members will be elected for four-year terms. After the first “short terms” for town council members are over, this system results in the town electing some town council members in the “non-presidential general election year” (2026, 2030), and the other town council members in the ordinary municipal election years (2023, 2027). (IC 3-10-6-2.5)

Two other towns (Cambridge City in Wayne County and Montezuma in Parke County) adopted similar “staggered term” ordinances under state laws that have since been repealed or have expired (IC 18-3-1-16(b), repealed 1981; P.L. 13-1982, SECTION 3, expired 1988) to elect town council members in the year following a presidential election year (2025, 2029). These towns have the additional option of adopting an ordinance to move the election date for all town offices (including town council) to the “presidential general election year” (2024, 2028). (IC 3-10-6-3) This changeover is accomplished by electing all town officers to a “short term” of one year at the municipal election (2023, 2027), and then electing successors to a full four-year term. (IC 3-10-6-2.6)

A town with a population of less than 3,500 may adopt an ordinance that schedules elections for some or all town offices to even numbered years, municipal election years, or both, so long as no election is scheduled for any town office in a year following a presidential election year (2025, 2029). (IC 3-10-7-2.9)

Consult with the town clerk-treasurer or town attorney for more information about any such ordinances.

Unopposed Candidates

In some “small towns” there may be no more than one nominee for each office, and no declared write-in candidates for any town office. When this occurs, a municipal election may not be held for these offices in the municipal election year **if the entire membership of the county election board adopts a resolution NOT to hold an election in this situation.** (IC 3-10-7-6) The one nominee for the office will be elected at the closing of the polls on election day. **However, if there is a contest for any office of the town, all nominees for each town office must be on the municipal election ballot.**

EXCEPTIONS: The printing of all nominees on the town's municipal election ballot is not required if there is a contest for at least one town council seat, only the voters within that town council election district are eligible to vote for the town council seat, there is no election for an office to be voted on by all the voters of the town, and the county election board adopts, by unanimous vote of its members, a resolution to conduct an election only in the town council district. (IC 3-10-7-6)

Districts

As a general rule, town council members in small towns must be elected from districts established by ordinance adopted by the town council during the second year (2022 for example) following each federal decennial census (such as the 2020 federal census, for example).

If a town has adopted an ordinance to establish or recertify town council districts, the town council can only adopt an ordinance to establish town council district boundaries during the times permitted under IC 3-5-10-7. A town can establish town council districts in 2022. (IC 36-5-2-4.1(f), IC 3-5-10-7)

In a small town with a population of less than 3,500, if the town council did not pass an ordinance to establish new town council districts or recertify the current town council districts at any time after December 31, 2011, then the town council districts currently established were abolished, effective January 1, 2018. But the town council whose districts were abolished after January 1, 2018, may still pass an ordinance to established new town council districts during the times permitted under IC 3-5-10-7. (IC 36-5-2-4.1(g))

If a town has adopted an ordinance to establish or recertify town council districts, the town council must also adopt an ordinance to establish town council district boundaries in 2022 and each ten years after each subsequent U.S. census is conducted. (IC 36-5-2-4.1(g))

The town must specify by ordinance how town council members are to be elected from these districts. The ordinance may provide: (1) that all council members must reside in their districts but are to be elected at large by all the voters of the town; (2) that all council members must reside in their districts, but are elected only by the voters of that district; or (3) or some combination of (1) and (2) specified by the ordinance. (IC 36-5-2-5)

Consult with the town clerk-treasurer or town attorney for more information about any such ordinances.

Town Clerk-Treasurer

Each town is required to elect a town clerk-treasurer. The town clerk-treasurer is elected by all the voters of the town. (IC 36-5-6-4)

IC 3-8-1-1 provides that:

“ . . . (b) A person is not qualified to run for: . . .

(2) A local office; . . .

unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination.”

IC 3-8-1-5 provides that:

“Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction for which the convicted person might have been imprisoned for more than one (1) year.

(c) A person is not disqualified under this section for:

(1) a felony conviction for which the person has been pardoned;

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

(D) not entered because the trial court did not accept the person's guilty plea; or

(E) expunged under IC 35-38-9; or

(3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.

(d) A person is disqualified from assuming or being a candidate for an elected office if:

(1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;

(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;

(3) in a:

(A) jury trial, a jury publicly announces a verdict against the person for a felony;

(B) bench trial, the court publicly announces a verdict against the person for a felony; or

(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;

(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;

(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;

(6) the person is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or

(7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:

(1) jury has announced its verdict against the person for a felony;

(2) court has announced its verdict against the person for a felony; or

(3) person has pleaded guilty or nolo contendere to a felony;

does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:

“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.

(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

(4) A candidate for a local office..., in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).” (Subdivision 3 requires certain judge and prosecutor candidates to already file statements of economic interest)

A candidate for local office (other than judge or prosecuting attorney) is required to file a statement of economic interest (CAN-12). **The circuit court clerk must reject a declaration of candidacy that does not include the CAN-12 statement.** This form is available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office.

Town Judge

Each town is required to elect a town judge if the town has created a town court by ordinance. (IC 33-35-1-1) The town judge is elected by all the voters of the town. (IC 33-35-1-3)

IC 3-8-1-1 does not apply to a candidate for judge of a town court.

IC 3-8-1-1.5 provides that:

“(b) A person is not qualified to run for [town judge] unless not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination the person is registered to vote in a county in which the municipality is located.

(c) Except as provided in [IC 33-35-5-7.5](#), before a candidate for the office of judge of a ... town court may file a:

- (1) declaration of candidacy or petition of nomination;
- (2) certificate of candidate selection under [IC 3-13-1-15](#) or [IC 3-13-2-8](#); or
- (3) declaration of intent to be a write-in candidate or certificate of nomination under [IC 3-8-2-2.5](#) or [IC 3-10-6-12](#);

the candidate must be an attorney in good standing admitted to the practice of law in Indiana.

IC 3-8-1-5 provides that:

“Sec. 5. (a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction for which the convicted person might have been imprisoned for more than one (1) year.

(c) A person is not disqualified under this section for:

- (1) a felony conviction for which the person has been pardoned;
- (2) a felony conviction that has been:
 - (A) reversed;
 - (B) vacated;
 - (C) set aside;
 - (D) not entered because the trial court did not accept the person's guilty plea; or
 - (E) expunged under IC 35-38-9; or
- (3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.

(d) A person is disqualified from assuming or being a candidate for an elected office if:

- (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
- (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
- (3) in a:
 - (A) jury trial, a jury publicly announces a verdict against the person for a felony;
 - (B) bench trial, the court publicly announces a verdict against the person for a felony; or
 - (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
- (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
- (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;
- (6) the person is subject to:
 - (A) 5 U.S.C. 1502 (the Little Hatch Act); or
 - (B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or

(7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:

- (1) jury has announced its verdict against the person for a felony;
- (2) court has announced its verdict against the person for a felony; or
- (3) person has pleaded guilty or nolo contendere to a felony;

does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:

“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.
(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

(4) A candidate for a local office..., in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).” (Subdivision 3 requires judge and prosecutor candidates to already file statements of economic interest)

A candidate for town judge is required to file a statement of economic interest for judges and judicial candidates with the Commission on Judicial Qualifications and then provide a filed copy of the statement with their candidate filing. **The circuit court clerk must reject a declaration of candidacy that does not include the filed copy of the candidate’s statement of economic interest.** This statement of economic interest is available from the Commission on Judicial Qualifications.

B. Democratic and Republican Candidates Nominated at Primary Elections

A small town may adopt an ordinance to elect some or all of the town’s officers in 2026. (IC 3-10-7-2.7; IC 3-10-7-2.9) A town may also adopt an ordinance providing for the nomination of Democratic and Republican candidates at a primary election. (IC 3-8-5-2). If major party candidates are to be nominated for election to a town office at a primary election to be held on May 2, 2023, the same filing, political party affiliation, and candidate withdrawal requirements apply that are applicable to such candidates for county offices.

C. Democratic, Libertarian, and Republican Party Candidates Nominated At Town Conventions

1. Filing Requirements

A candidate for nomination to a town office by the Democratic, Libertarian, or Republican Party must file a declaration of candidacy with the county election board. (IC 3-8-2-6)

Whenever the election district for a town office includes more than one county, the declaration of candidacy must be filed with the county election board located in the county seat of the county that contains the greatest percentage of population of the election district. (IC 3-8-2-6)

Candidate Filing Deadlines

The **first day** to file a declaration of candidacy (CAN-16) and the applicable statement of economic interest form for office in a small town is **Wednesday, January 4, 2023**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, on Tuesday, August 1, 2023**.

The Town Office Declaration of Candidacy by a Democratic, Libertarian, or Republican Candidate When No Town Primary is Conducted in 2023 (CAN-16) and the Statement of Economic Interests for Local and School Board Offices (CAN-12) are available from the Election Division’s office and each circuit court clerk’s office. A CAN-16 and CAN-12 are included in this *Guide* under the *Candidate’s Forms* tab. The statement of economic interest to be filed by candidate for city judge is available at the Office of the Commission on Judicial Qualifications.

Town Convention Candidate Filing Deadlines

Monday, August 21, 2023, is the last day for the Democratic, Libertarian, and Republican parties to conduct a town convention to choose between competing candidates in the same party for the same town office. (IC 3-8-5-10; IC 3-8-5-17)

Monday, August 28, 2023, by 12:00 noon, prevailing local time, is the last day for the Democratic, Libertarian, and Republican party chairman and secretary of a town convention to file a certificate of nomination (CAN-18) with the county

election board setting forth the nominees of the Democratic, Libertarian, or Republican party town convention. (IC 3-8-5-13; IC 3-8-5-17)

2. Candidate Withdrawal Requirements

Tuesday, August 1, 2023, by 12:00 noon, prevailing local time is the **DEADLINE** an individual may file a notice of withdrawal of a declaration of candidacy previously filed with the county election board to be the nominee of the Democratic, Libertarian, or Republican Party for town office in a small town. (IC 3-8-5-10.5; IC 3-8-5-14.5; IC 3-8-5-17) **Notice to withdraw candidacy presented after August 1, 2023, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The municipal election candidate withdrawal (CAN-46) is available from the Election Division's office and each circuit court clerk's office. A CAN-46 is included in this *Guide* under the *Candidate's Forms* tab.

Town Convention Candidate Withdrawal

A Democrat, Republican, or Libertarian candidate who wishes to withdraw from the race following nomination at the convention must file their written notice of withdrawal no later than **12:00 noon, prevailing local time, three (3) days after the adjournment of the convention.** (IC 3-8-5-14.5; IC 3-8-5-17) **A notice to withdraw filed after 12:00 noon, local prevailing time, three (3) days following adjournment of the convention will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

There is no state-approved town office convention candidate withdrawal form. The CAN-46 can be adapted for this purpose.

D. Libertarian Party Candidates Where a Primary Election Was Conducted

1. Filing Requirements

If a "small town" passes a resolution for the county election board to conduct a May Primary Election, then the Libertarian Party candidates will be nominated by political party convention. (IC 3-8-5-17) Libertarian Party candidates for small town office file for office and are nominated according to "C. Democratic, Libertarian, and Republican Party Candidates Nominated at Town Conventions" when the Democratic and Republican parties conduct a primary election to determine their nominees for small town office.

E. Minor Party and Independent Candidates

1. Filing Requirements

This section addresses the filing and petition requirements for a person who does not intend to affiliate with the Democratic, Libertarian or Republican Party, and who does not intend to be a write-in candidate.

A person who wishes to become an independent candidate or a candidate of a minor party not qualified to nominate candidates in a primary election or by political party convention, and who wishes be a candidate for a town office at the municipal election, must file a written consent to become a candidate for the town office (CAN-45), a petition of nomination (CAN-44), and the applicable statement of economic interests form with the county election board. (IC 3-8-6-12; 3-8-6-14(a)) Indiana law requires the county to reject a petition that does not include a statement of economic interests. (IC 3-8-9-6)

More than one minor party candidate can be nominated on the same petition form if each of the candidates is seeking an office that serves the entire town (town clerk-treasurer and at large town council member, for example). If offices serve different legislative districts (such as town council members elected only by voters of a specific district), then the candidates for office must use separate petition forms.

Only one (1) independent candidate for town office can be nominated on the same petition form. (IC 3-8-6-4)

Each candidate nominated by petition of nomination must satisfy all statutory eligibility requirements for the office for which the candidate is nominated. (IC 3-8-6-14)

The written consent (CAN-45), petition of nomination (CAN-44), and statement of economic interests (CAN-12) are available from the Election Division's office, the Division's website, and each circuit court clerk's office. The statement of economic interest to be filed by candidate for city judge is available at the Office of the Commission on Judicial Qualifications.

To be placed on the municipal election ballot, an independent or minor party candidate must obtain signatures of registered voters in the election district the candidate seeks to represent. A petition of nomination must be signed by the number of registered voters equal to 2% of the total votes cast for secretary of state in the 2022 general election **in the election district** the candidate seeks to represent. Any fraction in excess of a whole number is disregarded in computing this figure. (IC 3-8-6-3) Signatures on any petition of nomination must be those of registered voters of the state who reside in the district the candidate seeks to represent. (IC 3-8-6-2)

EXAMPLE: A candidate for the office of town council member must obtain signatures of registered voters equal to 2% of the total votes cast for **all** candidates for secretary of state in the 2022 general election in that town council district.

Circuit court clerks will have information on the votes by precinct for the office of secretary of state in the 2022 general election to help determine the number of signatures required for a candidate seeking ballot placement by petition of nomination. However, the candidate may be required to make an initial calculation of the number of votes cast for secretary of state within the town council district, or the town as a whole. In some cases, there may not be an exact match between town council districts and precinct boundaries, so a precise minimum number of signatures necessary for ballot access may be impossible to calculate. Candidates seeking nomination by petition may wish to use a higher figure based on the votes cast for this office in all precincts **wholly or partially** within the town or town council district to ensure that the candidate has a sufficient number of valid signatures.

The **first day** a candidate for a town office may submit the petition of nomination (CAN-21) to the county voter registration office for certification is **Wednesday, January 4, 2023**, and the **DEADLINE** for filing petitions for review by county voter registration officials is **12:00 noon, prevailing local time, Friday, June 30, 2023**. (IC 3-8-6-10; IC 3-5-4-1.5)

Additionally, in a county that does not have a separate board of registration, the applicable statement of economic interest form must be filed with the circuit court clerk or the Lake, Porter, and Tippecanoe County Board of Elections and Registration at the time the candidate's petitions (CAN-44) are filed for review and certification. In the few counties with a separate board of registration, the applicable statement of economic interest form is filed with the county clerk after the signatures on the petitions have been certified by the board of registration. (IC 3-8-9-5) As of September 2022, Allen, La Porte, Madison, Marion, St. Joseph, Vanderburgh, and Vigo counties have a separate board of registration

For candidates for town offices, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-45) and the applicable statement of economic interest form must be filed with the county election board. In most counties, the **DEADLINE** for filing the petition of nomination (CAN-44), accompanied by the written consent form (CAN-45) and the applicable statement of economic interest form with the county election board is **12:00 noon, prevailing local time, Monday, July 17, 2023**. (See note above about when the statement of economic interests are to be filed.) (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5; IC 3-8-9-5)

In the counties with a separate board of registration, the **DEADLINE** for filing the applicable statement of economic interest form, certified petition of nomination (CAN-44), and written consent (CAN-45) with the county election board is **12:00 noon, prevailing local time, Monday, July 17, 2023**. (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5; IC 3-8-9-5)

The county voter registration office must file the certified petitions of nomination with the county election board. However, the candidate for a town office may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-45 and statement of economic interest) with the county election board to be placed on the municipal election ballot. (IC 3-8-6-10)

The county clerk or the director of the Lake and Porter County Boards of election and registration shall determine whether a sufficient number of signatures as required have been obtained and certify the petition if it includes a sufficient number of signature or deny the certification if it does not. If the petition is denied, the circuit court clerk shall notify the candidate

immediately by certified mail. (IC 3-8-6-12)

2. Nominating Petition Requirements

Candidates or political party members may wish to contact county voter registration offices to coordinate the processing of nominating petitions. Some county offices prefer to process all petitions for a candidate at the same time, while others are willing to process partial submissions.

A petition carrier is required to sign an affidavit at the bottom of each page of the petition prior to filing with the county voter registration office. A petition carrier is required to fully complete and affix their signature to the affidavit at the bottom of each page of the petition prior to filing with the county voter registration office. If the petition carrier information is incomplete, then the county voter registration office may not process the signature page but must give the best possible notice to the petition carrier who submitted the signature page to allow for the correction. The petition carrier may correct the missing information concerning the petition carrier up to the final date an hour for filing the petition with the county voter registration office. If the information is not completed by this deadline, then the signature page may not be processed. (IC 3-6-12)

For a petition of nomination to be considered valid, the county voter registration office in the county where the individual signing the petition is registered must certify whether each person who signs the petition is a registered voter at the residence listed in the petition at the time the county processes the petition and in the election district the candidate seeks to represent. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-44 form.) (IC 3-8-6-10; IC 3-8-6-11)

Sometimes a county voter registration office rejects a signature on a nominating petition because the individual who signed the petition is not a registered voter of the election district for the office sought by the candidate, or has changed the individual's address without notifying the county voter registration office. (IC 3-8-6-8) A person's residence address on the petition must conform to the residence address on the person's voter registration record at the time the petition is processed. (IC 3-8-6-6) Although a minor variation between the name or address of a petition signer and the name or address on the county voter registration records does not invalidate the signature, a substantial variation renders the signature invalid. Reasonable doubts must be resolved in favor of the signer of the petition. (IC 3-5-6)

3. Political Party Names

A candidate may not submit a petition of nomination requesting ballot placement for a political party whose name would result in voter confusion due to its similarity with another party's name. If the candidate declines to amend the petition to remove this confusion, the petition may be challenged, and shall be denied by the county election board if the board finds that confusion would exist. (IC 3-8-6-5.5) A candidate must indicate whether the candidate is affiliated with any other candidate or group of candidates filing a petition under the same political party name. (IC 3-8-6-5)

4. Candidate Withdrawal Requirements

The **DEADLINE** for a person nominated by petition for a town office who wishes to withdraw from the municipal election ballot to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2023.** (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the municipal election. **Notice to withdraw candidacy presented after July 17, 2023, at 12:00 noon, prevailing location time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The municipal election candidate withdrawal (CAN-46) is available from the Election Division's office and each circuit court clerk's office.

Filling Candidate Vacancies

Monday, August 28, 2023, by 12:00 noon, prevailing local time, is the last day for a town chairman of a political party that submitted a petition of nomination for the election of candidates to town office to file a certificate of candidate selection to fill any candidate vacancy. The certificate must be accompanied by the candidate's written consent to the selection. (IC 3-13-1-18)

F. Write-in Candidates

1. Filing Requirements

Indiana law provides that only votes for declared write-in candidates are counted. (IC 3-12-1-1.7(a))

A person who desires to be a write-in candidate for a town office in the municipal election on Tuesday, November 7, 2023, must file a declaration of intent to be a write-in candidate (CAN-51) and the applicable statement of economic interest form with the county election board. (IC 3-8-2-2.5) Indiana law requires the county to reject a declaration that does not include a statement of economic interests. (IC 3-8-9-6)

The CAN-51 and CAN-12 are available from the Election Division's office, the Division's website, and each circuit court clerk's office. The statement of economic interest to be filed by candidate for city judge is available at the Office of the Commission on Judicial Qualifications.

The **first day** a write-in candidate may file the CAN-51 and the applicable statement of economic interest form with the county election board is **Wednesday, January 4, 2023**, and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Monday, July 3, 2023**. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5)

2. Candidate Withdrawal Requirements

The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for a town office to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2023**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the municipal election. **Notice to withdraw candidacy presented after July 17, 2023, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The municipal election candidate withdrawal (CAN-46) is available from the Election Division's office, the Division's website, and each circuit court clerk's office.

3. Political Party Affiliation

A write-in candidate may claim affiliation with a political party other than the Democratic, Libertarian, or Republican Parties (the parties whose nominee for Secretary of State of Indiana received at least 2% of the total votes cast in the most recent election for the office of Secretary of State (November 2022)). (IC 3-8-2-2.5)

However, if a write-in candidate claims affiliation with a political party: (1) that already has ballot access, (2) of a candidate who has previously filed a petition of nomination under IC 3-8-6, or (3) whose name would result in voter confusion due to its similarity with the name of the political party in (1) or (2), then a registered voter in the election district may question the validity of the filing under IC 3-8-1-2. The county election board shall determine the validity of the questioned filing. If the county election board determines that the candidate's stated party affiliation would result in voter confusion due to its similarity with another party's name, and the candidate declines to amend the declaration to remove this confusion, then the board shall deny the filing. (IC 3-8-2-12.5)

APPENDIX

Candidate Forms

Below are some of the forms used in the 2023 Primary and General elections for candidates to use. These forms are not included in this *Guide*. Election forms, including those used by candidates or campaign finance committees, can be found in the “election Administrators’ Portal” or “Candidate Information” tab on www.in.gov/sos/elections or through the state’s Forms Management website: www.forms.in.gov. County election administrators also have access to forms on the INSVRS County Portal.

CAN-1	Candidate Filing Challenge
CAN-12	Statement of Economic Interest for Local and School Board Offices
CAN-16	Town Office Declaration of Candidacy by a Democratic, Libertarian, or Republican Party Candidate when No Town Primary is Conducted in 2023
CAN-42	Declaration of Candidacy for Municipal Primary Nomination in 2023
CAN-43	Municipal Primary Election Candidate Withdrawal in 2023
CAN-44	Petition of Nomination for City or Town Office in 2023
CAN-45	Consent of Independent or Minor Political Party Candidate Nominated by Petition For a City or Town Office in 2023
CAN-46	Municipal Election Candidate Withdrawal in 2023
CAN-48	Declaration of Candidacy and Written Consent to Fill a Ballot Vacancy For a City or Town Office in 2023
CAN-51	Declaration of Intent to be a Write-in Candidate for a City or Town Office in 2023

Indiana Election Commission Opinion

Advisory Opinion 2015-1: Concerning restrictions on use of “officeholder” information in campaign advertisements (IC 3-9-3-5)

ADVISORY OPINION 2015-1

INDIANA ELECTION COMMISSION

COUNTY OF MARION)
)
STATE OF INDIANA) IN RE: INQUIRY CONCERNING
) INDIANA CODE 3-9-3-5 (FALSE REPRESENTATION
) AS AN "OFFICEHOLDER" IN CAMPAIGN
) MATERIALS)

WHEREAS, pursuant to IC 3-6-4.1-25, the Indiana Election Commission may issue advisory opinions as part of the Commission's duty to administer Indiana election laws under IC 3-6-4.1-14(a)(1);

WHEREAS, the Commission reviewed an inquiry to the Election Division dated July 14, 2014 concerning whether a candidate must use words or phrases such as "elect", "vote", or "for", in campaign materials to comply with the requirement under Indiana Code 3-9-3-5 that a person not knowingly or intentionally authorize, finance, sponsor, or participate in the preparation, distribution, or broadcast of paid political advertising or campaign material that falsely represents that a person is or has been an "officeholder" (as defined by that statute);

WHEREAS, the Commission, upon duly considering this matter, has determined that the adoption of an advisory opinion by the Commission will benefit the administration of Indiana election laws;

IT IS THEREFORE ORDERED:

SECTION 1. This Advisory Opinion applies to a person subject to Indiana Code 3-9-3-5.

SECTION 2. Indiana Code 3-9-3-5 which provides that

"Sec. 5. (a) This section does not apply to the following:

(1) A communication relating to an election to a federal office.

(2) A person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the advertising or material containing the false representation.

(b) As used in this section, "officeholder" refers to a person who holds an elected office.

(c) A person may not knowingly or intentionally authorize, finance, sponsor, or participate in the preparation, distribution, or broadcast of paid political advertising or campaign material that

falsely represents that a candidate in any election is or has been an officeholder."

does not require that advertising or campaign material include words or phrases such as "elect", "vote", or "for", in campaign materials to comply with IC 3-9-3-5. Specifically, advertising or campaign material containing text such as "John Doe County Assessor",

for example, does **not** require inserting these words or phrases so that the communication would read "*Elect John Doe County Assessor*" or "*John Doe for County Assessor*" for the communication to comply with IC 3-9-3-5.

SECTION 3. In providing advice and instruction to candidates, political parties, county election boards, and other interested persons regarding the issues addressed by this order, the Election Division shall refer to this Order and advise candidates, political parties, county election boards, and other interested persons to proceed accordingly until the matter is addressed by the Indiana General Assembly.

SECTION 4. The Commission respectfully recommends to the Indiana General Assembly that the policy set forth in this Advisory Opinion be codified by enacting appropriate remedial legislation.

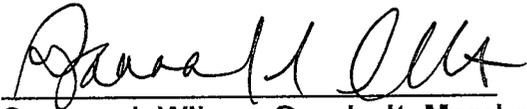
SECTION 5. The Commission directs that the Election Division promptly forward a copy of this Advisory Opinion to each county election board, and to the State Chair of the Democratic Party, Libertarian Party, and Republican Party.

ISSUED THIS THE 21st DAY OF July, 2015:

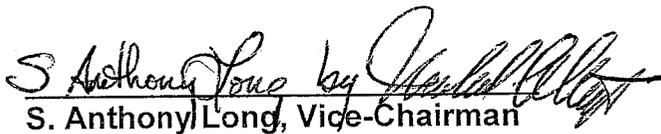
THE INDIANA ELECTION COMMISSION:



Bryce H. Bennett, Jr., Chair



Suzannah Wilson Overholt, Member



S. Anthony Long, Vice-Chairman



Zachary E. Klutz, Member