2011
Indiana
Candidate Guide

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Indiana Election Division
302 West Washington Street
Indiana Government Center South, Room E-204
Indianapolis, IN 46204-2743
(317) 232-3939 * (800) 622-4941 in Indiana
FAX: (317) 233-6793
www.in.gov/sos/elections
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Important Note about
Using the 2011 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 an election law, the election law 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 (e.g. "IC 3-8-2-5" means Indiana Code title 3, article 8, chapter 2, section 5).

Consult the Indiana Code and the 2010 Indiana Election Code to check for changes or updates to the election statutes. Become familiar with the laws governing your candidacy and the office you seek. The 2010 version of the Indiana Code is available on the Internet at *www.in.gov/legislative/ic/code*.

The information in this Guide reflects Indiana law as of November 1, 2010. 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
10 W. Ohio Street, #1575
Indianapolis, IN 46204-2986
(317) 684-3710
www.indianacounties.org

Indiana Association of Cities & Towns
Station Place
200 South Meridian Street, Suite 340
Indianapolis, IN 46204
317) 237-6200
www.citiesandtowns.org

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

Note about Lake County and Tippecanoe County Boards of Elections and Registration: Each county, with the exception of Lake County and Tippecanoe County, has a county election board. In Lake 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)) For Lake 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 and Tippecanoe County. References to circuit court clerk refers to the Lake 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.

Indiana Election Division Staff
317.232.3939 or 1.800.622.4941
www.in.gov/sos/elections

J. Bradley King, Division Co-Director
Pamela Potesta, Division Co-Director
Leslie Barnes, Co-General Counsel
Dale Simmons, Co-General Counsel
Abigail Taylor, Campaign Finance Coordinator
Michelle Thompson, Campaign Finance Coordinator
Lori Clark, Precinct Mapping and Voter Registration
Ryan Kruse, Precinct Mapping and Voter Registration
Kimmy Hollowell-Williams, Executive Assistant
Candy Metcalf, Administrative Assistant

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GENERAL INFORMATION

ELECTION FORMS

Several candidate-related election forms are included in this Guide. On December 13-15, 2010, the Election Division will provide a copy of all election-related forms to each circuit court clerk. 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 Election Division's office and on the 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 Commission 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.

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 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;11-10)." 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.

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.

IMPORTANT VOTER REGISTRATION INFORMATION

Candidates sometimes provide voter registration applications to potential voters. If the candidate keeps the completed application, the candidate is responsible for ensuring that the completed application is received by the appropriate county voter registration office NO LATER THAN THE REGISTRATION DEADLINE for the PRIMARY ELECTION (close of business on April 4, 2011) or the MUNICIPAL ELECTION (close of business on October 11, 2011). A candidate who recklessly fails to file the completed applications is subject to penalties under federal and state law.

STATE AND FEDERAL ELECTION REFERENCES

State Offices		
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	Secretary of State Administrative Division 200 West Washington Street State House, Room 201 Indianapolis, IN 46204 (317) 232-6531 www.in.gov/sos	Inspector General State Ethics Commission 315 West Ohio Street, Room 104 Indianapolis, IN 46202 (317) 232-3850 www.in.gov/ethics
Principal Clerk Indiana House of Representatives State House, Room 3A-8 200 West Washington Street Indianapolis, IN 46204 (317) 232-9974 www.in.gov/legislative	Principal Secretary Indiana State Senate State House, Room 3A-N 200 West Washington Street Indianapolis, IN 46204 (317) 232-9421 www.in.gov/legislative	State Court Administration 115 West Washington Street, Suite 1080 Indianapolis, IN 46204 (317) 232-2542 www.in.gov/judiciary

Federal Offices			
U. S. Election Assistance Commission 1201 New York Avenue N.W. Suite 300 Washington, DC 20005 (202) 566-3100 * (866) 747-1471 www.eac.gov	Federal Election Commission 999 E Street, N.W. Washington, D.C. 20463 (800) 424-9530 * (202) 694-1100 www.fec.gov	**House Standards of Official Conduct Committee** HT-2, U.S. Capitol Building Washington, D.C. 20515 (202) 225-7103 www.house.gov/ethicsreform	Secretary of the Senate Office of Public Records 220 Hart Office Building Washington, D.C. 20510

Political Parties		
Democratic State Central Committee 115 West Washington Street, #1165 Indianapolis, IN 46204 (317) 231-7100 or 800-223-3387 www.indems.org	Libertarian Party of Indiana 156 East Market Street, Suite 405 Indianapolis, IN 46205 (317) 920-1994 www.lpin.org	Republican State Central Committee 47 South Meridian Street, 2nd Floor Indianapolis, IN 46204 (317) 635-7561 or 800-466-1087 www.indgop.org

PLACEMENT ON THE BALLOT

Candidate Challenges

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 city or town offices come before the county election board for resolution. In a small town which has established a town election board under IC 3-10-7, a candidate challenge comes before the town election board. However, any decision of the town election board may be appealed to the appropriate county election board (IC 3-10-7-35).

Before an election board may consider a challenge to a candidate, a registered voter of the election district that the candidate seeks to represent must file a sworn statement with 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. A CAN-1 is included under the *Candidate Forms* tab of this Guide.

There is one exception to the requirement that a registered voter of the election district must file a candidate challenge. A 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. 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 county election board by the candidate by filing the CAN-1 Form. (IC 3-8-1-2; 3-8-6-12)

An election board must determine the validity of the candidate's filing. 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))*

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 filings 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. (IC 3-8-2-18)

All 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, 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 an 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 the circuit court for a decision in the same manner that other administrative decisions are appealed. This appeal must be filed with the appropriate circuit court not later than thirty (30) days after the election board makes the decision subject to the appeal (IC 3-6-5-34; 3-6-5.2-9; 3-6-5.4-10)

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:

Judith Anne Smith
J. Anne Smith
Judith A. Smith
Judith Smith
Anne Smith
J.A. Smith
J. Smith
A. Smith
Judith (Judy) Anne Smith
Judy Smith

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*.

EXAMPLES: 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.

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 for an election and the candidate wishes the ballot changed to reflect the new name, the candidate must provide pasters to the county election board at the candidate's expense. If the candidate does not do so, the county election board is not required to reprint ballots to reflect the new name. (IC 3-11-3-29)

Candidate Vacancies

There are several reasons why a “candidate vacancy” may occur on a primary or municipal election ballot. However, the procedures and deadlines for filling these vacancies vary considerably.

If No Candidate Runs In a Major Party Primary

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.

For city and town offices, the county chairman calls a caucus of the precinct committeemen within the district. However, if the county committee has adopted a resolution to delegate this candidate vacancy filling authority to the county chairman (or to the chairman, vice-chairman, secretary, and treasurer of the county committee), then the candidate vacancy may be filled by direct appointment, without conducting a caucus. (IC 3-13-1-6; 3-13-1-7; 3-13-1-8)

If a chairman calls a caucus of the political party to fill a ballot vacancy, the chairman must employ a form (CAN-47) prescribed by the Indiana Election Commission. A CAN-47 is available from the Election Division’s office and each circuit court clerk’s office.

A person who wishes to be selected by the caucus to fill a ballot vacancy for a city or town office must file a 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 under the *Candidate Forms* tab of this Guide.

The deadline for the Democratic or Republican Party to conduct a political party caucus to fill a vacancy existing on the municipal election ballot resulting from a vacancy on the primary election ballot is Thursday, June 30, 2011. (IC 3-13-1-2; IC 3-13-1-7)

After the political party fills this vacancy, the chairman must file a written certificate with the circuit court clerk if the nomination is for a city or town office. (CAN-49 form) The CAN-49 form is available from the Election Division's office or each circuit court clerk's office. The certificate must be filed **no later than 12:00 noon, prevailing local time, Tuesday, July 5, 2011. (IC 3-13-1-2; IC 3-13-1-7; IC 3-13-1-15)**

Filling a Ballot Vacancy Due to the Death, Withdrawal or Disqualification of a Candidate

When a candidate 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), the 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 form) no later than three days (excluding Saturdays and Sundays) after the party fills the candidate vacancy. (IC 3-13-1-15)

Late Vacancy Special Procedures

If a candidate dies, withdraws or is disqualified during the final thirty (30) days before the election, state law provides special expedited procedures for filling the vacancy. In most cases, the 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 a candidate vacancy during the final five (5) days before an election, state law does not require a county election board to reprint ballots or use pasters to include the name of the successor candidate on the ballot. (IC 3-11-3-29.5)

Libertarian Party Candidates

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 Thursday, June 30, 2011. (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 circuit court clerk). (IC 3-13-1-20)

Once the Libertarian Party fills a vacancy for a city or town office, the county chair and secretary must file a certificate of nomination with the county election board. **The Party must file the certificate no later than noon, Tuesday, July 5, 2011. (IC 3-13-1-20)**

If a vacancy occurs for any other reason, the same procedure applies, but the certificate must be filed no later than three days (excluding Saturdays and Sundays) after the selection of the candidate. (IC 3-13-1-20)

Candidate Vacancies on a Petition of Nomination

If a candidate for city or town office is not affiliated 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 county election board. (IC 3-8-6-17) (CAN-40 form and CAN-45 form)

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 a city or town office, the county chairman must file the statement with the county election board. (IC 3-8-6-17)

The statement must be filed no later than noon, Tuesday, September 13, 2011. 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)

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 with the county election board no later than **12:00 noon, prevailing local time, Monday, August 29, 2011.** (IC 3-13-1-18)

Independent Candidates and Write-ins

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 candidate.

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; 3-14-5-3)

Indiana law also requires that a county election board forward all voter challenge affidavits 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)*

Indiana election law provides that the following offenses are Class D felonies, which subject a person to up to three years of imprisonment, a $10,000 fine, or both, upon conviction. <u>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.</u>

(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)
(3) Conspiring with a person to encourage an individual to submit a false registration application or to vote illegally. (IC 3-14-2-1)
(4) Paying or accepting payment for applying for or casting an absentee ballot. (IC 3-14-2-1)
(5) Paying or accepting payment for registering to vote or voting. (IC 3-14-2-1)
(6) Solicit a person known to be ineligible to vote to complete or submit an absentee ballot application. (IC 3-14-2-2.5)
(7) Sign another person's name to an absentee ballot application that contains a false statement. (IC 3-14-2-3)
(8) Sign 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)
(9) 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)
(10) Receiving from a voter a ballot prepared for voting, except by an inspector, county election board member, absentee voter board member, or a member of the voter's household or an individual designated as the attorney in fact for the voter, 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)
(11) Delivering an absentee ballot to an election official that is not the ballot cast by the voter. (IC 3-14-2-16)
(12) Interfering with a watcher. (IC 3-14-3-3)
(13) 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)
(14) Failing to receive the vote of a legal voter. (IC 3-14-3-9)

(15) Interfering with the secrecy of voting. (IC 3-14-3-11)
(16) 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)
(17) Inducing or procuring a person to apply for or cast an absentee ballot or vote or refrain from voting for or against a candidate by giving, offering, or promising money or other property. (IC 3-14-3-19)
(18) Receiving, accepting, requesting or soliciting money or other property to apply for or cast an absentee ballot or to vote or refrain from voting for or against a candidate. (IC 3-14-3-20)
(19) 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)
(20) 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)

See the *2011 Election Administrator's Manual*, published by the Indiana Election Division, for information regarding other criminal violations of the election laws. See the *2011 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 *2011 Voter Registration Guidebook*, published by the Indiana Election Division, for information regarding criminal violations of the voter registration law.

CAMPAIGN FINANCE INFORMATION

The 2011 Indiana Campaign Finance Manual is available from the Indiana Election Division's office and on the Division's website at *www.in.gov/sos/elections,* along with the forms required for campaign finance filings with the County Election Boards.

CITY OFFICES

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

TOWN OFFICES

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

CITY OFFICES

MAYOR
CITY-COUNTY COUNCIL
CITY COMMON COUNCIL
CITY CLERK
CITY CLERK-TREASURER
CITY JUDGE

A. Qualifications

1. 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 five (5) years 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:
"… (a) This section does not apply to a candidate for federal office.
(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year. However, the term does not include a conviction:
(1) for which the person has been pardoned; or
(2) that has been:
(A) reversed;
(B) vacated;
(C) set aside; or
(D) not entered because the trial court did not accept the person's guilty plea.
(c) 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; or

(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.

(d) The subsequent reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 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 (c).”

2. 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 certification 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 two (2) years 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:

"(a) This section does not apply to a candidate for federal office.
(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year. However, the term does not include a conviction:
(1) for which the person has been pardoned; or
(2) that has been:
(A) reversed;
(B) vacated;
(C) set aside; or
(D) not entered because the trial court did not accept the person's guilty plea.
(c) 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; or
(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.
(d) The subsequent reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 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 (c)."

2. 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 certification 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:
"…(a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year. However, the term does not include a conviction:

(1) for which the person has been pardoned; or
(2) that has been:
(A) reversed;
(B) vacated;
(C) set aside; or
(D) not entered because the trial court did not accept the person's guilty plea.

(c) 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; or
(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.

(d) The subsequent reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 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 (c).

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-nine (29) members: twenty-five (25) members elected by voters in each of the 25 city-county council districts, plus four (4) additional members elected at large by all the voters of the city. (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.

3. 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:
'…(a) This section does not apply to a candidate for federal office.

(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year. However, the term does not include a conviction:

(1) for which the person has been pardoned; or

(2) that has been:

(A) reversed;

(B) vacated;

(C) set aside; or

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

(c) 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; or

(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.

(d) The subsequent reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 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 (c)."

4. 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)

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

IC 3-8-1-5 provides:
"…(a) This section does not apply to a candidate for federal office.
(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year. However, the term does not include a conviction:
(1) for which the person has been pardoned; or
(2) that has been:
(A) reversed;
(B) vacated;
(C) set aside; or
(D) not entered because the trial court did not accept the person's guilty plea.
(c) 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; or
(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.
(d) The subsequent reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 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 (c)."

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."

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 a declaration of candidacy or declaration of intent to be a write-in candidate under IC 3-8-2, a petition of nomination under IC 3-8-6, or 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 or IC 3-13-2-8."

City Judges in

(1) Anderson City Court
(2) Carmel City Court
(3) City Court Located in Lake County
(4) Greenwood City Court
(5) Martinsville City Court
(6) Muncie City Court
(7) Noblesville City Court

IC 3-8-1-28.5 provides that:
"…(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 3, 2011.

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 declaration of candidacy with the county election board. (IC 3-8-2-5) *(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 to the county election board is **Wednesday, January 19, 2011**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, Friday, February 18, 2011**. (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy presented for filing after February 18, 2011 at 12:00 noon cannot be accepted and will not be considered valid.**

The declaration of candidacy form (CAN-42) is available from the Election Division's office and each circuit court clerk's office. A CAN-42 is included in this Guide under the *Candidate Forms* tab.

2. Candidate Withdrawal Requirements

Primary Election Candidate Withdrawal

A candidate for a 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 is **12:00 noon, prevailing local time, Monday, February 21, 2011**. (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 21, 2011 at 12:00 noon 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 primary election candidate withdrawal form (CAN-43) is available from the Election Division's office and each circuit court clerk's office. A CAN-43 is included in this Guide under the *Candidate Forms* tab.

Municipal Election Candidate Withdrawal

If a nominee for a city office wishes to withdraw from the municipal election ballot, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice is **12:00 noon, prevailing local time, on Friday, July 15, 2011.** (IC 3-8-7-28) 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 15, 2011 at 12:00 noon 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 candidate withdrawal form (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 Forms* tab.

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.

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 Friday, July 15, 2011**. (IC 3-8-7-28) 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 15, 2011 at 12:00 noon 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 candidate withdrawal form (CAN-46) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

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 city office at the municipal election, must file a written consent to become a candidate for the city office (CAN-45 form) and a petition of nomination (CAN-44 form) with the county election board. (IC 3-8-6-12; IC 3-8-6-14(a))

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 city (mayor, city clerk, and at large city common council member, for

example). If offices serve different legislative districts (such as city common council members elected only by voters of a specific district), then the candidates for office must use separate petition forms.

More than one *independent* candidate for city office cannot 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 form (CAN-45) and petition of nomination form (CAN-44) are available from the Election Division's office and each circuit court clerk's office. A CAN-44 and CAN-45 are included in this Guide under the *Candidate Forms* tab.

In order 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 2010 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 common 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 2010 general election in that city council district.

Circuit court clerks should have information on the votes by precinct for the office of secretary of state in the 2010 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 city council district, or the city as a whole. In some cases, there may not be an exact match between city 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 city or city council district to ensure that the candidate has a sufficient number of valid signatures.

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 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)

The **first day** a candidate for a city office may submit the petition of nomination, accompanied by the written consent form (CAN-45) to the county voter registration office for certification is **Monday, January 3, 2011** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Thursday, June 30, 2011.** (IC 3-8-6-12)

For candidates for city offices, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-45 form) must be filed with the county election board. The **DEADLINE** for filing the petition of nomination (CAN-44), accompanied by the written consent form (CAN-45) with the county election board is **12:00 noon, prevailing local time, Friday, July 15, 2011**. (IC 3-8-6-10; IC 3-8-6-12) The county voter registration office 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 form) 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.

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 in the election district the candidate seeks to represent, or has changed the individual's address without notifying the county voter registration office. 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 city 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 Friday, July 15, 2011**. (IC 3-8-7-28) 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 15, 2011 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district that the candidate sought to represent.**

The municipal election candidate withdrawal form (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 Forms* tab.

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 8, 2011 must file a declaration of intent to be a write-in candidate (CAN-51 form) with the county election board. (IC 3-8-2-2.5)

The CAN-51 form is available from the Election Division's office and each circuit court clerk's office. A CAN-51 is included in this Guide under the *Candidate Forms* tab.

The **first day** a write-in candidate may file the CAN-51 form with the county election board is **Monday, January 3, 2011** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Tuesday, July 5, 2011**. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5; IC 3-11-2-11.5)

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 Friday, July 15, 2011**. (IC 3-8-7-28) 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 15, 2011 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district that the candidate sought to represent.**

The municipal election candidate withdrawal form (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 Forms* tab.

3. Political Party Affiliation

A write-in candidate may claim affiliation with a political party. 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 as a candidate affiliated with the Democratic or Republican party. The political party affiliation of this candidate is deemed to be:

(1) the political party in whose primary the candidate most recently voted; 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.

If a candidate has never voted in a primary election, the political party claimed by the candidate determines the candidate's party affiliation. (IC 3-8-2-7)

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)

“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

1. Town Council Members

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

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 certificate of nomination.”

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 3-8-1-5 provides that:
“… (a) This section does not apply to a candidate for federal office.
(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year. However, the term does not include a conviction:
(1) for which the person has been pardoned; or
(2) that has been:
(A) reversed;
(B) vacated;
(C) set aside; or
(D) not entered because the trial court did not accept the person's guilty plea.
(c) 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; or
(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.
(d) The subsequent reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 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 (c)."

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 (2007, 2011, etc.). (IC 3-10-6-2) 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" (2006, 2010), and the other town council members in the ordinary municipal election years (2007, 2011). (IC 3-10-6-2.5)

Some towns 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). 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" (2004, 2008). (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 (2007, 2011), and then electing successors to a full four year term.

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

In some "large 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 (2007, 2011). (IC 3-10-6-7.6) The individuals currently serving in these town offices automatically serve another four year term as "holdovers" under Article 15, Section 3 of the Constitution of the State of Indiana. However, if the town has shifted the election schedule for some or all of

these offices to a general election year, any town candidates will be placed on the general election ballot, even if all town candidates are unopposed.

Districts

As a general rule, town council members in large towns must be elected from districts. The number and boundaries of these districts were originally set by the county commissioners when the town was incorporated by the commissioners and may be recorded in the minutes of the Commissioners' meetings kept by the County Auditor.

In a town with a population of less than 3,500, the town council may adopt an ordinance to abolish town council districts. If this town has also adopted an ordinance to nominate major party candidates for town office by primary election, then all town council candidates in this town will run at large. (IC 36-5-2-4.1(h))

In other towns, the town council must adopt an ordinance to reestablish town council district boundaries in 2012 and each ten years after a 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 to be elected only by the voters of that district; or (3) for 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 (2007, 2011), and for the remaining three (3) members to be elected either in the previous general election year (2006, 2010), or the following general election year (2008, 2012). 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.

2. 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:
"… (a) This section does not apply to a candidate for federal office.
(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year. However, the term does not include a conviction:
(1) for which the person has been pardoned; or
(2) that has been:
(A) reversed;
(B) vacated;
(C) set aside; or

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

(c) 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; or

(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.

(d) The subsequent reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 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 (c)."

3. 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)

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

IC 3-8-1-1.5 provides that:

"… (b) A person is not qualified to run for [town court 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."

IC 3-8-1-5 provides that:

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

(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year. However, the term does not include a conviction:

(1) for which the person has been pardoned; or

(2) that has been:

(A) reversed;

(B) vacated;

(C) set aside; or

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

(c) 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; or

(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.

(d) The subsequent reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 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 (c)."

Town Judges in

(1) Avon Town Court

(2) Brownsburg Town Court

(3) Town Court Located in Lake County

(4) Plainfield Town Court

IC 3-8-1-29.5 provides that:

"… (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 town offices from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 3, 2011.

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 declaration of candidacy with the county election board. (IC 3-8-2-5) ***(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 declaration of candidacy to the county election board is **Wednesday, January 19, 2011**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, Friday, February 18, 2011**. (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy presented for filing after February 18, 2011 at 12:00 noon cannot be accepted and will not be considered valid.**

The declaration of candidacy form (CAN-42) is available from the Election Division's office and each circuit court clerk's office. A CAN-42 is included in this Guide under the *Candidate Forms* tab.

2. Candidate Withdrawal Requirements

Primary Election Candidate Withdrawal

A candidate for a 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 is **12:00 noon, prevailing local time, Monday, February 21, 2011**. (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 21, 2011 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or moves from the election district that the candidate sought to represent.**

The primary election candidate withdrawal form (CAN-43) is available from the Election Division's office and each circuit court clerk's office. A CAN-43 is included in this Guide under the *Candidate Forms* tab.

Municipal Election Candidate Withdrawal

After the primary, if a nominee for a town office wishes to withdraw from the municipal election ballot, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice is **12:00 noon, prevailing local time, on Friday, July 15, 2011.** (IC 3-8-7-28) 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 15, 2011 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or moves from the election district that the candidate sought to represent.**

The municipal election candidate withdrawal form (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 Forms* tab.

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 town offices at the Party's town conventions. 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.

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 Friday, July 15, 2011. (IC 3-8-7-28) 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 15, 2011 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or moves from the election district that the candidate sought to represent.** (IC 3-8-7-28)

The municipal election candidate withdrawal form (CAN-46) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

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 form) and a petition of nomination (CAN-44 form) with the county election board. (IC 3-8-6-12; IC 3-8-6-14(a))

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.

More than one *independent* candidate for town office cannot 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 form (CAN-45) and petition of nomination form (CAN-44) are available from the Election Division's office and each circuit court clerk's office. A CAN-44 and CAN-45 are included in this Guide under the *Candidate Forms* tab.

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 2010 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 2010 general election in that town council district.

Circuit court clerks should have information on the votes by precinct for the office of secretary of state in the 2010 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.

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 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 CAN-44 form.) (IC 3-8-6-10; IC 3-8-6-11)

The **first day** a candidate for a town office may submit the petition of nomination, accompanied by the written consent form (CAN-45) to the county voter registration office for certification is **Monday, January 3, 2011** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Tuesday, July 5, 2001.** (IC 3-8-6-12)

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 form) must be filed with the county election board. The **DEADLINE** for filing the petition of nomination (CAN-44), accompanied by the written consent form (CAN-45) with the county election board is **12:00 noon, prevailing local time, Friday, July 15, 2011**. (IC 3-8-6-10; IC 3-8-6-12) 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 form) 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.

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 in the election district the candidate seeks to represent, or has changed the individual's address without notifying the county voter registration office. 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 town office who wishes to withdraw from the municipal election ballot to file a notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Friday, July 15, 2011**. (IC 3-8-7-28) 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 15, 2011 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or moves from the election district that the candidate has sought to represent.**

The municipal election candidate withdrawal form (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 Forms* tab.

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 town office in the municipal election on Tuesday, November 6, 2007 must file a declaration of intent to be a write-in candidate (CAN-51 form) with the county election board. (IC 3-8-2-2.5)

The CAN-51 form is available from the Election Division's office and each circuit court clerk's office. A CAN-51 is included in this Guide under the *Candidate Forms* tab.

The **first day** a write-in candidate may file the CAN-51 form with the county election board is **Monday, January 3, 2011** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Tuesday, July 5, 2011**. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5; IC 3-11-2-11.5)

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 Friday, July 15, 2011**. (IC 3-8-7-28) 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 15, 2011 at 12:00 noon 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 candidate withdrawal form (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 Forms* tab.

3. Political Party Affiliation

A write-in candidate may claim affiliation with a political party. 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 as a candidate affiliated with the Democratic or Republican party. The political party affiliation of this candidate is deemed to be:

(1) the political party in whose primary the candidate most recently voted; 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.

If a candidate has never voted in a primary election, the political party claimed by the candidate determines the candidate's party affiliation. (IC 3-8-2-7)

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.

“Small Town” 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 (2011, 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. (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))

Please see the “Large Town” offices section of this Guide for information about the forms and filing deadlines for candidates for “Small Town” offices nominated by municipal primary election.

A. Qualifications

1. Town Council Member

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

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 certificate of nomination.”

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 3-8-1-5 provides that:
“…(a) This section does not apply to a candidate for federal office.
(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year. However, the term does not include a conviction:
(1) for which the person has been pardoned; or
(2) that has been:

(A) reversed;
(B) vacated;
(C) set aside; or
(D) not entered because the trial court did not accept the person's guilty plea.

(c) 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; or

(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.

(d) The subsequent reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 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 (c)."

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 (2007, 2011, etc.). (IC 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" (2006, 2010), and the other town council members in the ordinary municipal election years (2007, 2011). (IC 3-10-6-2.5)

Some towns 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). 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" (2008, 2012). (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 (2007, 2011), and then electing successors to a full four year term.

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

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 (2003, 2007). (IC 3-10-6-7.6) The individuals currently serving in these town offices automatically serve another four year term as “holdovers” under Article 15, Section 3 of the Constitution of the State of Indiana. However, if the town has shifted the election schedule for some or all of these offices to a general election year, any town candidates will be placed on the general election ballot, even if all town candidates are unopposed.

Districts

As a general rule, town council members in small towns must be elected from districts. The number and boundaries of these districts were originally set by the county commissioners when the town was incorporated by the commissioners and may be recorded in the minutes of the Commissioners’ meetings kept by the County Auditor.

In a town with a population of less than 3,500, the town council may adopt an ordinance to abolish town council districts. If this town has also adopted an ordinance to nominate major party candidates for town office by primary election, then all town council candidates in this town will run at large. (IC 36-5-2-4.1(h))

In other towns, the town council must adopt an ordinance to reestablish town council district boundaries in 2002 and each ten years after a 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 to be elected only by the voters of that district; or (3) for 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.

2. 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:
“…(a) This section does not apply to a candidate for federal office.
(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year. However, the term does not include a conviction:
(1) for which the person has been pardoned; or
(2) that has been:
(A) reversed;
(B) vacated;
(C) set aside; or
(D) not entered because the trial court did not accept the person's guilty plea.
(c) 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; or

(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.

(d) The subsequent reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 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 (c)."

3. 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)

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

IC 3-8-1-1.5 provides that:

"… (b) A person is not qualified to run for [town court 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."

IC 3-8-1-5 provides that:

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

(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year. However, the term does not include a conviction:

(1) for which the person has been pardoned; or

(2) that has been:

(A) reversed;

(B) vacated;

(C) set aside; or

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

(c) 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; or

(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.

(d) The subsequent reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 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 (c)."

Town Judges in

(1) Avon Town Court

(2) Brownsburg Town Court

(3)Town Court Located in Lake County

(4) Plainfield Town Court

IC 3-8-1-29.5 provides that:

"… (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, 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 3-8-5-10.5)

Candidate Filing Deadlines

The **first day** to file a declaration of candidacy for office in a small town is **Monday, January 3, 2011**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, on Monday, August 1, 2011.**

The town office declaration of candidacy form (CAN-16) is available from the Election Division's office and each circuit court clerk's office. A CAN-16 is included in this Guide under the Candidate's Forms tab.

Town Convention Candidate Filing Deadlines

Saturday, August 20, 2011 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 29, 2011, 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 candidate selection 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

Municipal Election Candidate Withdrawal

Monday, August 1, 2011, 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 3-8-5-17) **Notice to withdraw candidacy filed after August 1, 2011 at 12:00 noon 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 candidate withdrawal form (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

The deadline for a Democratic, Libertarian, or Republican candidate nominated at a town convention to withdraw is noon, 3 days following the adjournment of the town convention. For town conventions held on August 20, 2011, the deadline to withdraw is Tuesday, August 23, 2011, at 12:00 noon, prevailing local time. (IC 3-8-5-14.5; IC 3-8-5-17) **A notice to withdraw filed after August 23, 2011 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or moved from the election district the candidate sought to represent.**

There is no state-approved town office convention candidate withdrawal form. The CAN-43 form can be adapted for this purpose. A CAN-43 is included in this Guide under the *Candidate's Forms* tab.

C. 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 form) and a petition of nomination (CAN-44 form) with the county election board. (IC 3-8-6-12; 3-8-6-14(a)).

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.

More than one *independent* candidate for town office <u>cannot</u> 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 form (CAN-45) and petition of nomination form (CAN-44) are available from the Election Division's office and each circuit court clerk's office. A CAN-44 and CAN-45 are included in this Guide under the *Candidate Forms* tab.

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 2010 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 2010 general election in that town council district.

Circuit court clerks should have information on the votes by precinct for the office of secretary of state in the 2010 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.

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 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; 3-8-6-11)

The **first day** a candidate for a town office may submit the petition of nomination, accompanied by the written consent form (CAN-45) to the county voter registration office for certification is **Monday, January 3, 2011** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Tuesday, July 5, 2011.** (IC 3-8-6-12)

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 form) must be filed with the county election board. The **DEADLINE** for filing the petition of nomination (CAN-44), accompanied by the written consent form (CAN-45) with the county election board is **12:00 noon, prevailing local time, Friday, July 15, 2011**. (IC 3-8-6-10; IC 3-8-6-12) 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 form) 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.

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 in the election district the county seeks to represent, or has changed the individual's address without notifying the county voter registration office. 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 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 Friday, July 15, 2011**. (IC 3-8-7-28) 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 15, 2011 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or moves from the election district the candidate sought to represent.**

The municipal election candidate withdrawal form (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 Forms* tab.

Filling Candidate Vacancies

Monday, August 29, 2011, 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)

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 town office in the municipal election on Tuesday, November 8, 2011 must file a declaration of intent to be a write-in candidate (CAN-51 form) with the county election board. (IC 3-8-2-2.5)

The CAN-51 form is available from the Election Division's office and each circuit court clerk's office. A CAN-51 is included in this Guide under the *Candidate Forms* tab.

The **first day** a write-in candidate may file the CAN-51 form with the county election board is **Monday, January 3, 2011** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Tuesday, July 5, 2011**. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5; IC 3-11-2-11.5)

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 Friday, July 15, 2011**. (IC 3-8-7-28) 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 15, 2011 at 12:00 noon 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 candidate withdrawal form (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 Forms* tab.

3. Political Party Affiliation

A write-in candidate may claim affiliation with a political party. 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 as a candidate affiliated with the Democratic or Republican party. The political party affiliation of this candidate is deemed to be:

(1) the political party in whose primary the candidate most recently voted; 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.

If a candidate has never voted in a primary election, the political party claimed by the candidate determines the candidate's party affiliation. (IC 3-8-2-7)

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

CAN-1	Candidate Filing Challenge
CAN-16	Town Office Declaration of Candidacy by a Democratic, Libertarian, or Republican Party Candidate
CAN-42	Declaration of Candidacy for Municipal Primary Nomination
CAN-43	Municipal Primary Election Candidate Withdrawal
CAN-44	Indiana Petition of Nomination for City or Town Office
CAN-45	Consent of Independent or Minor Political Party Candidate Nominated by Petition For a City or Town Office
CAN-46	Municipal Election Candidate Withdrawal
CAN-48	Declaration of Candidacy and Written Consent to Fill a Ballot Vacancy For a City or Town Office
CAN-51	Declaration of Intent to be a Write-in Candidate