2006
Indiana
Candidate Guide

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Important Note about Using the 2006 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 the election statutes, the statutory language governs.

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

Consult the Indiana Code and the 2006 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 2005 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 December 1, 2005. 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. Market Street, Suite 1060
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
5680 Caito Dr., Suite 105
Indianapolis, IN 46204
Indianapolis, IN 46226
(317) 541-9750
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.

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GENERAL INFORMATION

All state offices that receive election-related filings are located within a short distance of the intersection of West Washington Street and Capitol Avenue (the southeast corner of the State House lot). This section includes a list of references containing addresses, telephone numbers, and e-mail addresses for various federal and state entities mentioned in this Candidate Guide.

The Indiana Election Division is located on the second floor of the Indiana Government Center South (IGCS) Building, 302 West Washington Street, Indianapolis, Indiana. The IGCS building is located directly west of the State House on West Washington Street. The Election Division is open from 8:00 a.m. until 5:00 p.m. each business day.

The office of the Clerk of the Indiana House of Representatives and the Secretary of the Indiana Senate are located on the third floor of the State House (one floor above street level). The Clerk's office is adjacent to the House chamber on the east side of the third floor. After entering the House offices, go up one flight of stairs to Level 3-A. The Secretary's office is adjacent to the Senate chamber on the west side of the third floor. The Clerk's office and Secretary's office are open from 8:30 a.m. until 4:30 p.m.

The State Ethics Commission is located at 150 West Market Street, Suite 414, Indianapolis, Indiana. This office is open from 8:00 a.m. until 4:30 p.m.

The office of State Court Administration is located on the tenth floor (Suite 1080) of the Downtown Hyatt at the southeast corner of Washington Street and Capitol Avenue. This office is open from 8:30 a.m. until 4:30 p.m. each business day.

PARKING

On-street parking is available on West Washington Street directly south of the State House. However, some on-street parking restrictions take effect immediately after 3:00 p.m. on weekdays. Cars parked in these restricted spaces after 3:00 p.m. will be towed.

Numerous parking garages are located within convenient walking distance of the offices located in the State House, Government Center South, and the Downtown Hyatt.

ELECTION FORMS

Several candidate-related election forms are included in this Guide. On December 13-14, 2005, 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;11-01)." 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.

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 3, 2006) or the GENERAL ELECTION (close of business on October 10, 2006). 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	Indiana State Ethics Commission 150 West Market Street, Suite 414 Indianapolis, IN 46204 (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) 232-9420 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 1225 New York Avenue N.S. Suite 1100 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 One North Capitol Avenue, Suite 200 Indianapolis, IN 46204 (317) 231-7100 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 www.indgop.org

PLACEMENT ON THE BALLOT

Candidate Challenges

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

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

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

Before the Indiana Election Commission or a county election board may consider a challenge to a candidate, a registered voter of the election district that the candidate seeks to represent must file a sworn statement with the Election Division or the county election board. The sworn statement must question the eligibility of the candidate to seek the office and set forth the facts known to the voter concerning this question. (IC 3-8-1-2) The CAN-1 form may be used for a candidate challenge. 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. The secretary of state or 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 secretary of state or 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 secretary of state or the clerk must deny the certification to the petitioners. An appeal of this denial can then be brought before the Commission or county election board by the candidate by filing the CAN-1 Form. (IC 3-8-1-2; IC 3-8-6-12)

The Indiana Election Commission or county election board must determine the validity of the candidate's filing. State law specifies the various deadlines before the primary election or general election by which a challenger must file a challenge with the Commission or board, and the deadlines by which the Commission or board must make this determination. (See IC 3-8-2-14 (primary candidates); IC 3-8-6-14 (independent and minor party candidates); IC 3-13-1-16.5 (candidates who fill “early ballot” vacancies); and IC 3-13-2-11 (candidates who fill “late ballot” vacancies); IC 3-8-2-14 (write-in candidates))

The Commission and 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 Commission or board may need to rely on informal methods such as telephone calls to give the best possible notice to these individuals. If a candidate appears before the Commission, and does not file a written objection concerning notice before the end of that meeting, any objection to notice is waived. (IC 3-8-2-18)

Except as described above for notice requirements, the Commission conducts its proceeding concerning candidate challenges in accordance with the State Administrative Orders and Procedures Act. (IC 4-21.5) County election board meetings concerning candidate challenges are public meetings, for which notice must be given in accordance with the Open Door Law. (IC 5-14-1.5) Except for requirements set forth in the Open Door Law, county election boards are not required to follow specific procedures in conducting these meetings.

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

If an attorney appears before the Election Commission regarding a candidate challenge, the Commission requests that the attorney file a notice of appearance with the Election Division prior to the meeting. The appearance form may be adapted from that used in judicial proceedings.

If a candidate or other interested party objects to the determination of the Commission or a county election board, the candidate or interested party may appeal the determination to an appropriate court for a decision in the same manner that other administrative decisions are appealed.

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

Removal of Candidate for Statewide or State Legislative Office from the General Election Ballot

A new law applies concerning the removal of a candidate for a statewide or state legislative office from the general election ballot. A registered voter of the relevant election district may challenge the qualifications of a candidate to remove the candidate from the ballot. The challenge must:

(1) be filed with the Election Division not later than 40 days before the general election;
(2) be a sworn statement questioning the qualifications of the candidate; and
(3) set forth the facts known by the challenger concerning this question.

The Indiana Election Commission shall conduct and conclude its hearing on the challenge within 3 business days after the challenge is filed with the Election Division. The Commission shall announce its determination not later than one (1) business day after the conclusion of the hearing. If the Commission does not announce its determination by this deadline, the Commission is considered to have dismissed the challenge.

A candidate may not be challenged under this new procedure if:

(1) the candidate was previously challenged using this procedure;
(2) the challenge under this procedure would be for the same reasons as the previous challenge to the candidate; and
(3) the Indiana Election Commission already has conducted a hearing on the challenge and made a final determination in favor of the candidate.

After the Commission has made a final determination of the challenge, the challenged candidate or the challenger may appeal the Commission's determination, including a dismissal due to the Commission's failure to make a determination by the deadline. An appeal must be filed directly with the Indiana Court of Appeals under the same terms, conditions, and standards that apply to other civil appeals.

In any event, at noon, 30 days before the election, any challenge that is pending before the Commission or the Court of Appeals is dismissed and the name of the challenged candidate may not be removed from the general election ballot, and another individual may not be named to replace the challenged candidate on the ballot, and all votes cast for the challenged candidate must be counted and reported under the name of the challenged candidate. (IC 3-8-8)

The new law also places a time limit on candidate withdrawal regardless of the reason for the withdrawal. If a candidate attempts to withdraw as a candidate later than noon 30 days before the general election, the candidate may not be removed from the ballot, or replaced by another individual on the ballot. All votes cast for a candidate who attempts to withdraw later than noon 30 days before the general election are counted and reported under the name of the candidate.

If a candidate who attempted to withdraw later than noon 30 days before the general election: (1) receives the most votes at the general election; and (2) is determined to be disqualified as a candidate, a vacancy in the office occurs. The resulting vacancy shall be filled as if an eligible candidate of the same political party as the disqualified candidate had been elected, and in the manner otherwise provide by law (a caucus of precinct committeemen under IC 3-13-5 for a state legislative candidate, for example.) (IC 3-8-8)

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 Election Division or 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 general 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 federal, statewide, and state legislative candidates, the state chairman of a political party calls a caucus of the precinct committeemen within the district. For judicial offices, the office of prosecuting attorney, county offices, township offices, or 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)

A person who wishes to be selected by the caucus to fill a ballot vacancy for a federal, statewide, state legislative office, judicial office, or the office of prosecuting attorney must file a CAN-31 form with **both** the caucus chairman and the Election Division. A person who wishes to be selected by the caucus to fill a ballot vacancy for circuit court clerk, county offices, township offices, or town offices must file a CAN-31 form with **both** the caucus chairman and the county election board. (IC 3-13-1-10.5) A CAN-31 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 general election ballot resulting from a vacancy on the primary election ballot is Friday, June 30, 2006. (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 Election Division if the nomination is for a state legislative office (CAN-28 form) or a judicial office or the office of prosecuting attorney. (CAN-29 form) The chairman must file a certificate with the circuit court clerk if the nomination is for the office of circuit court clerk a county office, a township office or a town office. (CAN-29 form) The CAN-28 and CAN-29 forms are 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, Monday, July 3, 2006. (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-28 or CAN-29 form) no later than three days (excluding Saturdays and Sundays) after the party fills the candidate vacancy. (IC 3-13-1-15) Special restrictions apply to statewide or state legislative candidates. (IC 3-8-8)

Late Vacancy Special Procedures

If a candidate dies, withdraws or is disqualified during the final 30 days before the election, state law provides special expedited procedures for filling the vacancy. In most cases, the state or county chairman of the political party of the county in which the greatest percentage of the population of the election district resides fills the candidate vacancy by direct appointment. (IC 3-13-2)

The same general procedures apply regarding the filing of a certificate of candidate selection in these cases. (IC 3-13-2-8)

If the political party fills 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 general election ballot resulting from a vacancy for an office nominated by that party at a state or county convention by Wednesday, June 30, 2004. (IC 3-13-1-20)

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

Once the Libertarian Party fills a vacancy for federal, statewide, state legislative, or judicial offices, or the office of prosecuting attorney, the state chair and secretary must file a certificate of nomination with the Election Division. **The Party must file the certificate no later than noon, Monday, July 3, 2006. (IC 3-13-1-20)**

Once the Libertarian Party fills a vacancy for the office of circuit court clerk, county offices, township offices, or town offices, 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, Monday, July 3, 2006. (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) Special procedures apply to candidate vacancies occurring within the final 30 days before the election and to statewide or state legislative candidates. (IC 3-13-2-12; IC 3-8-8)

Candidate Vacancies on a Petition of Nomination

If a candidate for federal, statewide, or state legislative offices does not affiliate with the Democratic Party, the Libertarian Party, or the Republican Party, and the candidate withdraws, dies, or is disqualified, the state chairman of the candidate's political party may fill the resulting candidate vacancy. The chairman can fill this vacancy at any time after a petition of nomination has been circulated or filed for certification by a county voter registration office by filing a statement with the Election Division. (IC 3-8-6-17) (CAN-40 form and CAN-20 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 the office of circuit court clerk, county offices, or township offices, the county chairman must file the statement with the county election board. (IC 3-8-6-17)

The state or county chairman must file the statement no later than noon, Tuesday, September 12, 2006. The CAN-40 form and CAN-20 form 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 28, 2006.** (IC 3-13-1-18)

Independent Candidates and Write-ins

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

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 inquiry 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 *Election Administrator's Manual*, published by the Indiana Election Division, for information regarding other criminal violations of the election laws. See the *2006 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 *2006 Voter Registration Guidebook*, published by the Indiana Election Division, for information regarding criminal violations of the voter registration law.

CAMPAIGN FINANCE INFORMATION

Candidates may access the *2006 Indiana Campaign Finance Manual* from the Indiana Election Division's office or the Division's website at *www.in.gov/sos/elections,* along with the forms required for campaign finance filings with the Election Division and County Election Boards.

UNITED STATES SENATOR
Candidates for United States Senator should contact the Federal Election Commission and Secretary of the Senate for information on campaign finance reporting requirements.

UNITED STATES REPRESENTATIVE
Candidates for United States Representative should contact the Federal Election Commission for information on campaign finance reporting requirements. Candidates should contact the House Standards of Official Conduct for information on economic interest statement reporting requirements.

SECRETARY OF STATE, AUDITOR OF STATE, AND TREASURER OF STATE
Candidates for any of the statewide offices file campaign finance documents with the Indiana Election Division and should contact the division for information on campaign finance reporting requirements or visit the Division's campaign finance website at *www.indianacampaignfinance.com.*

STATE LEGISLATIVE OFFICES
Candidates for any of the state legislative offices file campaign finance documents with the Indiana Election Division and the county election board of the county where the candidate resides. Candidates should contact the division for information on campaign finance reporting requirements or visit the Division's campaign finance website at *www.indianacampaignfinance.com.*

JUDICIAL OFFICE AND OFFICE OF PROSECUTING ATTORNEY

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

CIRCUIT COURT CLERK AND COUNTY OFFICES

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

TOWNSHIP OFFICES

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

SCHOOL BOARD OFFICES

Candidates for these offices file the campaign finance documents with the county election board of the county where the greatest percentage of the school corporation resides, and 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 and should contact the county election board for information on campaign finance reporting requirements.

PRECINCT COMMITTEEMAN AND STATE CONVENTION DELEGATE

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

FEDERAL OFFICES

UNITED STATES SENATOR

A. Qualifications

Article 1, Section 3, Clause 3 of the United States Constitution provides that:

"No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen."

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

A candidate may submit a declaration of candidacy and petition of nomination in person or by mail and they are considered filed as of the DAY AND TIME THEY ARE FILED in the office of the Indiana Election Division. "Filing" occurs when the Election Division records the date and time that the document was file stamped by the Division, not when the document is received in the mail. (IC 3-5-2-24.5) A declaration or petition of nomination may not be submitted by facsimile transmission or email. (IC 3-5-4-1.7; IC 3-8-2-11)

Candidates for the office of United States Senator from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 2, 2006. (IC 3-10-1-3)

1. Declaration of Candidacy

A candidate for the nomination of United States Senator by the Democratic or Republican Party must file a declaration of candidacy with the Election Division. (IC 3-8-2-5)

The declaration of candidacy form (CAN-2) is available from the Election Division's office, on the Division's website and is in this Guide under the *Candidate Forms* tab.

2. Petition of Nomination

The declaration of candidacy must be accompanied by a petition of nomination signed by at least 4,500 registered voters of the state, including at least 500 registered voters from each of Indiana's 9 congressional districts. (IC 3-8-2-8 and IC 3-8-2-9)

Each petition must request that the candidate's name be placed on the ballot at the primary election and must contain the following: (a) signature of each petitioner, (b) name of each petitioner printed legibly, and (c) residence mailing address of each petitioner. (IC 3-8-2-8 and IC 3-8-2-9)

The petition of nomination form (CAN-4) is available from the Election Division's office, on the Division's website, or in included in this Guide under the *Candidate Forms* tab.

For the Election Division to consider a petition valid, the county voter registration office in each county where a petitioner is registered must certify whether each petitioner is a registered voter in that county. This certification must accompany and be a part of the petition. If a county is a part of more than one congressional district, the certificate must indicate the number of petitioners from that county who reside in each congressional district. (IC 3-8-2-9)

A candidate may submit a petition for certification to the county voter registration office no earlier than Tuesday, January 3, 2006, and no later than 12:00 noon, local prevailing time, on Tuesday, February 14, 2006. (IC 3-8-2-8 and IC 3-8-2-10)

3. Filing Requirements and Deadlines

The declaration of candidacy and certified petitions must be filed with the Election Division **no earlier than Wednesday, January 18, 2006**, and no later than 12:00 noon, Indianapolis time, on **Friday, February 17, 2006**. (IC 3-8-2-4, IC 3-8-2-5 and IC 3-8-2-8) **A declaration of candidacy or certified petition filed after February 17, 2006 at 12:00 noon will not be considered valid.**

4. Political Party Affiliation

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

5. Candidate Withdrawal Requirements

Primary Election Candidate Withdrawal

A candidate for United States Senator who filed with the Election Division a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the Election Division certifying that the individual no longer wishes to be a candidate. This notice must be filed with the Election Division **no later than 12:00 noon, Indianapolis time, Monday, February 20, 2006**. (IC 3-8-2-20) Upon receipt of this notice, the Election Division 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 20, 2006 at 12:00 noon will not be considered valid.**

The primary election candidate withdrawal form (CAN-10) is available from the Election Division's office, the Division's website, and is included in this Guide under the *Candidate Forms* tab.

General Election Candidate Withdrawal

After the primary, if the nominee for United States Senator desires to withdraw from the ballot for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. This notice must be filed with the Election Division **no later than 12:00 noon, Indianapolis time, on Monday, July 17, 2006**. (IC 3-8-7-28) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, the Division's website, and 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 the office of United States Senator at the Party's state convention. Candidates for this office should contact the Libertarian Party's state committee for information concerning any candidate filing requirements.

Libertarian Party candidates for the office of United States Senator are **not** required to file declarations of candidacy with the Election Division. Instead, the Libertarian Party state chair and secretary will certify the Party's nominees to the Election Division.

2. Candidate Withdrawal Requirements

If a nominee for United States Senator wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 noon, Indianapolis time, on Monday, July 17, 2006**. (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

D. Minor Party and Independent Candidates

1. Filing Requirements

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

A person who wishes to become an independent candidate or a candidate of a minor party not qualified to nominate candidates in a primary election or by political party convention, and who wishes be a candidate for the office of United States Senator at the general election, must file a written consent to become a candidate (CAN-20 form) and a petition of nomination (CAN-19 form) with the Election Division. (IC 3-8-6-12; IC 3-8-6-14(a))

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-20) and petition of nomination form (CAN-19) are available from the Election Division's office, on the Division's website, and are included in this Guide under the *Candidate Forms* tab.

In order to be placed on the general 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 2002 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 United States Senator must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2002 general election for the entire state or 29,552.

Circuit court clerks should have information on the district and precinct votes for the office of secretary of state in the 2002 general election to help determine the number of signatures required for a candidate seeking ballot placement by petition of nomination. A chart listing the 2% ballot access requirement for each county is included under the 2002 *Vote for Secretary or State* tab of this Guide.

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 county. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-19 form.) (IC 3-8-6-10; IC 3-8-6-11)

The **first day** a candidate for the office of United States Senator may submit the petition of nomination, accompanied by the written consent form (CAN-20) to the county voter registration office for certification is **Tuesday, January 3, 2006** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Friday, June 30, 2006**. (IC 3-8-6-12)

For candidates for the office of United States Senator, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20 form) must be filed with the Election Division. The **DEADLINE** for filing the petition of nomination (CAN-19), accompanied by the written consent form (CAN-20) with the Election Division is **12:00 noon, Indianapolis time, Monday, July 17, 2006.** (IC 3-8-6-10; IC 3-8-6-12) The county voter registration office must file the certified petitions of nomination with the Election Division. However, the candidate for the office of United States Senator 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-20 form) with the Election Division to be placed on the general 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 county, 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 the office of United States Senator who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the Election Division is than **12:00 noon, Indianapolis time, on Monday, July 17, 2006**. (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid.**

The general election candidate withdrawal form (CAN-24) 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. 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 the office of United States Senator in the general election on Tuesday, November 7, 2006 must file a declaration of intent to be a write-in candidate (CAN 3 form) with the Election Division. (IC 3-8-2-2.5)

The CAN-3 form is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

The **first day** a write-in candidate may file the CAN-3 form with the Election Division is **Tuesday, January 3, 2006** and the **DEADLINE** for filing is **12:00 noon, Indianapolis time, Monday, July 3, 2006**. (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 the office of United States Representative to file a written notice of candidate withdrawal with the Election Division is **12:00 noon, Indianapolis time, on Monday, July 17, 2006**. (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

3. Political Party Affiliation

A write-in candidate for United States Senator 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 the 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 of the election district may question the validity of the filing under IC 3-8-1-2. The Indiana election commission shall determine the validity of the questioned filing. If the commission 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 commission shall deny the filing. (IC 3-8-2-12.5)

UNITED STATES REPRESENTATIVE

A. Qualifications

Article 1, Section 2, Clause 2 of the United States Constitution provides that:

"No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen."

NOTE: There is no requirement that a candidate for United States Representative must reside within the **district** the candidate seeks to represent.

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

1. Filing Requirements

A candidate may submit a declaration of candidacy in person or by mail, and it is considered filed as of the DAY AND TIME IT IS FILED in the office of the Indiana Election Division. "Filing" occurs when the Election Division records the date and time that the document was file stamped by the Division, not when the document is received in the mail. (IC 3-5-2-24.5) A declaration may not be submitted by facsimile transmission or email. (IC 3-5-4-1.7; IC 3-8-2-11)

Candidates for the office of United States Representative from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 2, 2004.

A candidate for the nomination for United States Representative by the Democratic or Republican Party must file a declaration of candidacy with the Election Division. (IC 3-8-2-5) (Petitions signed by registered voters are **NOT** required of Democratic or Republican Party candidates for United States Representative.)

The **first day** to submit a declaration of candidacy to the Election Division is **Wednesday, January 18, 2006**, and the **DEADLINE** to file is **12:00 noon, Indianapolis time, Friday, February 17, 2006.** (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy filed after February 17, 2006 at 12:00 noon will not be considered valid.**

The declaration of candidacy form (CAN-2) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

2. Political Party Affiliation

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

3. Candidate Withdrawal Requirements

Primary Election Candidate Withdrawal

A candidate for United States Representative who filed with the Election Division a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the Election Division certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the Election Division is **12:00 noon, Indianapolis time, Monday, February 20, 2006**. (IC 3-8-2-20) Upon receipt of this notice, the Election Division 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 20, 2006 at 12:00 noon will not be considered valid.**

The primary election candidate withdrawal form (CAN-10) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

General Election Candidate Withdrawal

After the primary, if a nominee for United States Representative wishes to withdraw from the ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 noon, Indianapolis time, on Monday, July 17, 2006.** (IC 3-8-7-28) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and 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 the office of United States Representative at the Party's state convention. Candidates for this office should contact the Libertarian Party's state committee for information concerning any candidate filing requirements.

Libertarian Party candidates for the office of United States Representative are **not** required to file declarations of candidacy with the Election Division. Instead, the Libertarian Party state chair and secretary will certify the Party's nominees to the Election Division.

2. Candidate Withdrawal Requirements

If a nominee for United States Representative wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 noon, Indianapolis time, on Monday, July 17, 2006**. (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

D. Minor Party and Independent Candidates

1. Filing Requirements

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

A person who wishes to become an independent candidate or a candidate of a minor party not qualified to nominate candidates in a primary election or by political party convention, and who wishes be a candidate for the office of United States Representative at the general election, must file a written consent to become a candidate (CAN-20 form) and a petition of nomination (CAN-19 form) with the Election Division. (IC 3-8-6-12; IC 3-8-6-14(a))

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-20) and petition of nomination form (CAN-19) are available from the Election Division's office, on the Division's website and are included in this Guide under the *Forms* tab.

In order to be placed on the general 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 2002 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 United State Representative, District 2, must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2002 general election in the precincts that make up District 2.

Circuit court clerks should have information on the district and precinct votes for the office of secretary of state in the 2002 general election to help determine the number of signatures required for a candidate seeking ballot placement by petition of nomination. A chart listing the 2% ballot access requirement for each county is included under the *2002 Vote for Secretary or State* tab of this Guide.

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 county. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-19 form.) (IC 3-8-6-10; IC 3-8-6-11)

The **first day** a candidate for the office of United States Representative may submit the petition of nomination, accompanied by the written consent form (CAN-20) to the county voter registration office for certification is **Tuesday, January 3, 2006** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Friday, June 30, 2006**. (IC 3-8-6-12)

For candidates for the office of United States Representative, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20 form) must be filed with the Election Division. The **DEADLINE** for filing the petition of nomination (CAN-19), accompanied by the written consent form (CAN-20) with the Election Division is **12:00 noon, Indianapolis time, Monday, July 17, 2006.** (IC 3-8-6-10; IC 3-8-6-12) The county voter registration office must file the certified petitions of nomination with the Election Division. However, the candidate for the office of United States Representative 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-20 form) with the Election Division to be placed on the general 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 county, 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 the office of United States Representative who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the Election Division is than **12:00 noon, Indianapolis time, on Monday, July 17, 2006**. (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid.**

The general election candidate withdrawal form (CAN-24) 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. 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 the office of United States Representative in the general election on Tuesday, November 7, 2006 must file a declaration of intent to be a write-in candidate (CAN 3 form) with the Election Division. (IC 3-8-2-2.5)

The CAN-3 form is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Forms* tab.

The **first day** a write-in candidate may file the CAN-3 form with the Election Division is **Tuesday, January 3, 2006** and the **DEADLINE** for filing is **12:00 noon, Indianapolis time, Monday, July 3, 2006**. (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 the office of United States Representative to file a written notice of candidate withdrawal with the Election Division is **12:00 noon, Indianapolis time, on Monday, July 17, 2006**. (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

3. Political Party Affiliation

A write-in candidate for United States Representative 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 the 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 of the election district may question the validity of the filing under IC 3-8-1-2. The Indiana election commission or the county election board shall determine the validity of the questioned filing. If the commission or 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 commission or board shall deny the filing. (IC 3-8-2-12.5)

STATEWIDE OFFICES
Secretary of State
Auditor of State
Treasurer of State

A. Qualifications for Secretary of State, Auditor of State, and Treasurer of State

A candidate for the office of secretary of sate, auditor of state or treasurer of state must comply with Article 6, Section 1 of the Constitution of the State of Indiana.

Article 6, Section 1 provides that:
"There shall be elected, by the voters of the state, a Secretary, an Auditor and a Treasurer of State, who shall, severally, hold their offices for four years. They shall perform such duties as may be enjoined by law; and no person shall be eligible to either of said offices, more than eight years in any period of twelve years."

IC 3-8-1-1 provides that:
". . . (b) A person is not qualified to run for:
(1) A state 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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

B. Statement of Economic Interest

Candidates for statewide office are required to file a statement of economic interest. (IC 3-8-1-33) **Candidates for these offices must file a statement of economic interest:** (1) before a certificate of nomination is filed following the state convention of the Democratic, Libertarian, or Republican party, (2) before a petition of nomination is filed for an independent or minor party candidate, (3) before a declaration of intent to be a write-in candidate is filed, or (4) before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2.

A candidate for a statewide office must file a statement of economic interest with the State Ethics Commission. (IC 4-2-6-8)

A candidate will receive a Certificate of Filing from the Ethics Commission. The candidate must supply a copy of this certificate or a copy of the statement filed stamped by the Ethics Commission to the Election Division before the Division can accept a candidate's filing. (IC 3-8-2-11)

The statement of economic interest form is available from the State Ethics Commission. The Ethics Commission's contact information is listed under the *General Information* tab of this Guide.

C. Democratic and Republican Party Candidates

1. Filing Requirements

Candidates for the offices of secretary of state, auditor of state and treasurer of state from the Democratic or Republican Party will be nominated at their respective state conventions. (IC 3-8-4-2) A person wishing to become a candidate for the nomination to any of these offices from the Democratic or Republican parties should contact their respective party's state headquarters concerning requirements for becoming a candidate.

2. Candidate Withdrawal Requirements

After the state convention, if a nominee for statewide office desires to withdraw from the ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** for filing this notice with the Election Division **is12:00 noon, Indianapolis time, on Monday, July 17, 2006.** (IC 3-8-7-28) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid, unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, the Division's website, and is included in this Guide under the *Candidate Forms* tab.

D. Libertarian Party Candidates

1. Filing Requirements

The Libertarian Party will nominate candidates for the statewide offices at the Party's state convention. (IC 3-8-4-10) A person wishing to become a candidate for the nomination to any of these offices should contact the Libertarian Party's state committee for information concerning any candidate filing requirements.

2. Candidate Withdrawal Requirements

If a nominee for a statewide office wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 noon, Indianapolis time, on Monday, July 17, 2006.** (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) 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 statewide office at the general election, must file a written consent to become a candidate (CAN-20 form) and a petition of nomination (CAN-19 form) with the Election Division. (IC 3-8-6-12 and IC 3-8-6-14(a))

Each candidate nominated by petition of nomination must satisfy all statutory eligibility requirements for the office for which the candidate is nominated, including the filing of a statement of economic interest. (IC 3-8-6-14)

The written consent form (CAN-20) and petition of nomination form (CAN-19) are available from the Election Division's office, on the Division's website, and are included in this Guide under the *Candidate Forms* tab.

In order to be placed on the general 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 2002 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 Auditor of State must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2002 general election for the entire state or 29,552.

Circuit court clerks should have information on the district and precinct votes for the office of secretary of state in the 2002 general election to help determine the number of signatures required for a candidate seeking ballot placement by petition of nomination. A chart listing the 2% ballot access requirement for each county is included under the *2002 Vote for Secretary of State* tab of this Guide.

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 county. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-19 form.) (IC 3-8-6-10; IC 3-8-6-11)

The **first day** a candidate for a statewide office may submit the petition of nomination, accompanied by the written consent form (CAN-20) to the county voter registration office for certification is **Tuesday, January 3, 2006** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Friday, June 30, 2006**. (IC 3-8-6-12)

For a candidate for a statewide office, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20 form) and receipt of filing of the statement of economic interest (as required under IC 3-8-1-33), must be filed with the Election Division. The **DEADLINE** for filing the petition of nomination (CAN-19), accompanied by the written consent form (CAN-20) with the Election Division is **12:00 noon, Indianapolis time, Monday, July 17, 2006**. (IC 3-8-6-10; IC 3-8-6-12) The county voter registration office must file the certified petitions of nomination with the Election Division. However, the candidate for a statewide 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-20 form) with the Election Division to be placed on the general 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 county, 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 statewide office who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the Election Division is than **12:00 noon, Indianapolis time, on Monday, July 17, 2006.** (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

F. Write-in Candidates

1. Filing Requirements

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

A person who desires to be a write-in candidate for a statewide office in the general election on Tuesday, November 2, 2004 must file a declaration of intent to be a write-in candidate (CAN 3 form) with the Election Division. (IC 3-8-2-2.5)

The CAN-3 form is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

The **first day** a write-in candidate may file the CAN-3 form with the Election Division is **Tuesday, January 3, 2006** and the **DEADLINE** for filing is **12:00 noon, Indianapolis time, Monday, July 3, 2006**. (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 statewide office to file a written notice of candidate withdrawal with the Election Division is **12:00 noon, Indianapolis time, on Monday, July 17, 2006.** (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office and on the Division's website. A CAN-24 is included in this Guide under the *Candidate Forms* tab.

3. Political Party Affiliation

A write-in candidate for statewide office 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 the 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)

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 of the election district may question the validity of the filing under IC 3-8-1-2. The Indiana election commission shall determine the validity of the questioned filing. If the commission 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 commission shall deny the filing. (IC 3-8-2-12.5)

STATE LEGISLATIVE OFFICES
INDIANA STATE SENATE
INDIANA STATE REPRESENTATIVE

A. Qualifications

1. Indiana State Senate

IC 3-8-1-13 provides that:
"A candidate for the office of senator in the General Assembly must:
(1) Be a United States citizen at the time of election;
(2) Have resided in the state for at least two (2) years and in the senate district for at least one (1) year before the election; and
(3) Be at least twenty-five (25) years old upon taking office;
as provided in Article 4, Section 7 of the Constitution of the State of Indiana."

IC 3-8-1-1 provides that:
". . . (b) A person is not qualified to run for: . . .
(2) A legislative 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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

2. Indiana State Representative

IC 3-8-1-14 provides that:
"A candidate for the office of representative in the General Assembly must:

(1) Be a United States citizen at the time of the election;
(2) Have resided in the state for at least two (2) years and in the house district for at least one (1) year before the election; and
(3) Be at least twenty-one (21) years old upon taking office;

as provided in Article 4, Section 7 of the Constitution of the State of Indiana."

IC 3-8-1-1 provides that:
". . . (b) A person is not qualified to run for: . . .
(2) A legislative 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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

B. Statement of Economic Interest

Most copies of legislative candidate economic interest statements are available for public inspection and copying (subject to payment of a photocopying fee) at Legislative Information Center, 200 West Washington Street, Room 230, Indianapolis, Indiana 46204. The Secretary of the Senate and the Principal Clerk of the House of Representatives retain economic interest statement filings for the previous calendar year in their offices.

1. Indiana State Senate

A candidate for state senator must file a statement of economic interest with the Principal Secretary of the Indiana State Senate. (IC 2-2.1-3-2)

The Statement covers the economic activity for the previous year. Therefore, state senate candidates running for office in 2006 must file a statement of economic interest covering their economic activity for 2005.

State senate candidates must file an original statement of economic interest in person or by mail. The Principal Secretary will not accept faxed or photocopied statements of economic interest.

The office hours for the Principal Secretary's office are 8:30 a.m. - 4:30 p.m., Monday through Friday.

The first date a state senate candidate may file a statement of economic interest is January 3, 2006.

The statement of economic interest form is available from the Indiana State Senate.

Before accepting a declaration of candidacy or other similar filings, the Election Division will require a receipt or a copy of the statement file stamped by the Office of the Secretary of the Senate verifying that the statement of economic interest and other prerequisite filings have been completed. (IC 3-8-2-11)

2. Indiana State Representative

A candidate for state representative must file a statement of economic interest with the Principal Clerk of the Indiana House of Representatives. (IC 2-2.1-3-2)

The Statement covers the economic activity for the previous year. Therefore, state representative candidates running for office in 2006 must file a statement of economic interest covering their economic activity for 2005.

State representative candidates must file an original statement of economic interest in person or by mail. The Principal Clerk will not accept faxed or photocopied statements of economic interest.

The office hours for Principal Clerk's office are 8:30 a.m. - 4:30 p.m., Monday through Friday.

The first date a state representative candidate may file a statement of economic interest is January 3, 2006.

The statement of economic interest form is available from the Indiana House of Representatives.

The Election Division will require a receipt or a copy of the statement filed stamped by the Office of the Clerk of the House verifying that the statement of economic interest and other prerequisite filings have been completed. (IC 3-8-2-11)

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

1. Filing Requirements

A candidate may submit a declaration of candidacy in person or by mail and is considered filed as of the DAY AND TIME IT IS FILED in the office of the Indiana Election Division. "Filing" occurs when the Election Division records the date and time that the document was file stamped by the Division, not when the document is received in the mail. (IC 3-5-2-24.5) A declaration may not be submitted by facsimile transmission or email. (IC 3-5-4-1.7; IC 3-8-2-11)

Candidates for a state legislative office from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 2, 2006.

A candidate for the nomination for a state legislative office by the Democratic or Republican Party must file a declaration of candidacy with the Election Division. (IC 3-8-2-5) (Petitions signed by registered voters are **NOT** required of Democratic or Republican Party candidates for state legislative offices.)

The **first day** to submit a declaration of candidacy to the Election Division is **Wednesday, January 18, 2006**, and the **DEADLINE** to file is **12:00 noon, Indianapolis time, Friday, February 17, 2006.** (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy filed after February 17, 2006 at 12:00 noon will not be considered valid.**

The declaration of candidacy form (CAN-2) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

2. Political Party Affiliation

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

3. Candidate Withdrawal Requirements

Primary Election Candidate Withdrawal

A candidate for a state legislative office who filed with the Election Division a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the Election Division certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the Election Division is **12:00 noon, Indianapolis time, Monday, February 20, 2006.** (IC 3-8-2-20) Upon receipt of this notice, the Election Division 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 20, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The primary election candidate withdrawal form (CAN-10) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

General Election Candidate Withdrawal

After the primary, if a nominee for a state legislative office wishes to withdraw from the ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 noon, Indianapolis time, on Monday, July 17, 2006.** (IC 3-8-7-28) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

D. 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 state legislative offices at the Party's state convention. Candidates for these offices should contact the Libertarian Party's state committee for information concerning any candidate filing requirements.

Libertarian Party candidates for state legislative offices are **not** required to file declarations of candidacy with the Election Division. Instead, the Libertarian Party state chair and secretary will certify the Party's nominees to the Election Division.

2. Candidate Withdrawal Requirements

If a nominee for a state legislative office wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 noon, Indianapolis time, on Monday, July 17, 2006**. (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) 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 state legislative office at the general election, must file a written consent to become a candidate (CAN-20 form) and a petition of nomination (CAN-19 form) with the Election Division. (IC 3-8-6-12 and IC 3-8-6-14(a))

Each candidate nominated by petition of nomination must satisfy all statutory eligibility requirements for the office for which the candidate is nominated, including the filing of a statement of economic interest. (IC 3-8-6-14)

The written consent form (CAN-20) and petition of nomination form (CAN-19) are available from the Election Division's office, on the Division's website, and are included in this Guide under the *Candidate Forms* tab.

In order to be placed on the general 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 2002 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 State Representative, District 2, must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2002 general election in the precincts that make up District 2.

Circuit court clerks should have information on the district and precinct votes for the office of secretary of state in the 2002 general election to help determine the number of signatures required for a candidate seeking ballot placement by petition of nomination. A chart listing the 2% ballot access requirement for each county is included under the *2002 Vote for Secretary of State* tab of this Guide.

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 county. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-19 form.) (IC 3-8-6-10; IC 3-8-6-11)

The **first day** a candidate for a state legislative office may submit the petition of nomination, accompanied by the written consent form (CAN-20) to the county voter registration office for certification is **Tuesday, January 3, 2006** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Friday, June 30, 2006**. (IC 3-8-6-12)

For candidates for state legislative offices, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20 form) and receipt of filing the statement of economic interest (as required under IC 3-8-1-33), must be filed with the Election Division. The **DEADLINE** for filing the petition of nomination (CAN-19), accompanied by the written consent form (CAN-20) with the Election Division is **12:00 noon, Indianapolis time, Monday, July 17, 2006**. (IC 3-8-6-10; IC 3-8-6-12) The county voter registration office must file the certified petitions of nomination with the Election Division. However, the candidate for a state legislative 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-20 form) with the Election Division to be placed on the general 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 county, 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 state legislative office who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the Election Division is than **12:00 noon, Indianapolis time, on Monday, July 17, 2006.** (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election**. Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

F. Write-in Candidates

1. Filing Requirements

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

A person who desires to be a write-in candidate for a state legislative office in the general election on Tuesday, November 7, 2006 must file a declaration of intent to be a write-in candidate (CAN 3 form) with the Election Division. (IC 3-8-2-2.5)

The CAN-3 form is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

The **first day** a write-in candidate may file the CAN-3 form with the Election Division is **Tuesday, January 3, 2006**and the **DEADLINE** for filing is **12:00 noon, Indianapolis time, Monday, July 3, 2006.** (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 state legislative office to file a written notice of candidate withdrawal with the Election Division is **12:00 noon, Indianapolis time, on Monday, July 17, 2006.** (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

3. Political Party Affiliation

A write-in candidate for state legislative office 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 the 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 of the election district may question the validity of the filing under IC 3-8-1-2. The Indiana election commission shall determine the validity of the questioned filing. If the commission 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 commission shall deny the filing. (IC 3-8-2-12.5)

JUDICIAL OFFICES AND THE OFFICE OF PROSECUTING ATTORNEY

Note: Candidate information regarding the Marion County Small Claims Court Judge Office is located under the *Township Office* section of this Guide.

A. Qualifications

1. Circuit Court Judge

IC 3-8-1-16 provides that:
"A candidate for the office of judge of a circuit court must:
(1) Reside in the circuit; and
(2) Be admitted to the practice of law in the state upon taking office;
as provided in Article 7, Section 7 of the Constitution of the State of Indiana."

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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

2. Superior Court Judge or Probate Court Judge

IC 3-8-1-17 provides that:
"A candidate for the office of judge of a superior or probate court must:

(1) Be admitted to the practice of law in Indiana upon filing a declaration of candidacy or petition of nomination, or upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; and

(2) Comply with any other requirement for that office set forth in IC 33-5 or IC 33-8."

IC 33-29-1-3 provides that:
"(a) A standard superior court judge is elected at the general election every six (6) years in the county in which the court is located. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as a judge of a standard superior court, a person must be:

(1) a resident of the county in which the court is located;

(2) less than seventy (70) years of age at the time the judge takes office; and

(3) admitted to practice law in Indiana."

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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

Marion County Superior Court Judge

In addition to the requirements for superior court judge listed above, IC 33-33-49-6 provides that:
". . . (b) To be qualified to serve as a judge of the court, a person must be, at the time a declaration of candidacy or a petition of nomination under IC 3-8-6 is filed:

(1) a resident of Marion County; and

(2) an attorney who has been admitted to the bar of Indiana for at least five (5) years.

(c) During the term of office, a judge of the court must remain a resident of Marion County."

3. County Court Judge

IC 33-30-3-1 provides that:
"A person may not run for judge of a county court if the person will be at least seventy (70) years of age before the person begins the person's term of office. The chief justice of the state may authorize a retired judge due to age to perform temporary judicial duties in a county court."

IC 33-30-3-2 provides that:
"To be eligible to serve as a county court judge, a person must:

(1) meet the qualifications prescribed by IC 3-8-1-18; and

(2) be a resident of the county that the county court judge serves."

IC 3-8-1-18 provides that:
"A candidate for the office of judge of a county court must

(1) Be a United States citizen; and

(2) Be admitted to the practice of law in Indiana upon filing a declaration of candidacy or petition of nomination, or upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8."

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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

4. Prosecuting Attorney

IC 3-8-1-19 provides that:

"A candidate for the office of prosecuting attorney must be admitted to the practice of law in the state before the election as provided in Article 7, Section 16 of the Constitution of the State of Indiana."

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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

B. Statement of Economic Interest

A candidate for any of the following offices:
judge of a circuit court,
judge of a superior court,
judge of a county court, or
prosecuting attorney
must file a statement of economic interest with the State Court Administration. (IC 33-23-11-14 & 15)

The statement of economic interest form is available from the State Court Administration Office.

The Election Division will require a receipt or a copy of the statement file stamped by the State Court Administration Office verifying that the statement of economic interest and other prerequisite filings have been completed. (IC 3-8-2-11) A file stamped copy of this filing with State Court Administration serves as a receipt.

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

1. Filing Requirements

A candidate may submit a declaration of candidacy in person or by mail and is considered filed as of the DAY AND TIME IT IS FILED in the office of the Indiana Election Division. "Filing" occurs when the Election Division records the date and time that the document was file stamped by the Division, not when the document is received in the mail. (IC 3-5-2-24.5) A declaration may not be submitted by facsimile transmission. (IC 3-5-4-1.7; IC 3-8-2-11)

Candidates for a judicial office or the office of prosecuting attorney from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 2, 2006.

A candidate for the nomination to a judicial office or the office of prosecuting attorney by the Democratic or Republican Party must file a declaration of candidacy with the Election Division. (IC 3-8-2-5) (Petitions signed by registered voters are **NOT** required of Democratic or Republican Party candidates for these offices.)

The **first day** to submit a declaration of candidacy to the Election Division is **Wednesday, January 18, 2006**, and the **DEADLINE** to file is **12:00 noon, Indianapolis time, Friday, February 17, 2006**. (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy filed after February 17, 2006 at 12:00 noon will not be considered valid.**

The declaration of candidacy form (CAN-2) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

2. Political Party Affiliation

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

3. Candidate Withdrawal Requirements

Primary Election Candidate Withdrawal

A candidate for a judicial office or the office of prosecuting attorney who filed with the Election Division a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the Election Division certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the Election Division is **12:00 noon, Indianapolis time, Monday, February 20, 2006**. (IC 3-8-2-20) Upon receipt of this notice, the Election Division 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 20, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The primary election candidate withdrawal form (CAN-10) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

General Election Candidate Withdrawal

After the primary, if a nominee for judicial office or the office of prosecuting attorney wishes to withdraw from the ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 noon, Indianapolis time, on Monday July 17, 2006**. (IC 3-8-7-28) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

D. 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 judicial offices or the office of prosecuting attorney at the Party's state convention. Candidates for these offices should contact the Libertarian Party's state committee for information concerning any candidate filing requirements.

Libertarian Party candidates for judicial offices or the office of prosecuting attorney are **not** required to file declarations of candidacy with the Election Division. Instead, the Libertarian Party state chair and secretary will certify the Party's nominees to the Election Division.

2. Candidate Withdrawal Requirements

If a nominee for a judicial office or the office of prosecuting attorney wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 noon, Indianapolis time, on Monday, July 17, 2006**. (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) 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 judicial office or the office of prosecuting attorney at the general election, must file a written consent to become a candidate (CAN-20 form) and a petition of nomination (CAN-19 form) with the Election Division. (IC 3-8-6-12 and IC 3-8-6-14(a))

Each candidate nominated by petition of nomination must satisfy all statutory eligibility requirements for the office for which the candidate is nominated, including the filing of a statement of economic interest. (IC 3-8-6-14)

The written consent form (CAN-20) and petition of nomination form (CAN-19) are available from the Election Division's office, on the Division's website, and are included in this Guide under the *Candidate Forms* tab.

In order to be placed on the general 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 2002 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 superior court judge must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2002 general election in the county.

Circuit court clerks should have information on the district and precinct votes for the office of secretary of state in the 2002 general election to help determine the number of signatures required for a candidate seeking ballot placement by petition of nomination. A chart listing the 2% ballot access requirement for each county is included under the *2002 Vote for Secretary of State* tab of this Guide.

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 county. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-19 form.) (IC 3-8-6-10; IC 3-8-6-11)

The **first day** a candidate for a judicial office or the office of prosecuting attorney may submit the petition of nomination, accompanied by the written consent form (CAN-20) to the county voter registration office for certification is **Tuesday, January 3, 2006** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Friday, June, 30, 2006**. (IC 3-8-6-12)

For candidates for judicial offices or the office of prosecuting attorney, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20 form) and receipt of filing of the statement of economic interest (as required under IC 3-8-1-33), must be filed with the Election Division. The **DEADLINE** for filing the petition of nomination (CAN-19), accompanied by the written consent form (CAN-20) with the Election Division is **12:00 noon, Indianapolis time, Monday, July 17, 2006.** (IC 3-8-6-10; IC 3-8-6-12) The county voter registration office must file the certified petitions of nomination with the Election Division. However, the candidate for a judicial office or the office of prosecuting attorney 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-20 form) with the Election Division to be placed on the general 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 county, 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 judicial office or the office of prosecuting attorney who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the Election Division is than **12:00 noon, Indianapolis time, on Monday, July 17, 2006**. (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

F. Write-in Candidates

1. Filing Requirements

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

A person who desires to be a write-in candidate for a judicial office or the office of prosecuting attorney in the general election on Tuesday, November 7, 2006 must file a declaration of intent to be a write-in candidate (CAN 3 form) with the Election Division. (IC 3-8-2-2.5)

The CAN-3 form is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

The **first day** a write-in candidate may file the CAN-3 form with the Election Division is **Tuesday, January 3, 2006** and the **DEADLINE** for filing is **12:00 noon, Indianapolis time, Monday, July 3, 2006. (**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 judicial office or the office of prosecuting attorney to file a written notice of candidate withdrawal with the Election Division is **12:00 noon, Indianapolis time, on Monday, July 17, 2006**. (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab.

3. Political Party Affiliation

A write-in candidate for judicial office or the office of prosecuting attorney 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 the 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 of the election district may question the validity of the filing under IC 3-8-1-2. The Indiana election commission shall determine the validity of the questioned filing. If the commission 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 commission shall deny the filing.

NON-PARTISAN ELECTIONS FOR CERTAIN COUNTY JUDICIAL OFFICES AND OTHER SPECIAL PROCEDURES

Allen County

The nine judges of the Allen County Superior Court are elected at the general election, but are placed on the general election ballot **without party designation.** (IC 33-33-2-9) A candidate for Allen County Superior Court judge must file a declaration of candidacy with the Election Division (CAN-41 form). The **first day** to file with the Election Division is **Wednesday, January 18, 2006**, and the **DEADLINE** to file is **12:00 noon, Indianapolis time, on Friday, February 17, 2006.** (IC 3-8-2-4;IC 3-8-2-5) **A declaration of candidacy filed after February 17, 2006 at 12:00 noon will not be considered valid.**

The declaration of candidacy form (CAN-41) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab. For the special candidate qualifications that apply to this office, see IC 33-33-2-10.

NOTE: If an individual who filed a declaration of candidacy for judge in the Allen County Superior Court ceases to be a candidate, the Election Division may accept the filing of additional declarations of candidacy for the seat not later than 12:00 noon, Indianapolis time, Tuesday, August 1, 2006. (IC 33-33-2-8(e))

Lake County

The judges of the Lake County Superior Court, Civil Division, Criminal Division, and Juvenile Division are appointed by the governor, following nominations submitted by the Superior Court of Lake County Nominating Commission. Each judge is subject to a retention vote by the voters under IC 33-33-45-25. The judges of the Lake County Superior Court, County Division are elected under IC 33-33-45-43.

Marion County

The thirty-two judges of the Marion County Superior Court are elected at the general election. Candidates for these offices are nominated by political parties in the primary election using a special procedure set out in IC 33-33-49-13.

St. Joseph County

The eight judges of the St. Joseph County Superior Court are appointed by the governor, following nominations submitted by the Superior Court of St. Joseph County Nominating Commission. Each judge is subject to a retention vote by St. Joseph County voters under IC 33-33-81-43.

Vanderburgh County

The seven judges of the Vanderburgh County Superior Court (and the judge of the Vanderburgh Circuit Court) are elected at the general election but are placed on the general election ballot **without party designation**. A candidate for Vanderburgh County Superior Court judge must file a declaration of candidacy with the Election Division (CAN-41 form). The **first day** to file with the Election Division is **Wednesday, January 18, 2006**, and the **DEADLINE** to file is **12:00 noon, Indianapolis time, on Friday, February 17, 2006.** (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy filed after February 17, 2006 at 12:00 noon will not be considered valid.**

The declaration of candidacy form (CAN-41) is available from the Election Division's office, on the Division's website, and is included in this Guide under the *Candidate Forms* tab. For the special candidate qualifications that apply to this office, see IC 33-33-82-31.

NOTE: If an individual who filed a declaration of candidacy for judge in the Vanderburgh County Superior Court ceases to be a candidate, the Election Division may accept the filing of additional declarations of candidacy for the seat not later than 12:00 noon, Indianapolis time, Tuesday, August 1, 2006. (IC 33-33-82-31(c))

CLERK OF THE CIRCUIT COURT AND COUNTY OFFICES

CLERK OF THE CIRCUIT COURT
COUNTY AUDITOR
COUNTY RECORDER
COUNTY TREASURER
COUNTY SHERIFF
COUNTY CORONER
COUNTY SURVEYOR
COUNTY ASSESSOR
COUNTY COMMISSIONER
COUNTY COUNCIL MEMBER

NOTE: Some (but not necessarily all) county offices will be elected in 2006. The election schedule for these offices varies from county to county according to when a county was originally organized by the state. All County Sheriffs will be elected in 2006. All prosecuting attorneys will be elected in 2006.

A. Qualifications

1. Clerk of the Circuit Court

Article 6, Section 2 of the Constitution of the State of Indiana provides that:
"There shall be elected, in each county by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner, and Surveyor, who shall, severally, hold their offices for four years; and no person shall be eligible to the office of Clerk, Auditor, Recorder, Treasurer, Sheriff, or Coroner more than eight years in any period of twelve years."

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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

2. County Auditor
County Recorder
County Treasurer
County Sheriff
County Coroner
County Surveyor

Article 6, Section 2 of the Constitution of the State of Indiana provides that:
"There shall be elected, in each county by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner, and Surveyor, who shall, severally, hold their offices for four years; and no person shall be eligible to the office of Clerk, Auditor, Recorder, Treasurer, Sheriff, or Coroner more than eight years in any period of twelve years."

IC 3-8-1-20 provides that:
"A candidate for the office of county auditor, recorder, treasurer, sheriff, coroner or surveyor must have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana."

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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

3. County Assessor

IC 3-8-1-23 provides that:

"A candidate for the office of county assessor must:
(1) Have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and
(2) Own real property located in the county upon taking office."

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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

4. County Commissioner

IC 3-8-1-21 provides that:
"A candidate for the office of county commissioner must:

(1) Have resided in the county for at least one (1) year before the election as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and

(2) Have resided in the district in which seeking election, if applicable, for at least six (6) months before the election."

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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

5. County Council Member

IC 3-8-1-22 provides that:
"A candidate for membership on the county council of a county must:

(1) Have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and

(2) Have resided in the district in which seeking election, if applicable, for at least six (6) months before the election."

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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

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

1. Filing Requirements

Candidates for the office of circuit court clerk and county offices from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 2, 2006.

A candidate for the nomination for the office of circuit court clerk or a county office by the Democratic or Republican Party must file a declaration of candidacy with the county election board. (IC 3-8-2-6) (Petitions signed by registered voters are **NOT** required of Democratic or Republican Party candidates for the office of circuit court clerk and county offices.)

The **first day** to submit a declaration of candidacy to the county election board is **Wednesday, January 18, 2006**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, Friday, February 17, 2006.** (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy filed after February 17, 2006 at 12:00 noon will not be considered valid.**

The declaration of candidacy form (CAN-2) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-2 is included in this Guide under the *Candidate Forms* tab.

2. Political Party Affiliation

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

3. Candidate Withdrawal Requirements

Primary Election Candidate Withdrawal

A candidate for the office of circuit court clerk or a county office who filed with the county election board a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the county election board certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, Monday, February 20, 2006**. (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 20, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The primary election candidate withdrawal form (CAN-10) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-10 is included in this Guide under the *Candidate Forms* tab.

General Election Candidate Withdrawal

After the primary, if a nominee for the office of circuit court clerk or a county office wishes to withdraw from the ticket for the general election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2006.** (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 general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-24 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 the office of circuit court clerk or county offices at the Party's county conventions. Candidates for these offices should contact the Libertarian Party's state committee for information concerning any candidate filing requirements.

Libertarian Party candidates for the office of circuit court clerk or county 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 the office of circuit court clerk or a county office wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2006.** (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 general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-24 is included in this Guide under the *Candidate Forms* tab.

D. Minor Party and Independent Candidates

1. Filing Requirements

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

A person who wishes to become an independent candidate or a candidate of a minor party not qualified to nominate candidates in a primary election or by political party convention, and who wishes be a candidate for the office of circuit court clerk or a county office at the general election, must file a written consent to become a candidate (CAN-20 form) and a petition of nomination (CAN-19 form) with the county election board. (IC 3-8-6-12 and IC 3-8-6-14(a))
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-20) and petition of nomination form (CAN-19) are available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-19 and CAN-20 are included in this Guide under the *Candidate Forms* tab.

In order to be placed on the general 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 2002 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 circuit court clerk must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2002 general election in the county.

Circuit court clerks should have information on the district and precinct votes for the office of secretary of state in the 2002 general election to help determine the number of signatures required for a candidate seeking ballot placement by petition of nomination. A chart listing the 2% ballot access requirement for each county is included under the *2002 Vote for Secretary of State* tab of this Guide.

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 county. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-19 form.) (IC 3-8-6-10; IC 3-8-6-11)

The **first day** a candidate for the office of circuit court clerk or a county office may submit the petition of nomination, accompanied by the written consent form (CAN-20) to the county voter registration office for certification is **Tuesday, January 3, 2006** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Friday, June 30, 2006**. (IC 3-8-6-12)

For candidates for the office of circuit court clerk or county offices, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20 form) must be filed with the county election board. The **DEADLINE** for filing the petition of nomination (CAN-19), accompanied by the written consent form (CAN-20) with the county election board is **12:00 noon, prevailing local time, Monday, July 17, 2006**. (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 the office of circuit court clerk or a county 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-20 form) with the county election board to be placed on the general 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 county, 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 the office of circuit court clerk or a county office who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2006**. (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 general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-24 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 the office of circuit court clerk or a county office in the general election on Tuesday, November 7, 2006 must file a declaration of intent to be a write-in candidate (CAN 3 form) with the county election board. (IC 3-8-2-2.5)

The CAN-3 form is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-3 is included in this Guide under the *Candidate Forms* tab.

The **first day** a write-in candidate may file the CAN-3 form with the county election board is **Tuesday, January 3, 2006** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Monday, July 3, 2006.** (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 the office of circuit court clerk or a county office to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2006.** (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 general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-24 is included in this Guide under the *Candidate Forms* tab.

3. Political Party Affiliation

A write-in candidate for a county office 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 the 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 of 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)

TOWNSHIP OFFICES

TOWNSHIP ASSESSOR
TOWNSHIP TRUSTEE
TOWNSHIP BOARD MEMBER
JUDGE OF THE MARION COUNTY SMALL CLAIMS COURT
CONSTABLE OF THE MARION COUNTY SMALL CLAIMS COURT

A. Qualifications

1. Township Assessor

Each township with a population of more than 8,000 is required to elect a township assessor. If a township has a population of more than 5,000 but not more than 8,000, the township board may elect an assessor at the option of the township board. To provide for an assessor in these townships, the township board must adopt a resolution declaring the office of township assessor to be necessary. This resolution must be filed with the county election board no later than January 23, 2002 if a township assessor is to be elected in 2002. A township with a population of 5,000 or less may not elect a township assessor unless the township had the authority to do so under state law before January 1, 1979. (IC 36-6-5-1)

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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

2. Township Trustee

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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

3. Township Board Member

Each township has a three member board. Except in Marion County, each township board member is elected at large and must be a registered voter of the township. In Marion County, township board members are elected only by voters of the district. These candidates must be registered voters of the township board district. (IC 36-6-6-2.2)

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 3-8-1-5 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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

4. Judge of the Marion County Small Claims Court

Statement of Economic Interest: A candidate for judge of the Marion County Small Claims Court must file a statement of economic interest with the State Court Administration. (IC 33-23-11-14 & 15)

The statement of economic interest form is available from the State Court Administration Office.

The Election Division will require a receipt or a copy of the statement file stamped by the State Court Administration Office verifying that the statement of economic interest and other prerequisite filings have been completed. (IC 3-8-2-11) A file stamped copy of this filing with State Court Administration serves as a receipt.

IC 3-8-1-30 provides that:

"A candidate for the office of judge of a small claims court must:

(1) be a United States citizen upon taking office;

(2) either:

(A) have resided in the township from which the candidate is elected for at least one (1) year upon taking office; or

(B) have been elected as a small claims court judge in the township before 1999;

(3) be of high moral character and reputation; and

(4) be admitted to the practice of law in Indiana upon filing a declaration of candidacy or petition of nomination or upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8."

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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

5. Constable of the Marion County Small Claims Court

IC 3-8-1-31 provides that:

"A candidate for the office of constable of a small claims court must:

(1) have resided in the township for more than one (1) year upon taking office; and

(2) be at least twenty-one (21) years old upon taking office."

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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

Township Board "Candidate Shortage"

In some rural townships, it has become increasingly difficult to find enough candidates to run for the office of township board. If no candidate runs for this office, Article 15, Section 3 of the Constitution of the State of Indiana provides that the currently serving members of the township board automatically serve another four year term. If only one or two candidates run for these three seats, the result becomes more complicated. While each candidate who ran is automatically elected, the board of county commissioners must decide which currently serving township board members will serve another four year term to fill the seats for which no candidate ran. *(See IC 3-13-10-6.5 and IC 3-13-11-20 for the procedures for the commissioners to make this decision.)*

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

1. Filing Requirements

Candidates for a township office from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 2, 2006.

A candidate for the nomination for a township office by the Democratic or Republican Party must file a declaration of candidacy with the county election board. (IC 3-8-2-6) (Petitions signed by registered voters are **NOT** required of Democratic or Republican Party candidates for the office of circuit court clerk and county offices.)

The **first day** to submit a declaration of candidacy to the county election board is **Wednesday, January 18, 2006**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, Friday, February 17, 2006.** (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy filed after February 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The declaration of candidacy form (CAN-2) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-2 is included in this Guide under the *Candidate Forms* tab.

2. Political Party Affiliation

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

3. Candidate Withdrawal Requirements

Primary Election Candidate Withdrawal

A candidate for a township office who filed with the county election board a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the county election board certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, Monday, February 20, 2006**. (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 20, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The primary election candidate withdrawal form (CAN-10) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-10 is included in this Guide under the *Candidate Forms* tab.

General Election Candidate Withdrawal

After the primary, if a nominee for a township office wishes to withdraw from the ticket for the general election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2006.** (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 general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-24 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 township offices at the Party's county conventions. Candidates for these offices should contact the Libertarian Party's state committee for information concerning any candidate filing requirements.

Libertarian Party candidates for township 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 township office wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2006.** (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 general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-24 is included in this Guide under the *Candidate Forms* tab.

D. Minor Party and Independent Candidates

1. Filing Requirements

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

A person who wishes to become an independent candidate or a candidate of a minor party not qualified to nominate candidates in a primary election or by political party convention, and who wishes be a candidate for a township office at the general election, must file a written consent to become a candidate (CAN-20 form) and a petition of nomination (CAN-19 form) with the county election board. (IC 3-8-6-12 and IC 3-8-6-14(a))

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-20) and petition of nomination form (CAN-19) are available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-19 and CAN-20 are included in this Guide under the *Candidate Forms* tab.

In order to be placed on the general 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 2002 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 township board member must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2002 general election in that township (except in Marion County – see explanation above).

Circuit court clerks should have information on the district and precinct votes for the office of secretary of state in the 2002 general election to help determine the number of signatures required for a candidate seeking ballot placement by petition of nomination. A chart listing the 2% ballot access requirement for each county is included under the *2002 Vote for Secretary of State* tab of this Guide.

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 county. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-19 form.) (IC 3-8-6-10; IC 3-8-6-11)

The **first day** a candidate for a township office may submit the petition of nomination, accompanied by the written consent form (CAN-20) to the county voter registration office for certification is **Tuesday, January 3, 2006** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Friday, June 30, 2006**. (IC 3-8-6-12)

For candidates for township offices, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20 form) must be filed with the county election board. The **DEADLINE** for filing the petition of nomination (CAN-19), accompanied by the written consent form (CAN-20) with the county election board is **12:00 noon, prevailing local time, Monday, July 17, 2006**. (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 township 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-20 form) with the county election board to be placed on the general 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 county, 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 township office who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2006**. (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 general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-24 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 township office in the general election on Tuesday, November 7, 2006 must file a declaration of intent to be a write-in candidate (CAN 3 form) with the county election board. (IC 3-8-2-2.5)

The CAN-3 form is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-3 is included in this Guide under the *Candidate Forms* tab.

The **first day** a write-in candidate may file the CAN-3 form with the county election board is **Tuesday, January 3, 2006** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Monday, July 3, 2006.** (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 township office to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2006.** (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 general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-24 is included in this Guide under the *Candidate Forms* tab.

3. Political Party Affiliation

A write-in candidate for a township office 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 the 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 of 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)

SCHOOL BOARD OFFICES
SCHOOL BOARD MEMBER

A. General Information

The procedures for selecting school board members are usually set forth in the "school corporation organization plan" adopted by the school corporation during the school consolidation process of the 1950s and 1960s, and as subsequently amended. (IC 20-23, IC 20-23-6 and IC 20-23-9)

In certain school corporations, all or some of the school board members are appointed rather than elected by the voters. (IC 20-23-4-28) Among school corporations that elect school board members, some school board members are elected at the same time as the primary election (May 2, 2006), while others are elected at the same time as the general election (November 7, 2006). Some school board members are elected "at large" for the entire school corporation, while others are elected to represent specific **districts** that are only part of the school corporation territory.

IN ALL CASES, CANDIDATES FOR SCHOOL BOARD APPEAR ON THE BALLOT WITHOUT A PARTY DESIGNATION. (IC 20-23-4-29)

B. Qualifications

A few school corporations have school boards organized by state legislation. Candidates for school board in the following jurisdictions should consult the appropriate state statute for detailed information concerning candidate qualifications and election procedures:

Gary	IC 20-23-13
Hammond	IC 20-23-12 and IC 20-23-8-13
Indianapolis Public Schools	IC 20-25-3
Lake Station	IC 20-23-14
South Bend	IC 20-23-15

IC 3-8-1-34 provides that:
"(a) A candidate for a school board office must have resided in the school corporation for at least one (1) year before the election, unless a longer period is required under IC 20.
(b) This subsection applies to a candidate for school board office seeking to represent an election district that consists of less than the entire school corporation. The candidate must have resided in the election district for at least one (1) year before the election, unless a longer period is required under IC 20."

IC 3-8-1-1 provides that:
". . . (b) A person is not qualified to run for: . . .
(2) A school board 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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

C. Filing Requirements

A candidate for a school board office must file a petition of nomination. (IC 3-8-2-2.2) The petition form (CAN-34) is available from the Election Division, the Division's website, and each circuit court clerk's office. A CAN-34 is included in this Guide under the *Candidate Forms* tab.

In a metropolitan school corporation, the petition must be signed by ten (10) registered voters residing **in the same board member district** as the nominee. (IC 20-23-7-8)

In a community school corporation, the petition must be signed by ten (10) registered voters residing within the boundaries of the school corporation. (IC 20-23-4-29)

Additional petition requirements may apply in some school corporations. School board member candidates should consult a personal attorney if necessary.

1. Primary Election

Candidates for school board office on the primary election ballot will be elected at the primary election to be held on Tuesday, May 2, 2006.

A candidate for the election of school board office at the primary election must file the petition of nomination with the county election board located in the county seat of the county containing the greatest percentage of population of the school corporation. (IC 3-8-2-6)

The **first day** for a candidate for a school board office to file a petition of nomination with the county election board is **Wednesday, January 18, 2006**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, on Friday, February 17, 2006.** (IC 3-8-2-4)

2. General Election

Candidates for school board office on the general election ballot will be elected at the general election to be held on Tuesday, November 7, 2006.

A candidate for the election of school board office at the general election must file the petition of nomination with the county election board located in the county seat of the county containing the greatest percentage of population of the school corporation. (IC 3-8-2-6)

The **first day** for a candidate for a school board office to file a petition of nomination with the county election board is **Wednesday, July 26, 2006**, and the **DEADLINE** is **12:00 noon, prevailing local time, on Friday, August 25, 2006**. (IC 3-8-2-4; IC 20-23-4-29)

D. Candidate Withdrawal

Primary Election Candidate Withdrawal

A candidate for school board member who filed a petition of nomination for the primary election may file written notice of candidate withdrawal with the county election board certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, Monday, February 20, 2006**. (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 20, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The primary election candidate withdrawal form (CAN-10) is available from the Election Division's office, the Division's website, and each circuit court clerk's office. A CAN-10 is included in this Guide under the *Candidate Forms* tab.

General Election Candidate Withdrawal

A candidate for school board office who filed a petition of nomination for the general election may file written notice of candidate withdrawal with the county election board certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, August 28, 2006**. (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 general election. **Notice to withdraw candidacy filed after August 28, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, the Division's website, and each circuit court clerk's office. A CAN-24 is included in this Guide under the *Candidate Forms* tab.

E. Write-in Candidates

1. School Board Candidates at the Primary Election

a. 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 school board office at the primary election on Tuesday, May 2, 2006 must file a declaration of intent to be a write-in candidate (CAN-13 form) with the county election board located in the county seat of the county containing the greatest percentage of population of the school corporation. (IC 3-8-2-2.5; IC 3-8-2-4; IC 20-23-4-29)

The CAN-13 form is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-13 is included in this Guide under the *Candidate Forms* tab.

NOTE: *It appears that the dates for an individual to file a declaration of intent to be a write-in candidate for a school board office elected at the same time as the primary election were inadvertently repealed by the Indiana General Assembly. The following dates are based upon prior law which may be restored by the General Assembly during its 2006 session. Please check with the Indiana Election Division for more information.* The **first day** a write-in candidate for a school board office may file the CAN-13 form with the county election board for the primary election is **Wednesday, February 1, 2006** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Monday, March 13, 2006**. (IC 3-8-2-2.5; IC 3-8-2-4; IC 20-23-4-29)

b. Candidate Withdrawal Requirements

NOTE: *It appears that the date for an individual to withdraw a declaration of intent to be a write-in candidate for a school board office elected at the same time as the primary election was inadvertently repealed by the Indiana General Assembly. The following date is based upon prior law which may be restored by the General Assembly during its 2006 session. Please check with the Indiana Election Division for more information.* The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for a school board office at the primary election to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, March 13, 2006**. (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 primary election. **Notice to withdraw candidacy filed after March 13, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The write-in candidate withdrawal form for school board candidates at a primary election (CAN-10) is available from the Election Division's office, the Division's website, and each circuit court clerk's office. A CAN-10 is included in this Guide under the *Candidate Forms* tab.

2. School Board Candidates at the General Election

a. 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 school board office at the general election on Tuesday, November 2, 2004 must file a declaration of intent to be a write-in candidate (CAN-3 form) with the county election board located in the county seat of the county containing the greatest percentage of population of the school corporation. (IC 3-8-2-2.5; IC 3-8-2-4; IC 20-4-1-26.4))

The CAN-3 form is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-3 is included in this Guide under the *Candidate Forms* tab.

NOTE: *It appears that the dates for an individual to file a declaration of intent to be a write-in candidate for a school board office elected at the same time as the general election were inadvertently repealed by the Indiana General Assembly. The following dates are based upon prior law which may be restored by the General Assembly during its 2006 session. Please check with the Indiana Election Division for more information.* The **first day** a write-in candidate for a school board office may file the CAN-3 form with the county election board for the general election is **Wednesday, August 9, 2006** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Monday, September 18, 2006**. (IC 3-8-2-2.5; IC 3-8-2-4; IC 20-4-1-26.4)

b. Candidate Withdrawal Requirements

NOTE: *It appears that the date for an individual to withdraw a declaration of intent to be a write-in candidate for a school board office elected at the same time as the general election was inadvertently repealed by the Indiana General Assembly. The following date is based upon prior law which may be restored by the General Assembly during its 2006 session. Please check with the Indiana Election Division for more information.* The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for a school board office at the general election to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, September 18, 2006**. (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 general election. **Notice to withdraw candidacy filed after September 18, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-24 is included in this Guide under the *Candidate Forms* tab.

“Small Town” Offices

Town Council Member
Town Clerk-Treasurer
Town Judge

Indiana has no elections to city offices (Mayor, Common Council, Judge of the City Court) in 2006. These offices are elected at the municipal election in 2007. Most town offices are also elected in 2007.

Some towns with a population of less than 3,500 adopted ordinances to provide for “staggered terms” for town council members. In these towns, some town council members are elected in 2006. Some towns will elect all town offices in 2006.

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

The procedures in this chapter **do not apply** to either of the following types of towns:
(1) A town of any population located wholly or partially within Marion County.
(2) A town with a population of less than 3,500 which has passed an ordinance to nominate major party candidates by municipal primary election.

Municipal Primaries

A town with a population of less than 3,500 may adopt an ordinance to provide for a nomination of Democratic and Republican candidates for town office in a primary election (instead of by town convention). The town council must adopt the ordinance not later than January 1 of the year in which a municipal election is held (2003, 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))

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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

Number of Town Council Members

In a town, the town council consists of at least 3 members, but no more than 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 (2003, 2007 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" (2002, 2006), and the other town council members in the ordinary municipal election years (2003, 2007). (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" (2000, 2004). (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 (1999, 2003), 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.

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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 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 33-10.1-1-3) The town judge is elected by all the voters of the town. (IC 33-10.1-3-1.1)

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

IC 3-8-1-1.5 provides that:
"… (b) A person is not qualified to run for [town 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 at least 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 pleas 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 reduction of a felony to a Class A misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of subsection (c).

Town Judges in Avon Town Court, Brownsburg Town Court, a Town Court Located in Lake County, and 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 3-8-2-6)

Candidate Filing Deadlines

The **first day** to file a declaration of candidacy for office in a small town is **Tuesday, January 3, 2006**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, on Tuesday, August 1, 2006.**

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

Sunday, August 20, 2006 is the last day for the Democratic, Libertarian, and Republican parties to conduct a town convention to choose between competing candidates in the same party for the same town office. (IC 3-8-5-10; IC 3-8-5-17)

Monday, August 28, 2006, 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

Tuesday, August 1, 2006, 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, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general 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

Wednesday, August 23, 2006, by 12:00 noon, prevailing local time is the **DEADLINE** for a candidate nominated at a Democratic, Libertarian, or Republican town convention to file a notice of withdrawal with the county election board. (IC 3-8-5-14.5; IC 3-8-5-17) **A notice to withdraw filed after August 23, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

There is no state-approved town office convention candidate withdrawal form. The CAN-24 form can be adapted for this purpose. A CAN-24 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 general election, must file a written consent to become a candidate for the town office (CAN-20 form) and a petition of nomination (CAN-19 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 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-20) and petition of nomination form (CAN-19) are available from the Election Division's office and each circuit court clerk's office. A CAN-19 and CAN-20 are included in this Guide under the *Candidate Forms* tab.

In order to be placed on the general 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 2002 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 2002 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 2002 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 county. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-19 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-20) to the county voter registration office for certification is **Tuesday, January 3, 2006** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Friday, June 30, 2006.** (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-20 form) must be filed with the county election board. The **DEADLINE** for filing the petition of nomination (CAN-19), accompanied by the written consent form (CAN-20) with the county election board is **12:00 noon, prevailing local time, Monday, July 17, 2006**. (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-20 form) with the county election board to be placed on the general 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 county, 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 general election ballot to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 17, 2006**. (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 general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

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 28, 2006, 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 general election on Tuesday, November 7, 2006 must file a declaration of intent to be a write-in candidate (CAN-3 form) with the county election board. (IC 3-8-2-2.5)

The CAN-3 form is available from the Election Division's office and each circuit court clerk's office. A CAN-3 is included in this Guide under the *Candidate Forms* tab.

The **first day** a write-in candidate may file the CAN-3 form with the county election board is **Tuesday, January 3, 2006** and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Monday, July 3, 2006**. (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 Monday, July 17, 2006**. (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 general election. **Notice to withdraw candidacy filed after July 17, 2006 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5.**

The general 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)

PRECINCT COMMITTEEMEN AND STATE CONVENTION DELEGATES

A. Qualifications

NOTE: Precinct committeemen and state convention delegates are considered "political offices" and not "elected offices." (IC 3-5-2-17)

Although there is no *state law* requiring that a candidate for precinct committeeman or state convention delegate reside within the precinct or delegate district, *state political party rules* may restrict the ability of a political official who does not comply with a residency requirement to participate in party functions. Contact the Democratic State Committee or the Republican State Committee for more information on this point.

IC 3-8-1-32 provides that:
"A candidate for:
(1) Precinct committeeman; or
(2) Delegate to a state convention;
of each political party in the state whose nominee received at least ten percent (10%) of the total vote cast for secretary of state at the last election must comply with any candidate requirement set by state party rules."

B. Filing Requirements For Democratic and Republican Party Precinct Committeemen and State Convention Delegates Elected at the Primary Election

Candidates for precinct committeeman and state convention delegate from the Democratic or Republican Party will be elected at the primary election to be held on Tuesday, May 2, 2006.

A candidate for precinct committeeman or state convention delegate by the Democratic or Republican Party must file a declaration of candidacy (CAN-37 form) with the county election board. (IC 3-8-2-6)

The **first day** to submit a declaration of candidacy to the county election board is **Wednesday, January 18, 2006**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, Friday, February 17, 2006.** (IC 3-8-2-4; IC 3-8-2-5**) A declaration of candidacy filed after February 17, 2006 at 12:00 noon will not be considered valid.**

The declaration of candidacy form (CAN-37) is available from the Election Division's office, on the Division's website, and each circuit court clerk's office. A CAN-37 is included in this Guide under the *Candidate Forms* tab.

C. Candidate Withdrawal Requirements

A candidate for precinct committeeman or state convention delegate may file written notice of candidate withdrawal with the county election board certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, Monday, February 20, 2006**. (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 20, 2006 at 12:00 noon will not be considered valid.**

2002 VOTE FOR SECRETARY OF STATE

County	Total	2% of Total Votes Cast
Adams	9241	184
Allen	66143	1332
Bartholomew	17614	352
Benton	2957	59
Blackford	3741	74
Boone	11138	222
Brown	5419	108
Carroll	6265	125
Cass	10821	216
Clark	23188	463
Clay	7259	145
Clinton	7816	156
Crawford	3256	65
Daviess	7408	148
Dearborn	9315	186
Decatur	6797	135
DeKalb	8422	168
Delaware	31906	638
Dubois	9287	185
Elkhart	38343	766
Fayette	6333	126
Floyd	21373	427
Fountain	6146	122
Franklin	6452	129
Fulton	6593	131
Gibson	10796	215
Grant	16455	329
Greene	8507	170
Hamilton	44067	881
Hancock	15117	302
Harrison	11454	229
Hendricks	25056	501
Henry	12402	248
Howard	25063	501
Huntington	9330	186
Jackson	10742	214
Jasper	5979	119
Jay	5416	108
Jefferson	8154	163
Jennings	7596	151
Johnson	27265	545
Knox	10237	204
Kosciusko	17021	340
LaGrange	6288	125
Lake	85340	1706
LaPorte	29451	589
Lawrence	10673	213
Madison	38825	776

County	Total	2% of Total Votes Cast
Marion	199003	3980
Marshall	12522	250
Martin	3546	70
Miami	8874	177
Monroe	26477	529
Montgomery	8934	178
Morgan	15790	315
Newton	3932	78
Noble	9953	199
Ohio	2132	42
Orange	5646	112
Owen	5041	100
Parke	5198	103
Perry	6022	120
Pike	5476	109
Porter	35777	715
Posey	8969	179
Pulaski	4330	86
Putnam	8862	177
Randolph	6876	137
Ripley	7230	144
Rush	5791	115
Scott	5389	107
Shelby	9372	187
Spencer	7113	142
St. Joseph	73881	1477
Starke	6100	122
Steuben	8054	161
Sullivan	6138	122
Switzerland	2567	51
Tippecanoe	29319	586
Tipton	5677	113
Union	2043	40
Vanderburgh	44659	893
Vermillion	5114	102
Vigo	24279	485
Wabash	7851	157
Warren	3085	61
Warrick	16848	336
Washington	7567	151
Wayne	16967	339
Wells	8612	172
White	7464	149
Whitley	8667	173
TOTALS	**1,477,614**	**29,552**

Appendix
Candidate Forms

CAN-1	Candidate Filing Challenge
CAN-2	Declaration of Candidacy for Primary Nomination
CAN-3	Declaration of Intent to be a Write-in Candidate
CAN-4	Indiana Petition for Primary Ballot Placement as a Candidate for Governor or United States Senator
CAN-10	Primary Election Candidate Withdrawal
CAN-13	Declaration of Intent to be a Write-in Candidate for a School Board Office Elected at the Primary Election
CAN-16	Town Office Declaration of Candidacy by a Democratic, Libertarian, or Republican Party Candidate
CAN-19	Indiana Petition of Nomination for Federal, State, State Legislature or Local Office
CAN-20	Consent of Independent or Minor Political Party Candidate Nominated by Petition
CAN-24	General Election Candidate Withdrawal
CAN-31	Declaration of Candidacy and Written Consent to Fill a Ballot Vacancy
CAN-34	Indiana Petition of Nomination and Consent for School Board Office
CAN-37	Declaration of Candidacy for Precinct Committeeman and State Convention Delegate
CAN-41	Allen County / Vanderburgh County Superior Court Judge Declaration of Candidacy
CAN-46	Municipal Election Candidate Withdrawal