Important Note About
Using the 2019 Indiana Candidate Guide

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

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

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

Consult the online version of the Indiana Code or the 2018 print edition of the Indiana Election Code with the 2019 supplement to check for changes or updates to the election statutes. Become familiar with the laws governing your candidacy and the office you seek. The current version of the Indiana Code is available on the Internet at http://iga.in.gov/legislative/laws/2018/ic/.

The information in this Guide reflects Indiana law as of July 1, 2018. 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 Accelerate Indiana Municipalities Indiana Township Association
101 West Ohio Street 125 W Market Street, Suite 100 P.O. Box 611
Indianapolis, IN 46204 Indianapolis, IN 46204 Fishers, IN 46038
(317) 684-3710 (317) 237-6200 (317) 813-3240

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 refer 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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317.232.3939 or 1.800.622.4941 in Indiana
www.in.gov/sos/elections

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# STATE AND FEDERAL ELECTION RESOURCES

## State Offices

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<thead>
<tr>
<th>Office</th>
<th>Address</th>
<th>Phone Numbers</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indiana Election Division</td>
<td>Office of the Secretary of State</td>
<td>302 West Washington Street, Indianapolis, IN 46204</td>
<td>(317) 232-3939 * (800) 622-4941</td>
</tr>
<tr>
<td>Secretary of State Administrative Division</td>
<td>200 West Washington Street</td>
<td>Indian House, Room 201</td>
<td>(317) 232-6531</td>
</tr>
<tr>
<td>Inspector General State Ethics Commission</td>
<td>315 West Ohio Street, Room 104</td>
<td>Indianapolis, IN 46202</td>
<td>(317) 232-3850</td>
</tr>
<tr>
<td>Principal Clerk</td>
<td>Indiana House of Representatives</td>
<td>200 West Washington Street</td>
<td>(317) 232-9974</td>
</tr>
<tr>
<td>Principal Secretary</td>
<td>Indiana State Senate State House, Room 3A-N</td>
<td>200 West Washington Street</td>
<td>(317) 232-9421</td>
</tr>
<tr>
<td>Indiana Commission on Judicial Qualifications</td>
<td>251 N. Illinois Street, Suite 1600</td>
<td>Indianapolis, IN 46204</td>
<td>(317) 232-4706</td>
</tr>
</tbody>
</table>

## Federal Offices

<table>
<thead>
<tr>
<th>Office</th>
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<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secretary of the Senate Office of Public Records</td>
<td>220 Hart Office Building</td>
<td>Washington, D.C. 20510</td>
<td></td>
</tr>
</tbody>
</table>

## Political Parties

<table>
<thead>
<tr>
<th>Party</th>
<th>Address</th>
<th>Phone Numbers</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democratic State Central Committee</td>
<td>115 West Washington Street</td>
<td>Suite 1165</td>
<td>Indianapolis, IN 46204</td>
</tr>
<tr>
<td>Libertarian Party of Indiana</td>
<td>1300 E. 86th Street, #40573</td>
<td>Indianapolis, IN 46240</td>
<td>(317) 920-1994</td>
</tr>
<tr>
<td>Republican State Central Committee</td>
<td>101 W. Ohio Street</td>
<td>Suite 2200</td>
<td>Indianapolis, IN 46204</td>
</tr>
</tbody>
</table>
Ballot Access, Generally

A person is considered a major party candidate if the candidate affiliated with the party obtained the highest or second-highest number of votes cast for Indiana secretary of state at the last election held for the secretary of state’s office. (IC 3-5-2-30) Thus, the Democratic Party and Republican Party are considered “major parties” based on the results of the 2018 election for Indiana Secretary of State. If a political party did not run a candidate for that office in 2018 or if the party’s candidate did not receive the highest or second-highest number of votes in the 2018 for election to that office, the party is considered a “minor party” for ballot access purposes. An “independent” candidate is a candidate not affiliated with any political party.

The two major political parties are required by Indiana law to hold a primary election on May 7, 2019, where candidates for municipal offices are nominated for November’s municipal election. Voters must select either a Democratic or Republican ballot in the May primary election. In rare cases, a county may be conducting a special election on the same date as the primary election, and a separate “non-partisan” ballot may be offered to vote on a public question.

However, some small towns (those with a population of less than 3,500 persons) with offices on the ballot in 2019 do not hold a Democratic or Republican primary election in May unless the town council passes an ordinance to conduct a primary election. If no such ordinance has been passed, then the Democratic, Libertarian, and Republican parties may hold a town convention to nominate their candidates. (IC 3-8-5-2)

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

If a minor party received at least two percent (2%), but less than ten percent (10%) of the vote cast for Indiana Secretary of State at the last election held for the office, the party may nominate candidates for the municipal election by conducting a municipal convention. (IC 3-8-5-17; and 3-10-6-12) The Libertarian Party falls into this category of “minor party” based on the 2018 election results.

Although other minor parties may hold conventions to nominate candidates, these nominations are not recognized in Indiana for purposes of winning a place on the municipal election ballot. A minor party (other than the Libertarian Party), or independent candidate in Indiana is nominated for placement on the general election ballot by petition of nomination. The candidate must collect signatures of registered voters in the election district that total at least 2% of the total votes cast in the 2018 Secretary of State’s race in the election district the candidate wishes to represent to have their name printed on the ballot.

If no Democratic or Republican party candidate filed to run for an office in the May primary election, the ballot vacancy may be filled after the date of the primary election but before noon, June 30, 2019. A candidate may also withdraw from the ballot for any reason not later than noon, July 15, 2019, and may only withdraw after the July 15 deadline if the candidate is disqualified for a reason like death, a move out of the election district, or upon conviction of a felony. Information about filling ballot vacancies can be found in later chapters of this Guide.

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

A person may not be a write-in candidate during a primary election. (IC 3-8-2-2.5) Votes for write-in candidates are only counted in the municipal election if the write-in candidate filed a declaration of intent to be a write in candidate before the election no later than the deadline set by state law. A write-in candidate’s name is never printed on the general election ballot.

On November 5, 2019, the municipal election will be held and voters will decide who is elected to serve their respective term of office. This ballot may include Democratic, Independent, Libertarian, Republican, or other third party or write-in candidates. Public questions may also appear.

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

**IMPORTANT VOTER REGISTRATION INFORMATION**

Candidates sometimes provide voter registration applications to potential voters. If the candidate accepts possession of a completed state registration application, the candidate is responsible for completing the Certified Statement of Acceptance on the application. If the candidate accepts possession of a completed state or federal registration application, the candidate is responsible for ensuring that the completed application is received by the appropriate county voter registration office NO LATER THAN Noon the earlier of ten (10) days after acceptance or THE REGISTRATION DEADLINE for the MUNICIPAL PRIMARY ELECTION (close of business on April 8, 2019) or the MUNICIPAL ELECTION (close of business on October 7, 2019. A candidate who recklessly fails to file the completed applications is subject to penalties under federal and state law.
Candidate Qualifications, Generally

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

REGISTERED VOTER

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

FELONY CONVICTIONS

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

RESIDENCY

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

Under IC 3-5-2-42.35 “residence” means the place where a person has the person’s true, fixed, permanent home and principal establishment, and to which place the person has, whenever absent, the intent of returning. Under IC 3-5-5-2, a person’s residence may be established by...origin or birth [or] intent and conduct taken to implement the intent. Please refer to the sections of the Guide for detailed information on residency requirements of certain offices.

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

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

SPECIFIC OFFICE QUALIFICATIONS

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

For example, a Circuit Court Clerk candidate must be a registered voter in the county that the candidate seeks to represent. (IC 3-8-1-1; IC 3-8-1-19.5) The clerk serves a four-year term upon election and may serve only eight out of twelve years. (Article 6, Section 2 of the Indiana State Constitution) Time spent filling a vacancy does not count against the Constitutional term limit. (Article 2, Section 11 of the Indiana State Constitution)

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

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

SORE LOSER LAW

A person who is defeated at a primary election, state convention, or town convention is not eligible to become a candidate for the same office in the next general or municipal election. This “sore loser” provision does not apply to a person who is selected to fill a ballot or office vacancy by the political party that the person affiliated with by voting in the most recent primary election held by that party (or who did not vote in that primary, but is certified as a member of the party by the county chair of the party in which the person is affiliated).

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

HOLDING MORE THAN ONE LUCRATIVE “OFFICE”

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

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

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

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

State statutes and Attorney General opinions can shed light on this question in some cases. Indiana Code 5-4-1-1(c) and IC 5-6-4-3 provide that the position of an appointed deputy of an officer of a political subdivision
or of a judicial circuit (for example, a deputy county auditor, a deputy mayor, or a deputy circuit court clerk) is not considered to be a “lucrative office.” Likewise, a county attorney, state convention delegate, precinct election officer, and a notary public are not considered a lucrative officeholder (IC 36-2-2-30; IC 36-2-3-10; IC 3-6-6-37(c); IC 33-42-2-7)

A person who assumes a second lucrative office is considered to have resigned from the first office automatically when the person begins serving in the second office.

The Indiana Attorney General’s office publishes a “Dual Office Holding” Guide on its website: https://www.in.gov/attorneygeneral/2357.htm

**PROHIBITION ON GOVERNMENT EMPLOYMENT FOR SOME OFFICEHOLDERS**

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

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

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

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

**FEDERAL HATCH ACT AND “LITTLE HATCH ACT”**

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

Before becoming a candidate for partisan elected office a person that is a federal government employee, or a state or local government employee that works in connection with programs funded (in whole or in part) by federal funds, loans, or grants or whose salary entirely funded by the federal dollars should determine if the Hatch Act or Little Hatch Act prohibit them from doing so.

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

Questions on whether the Hatch Act or Little Hatch Act disqualifies a candidate should be directed to the U.S. Office of Special Counsel at 202-254-3650, 1-800-854-2824, or HatchAct@osc.gov.
Candidate Filings

PRIMARY ELECTION

To seek nomination in the May 7, 2019, primary election, a candidate must belong to the Democratic or Republican Party. This is determined by 1) the political party ballot requested by the candidate at the last primary election in Indiana the candidate voted or 2) the candidate files a certification from their county chair affirming their membership in that political party. The declaration of candidacy for municipal primary nomination (CAN-42) requires the candidate to affirm their party affiliation and attach the certification, if required.

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

MUNICIPAL ELECTION

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

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

Like those candidates running in the primary election, local candidates, including town judges, filing for November’s municipal election are required to file a statement of economic interests (CAN-12). The CAN-12 (NOTE: Federal and state candidates, including candidates for judge and prosecuting attorney, will file a different type of financial disclosure statement when they are on the ballot in 2020.) The CAN-12 must be attached to the candidate filing for without it, the clerk must reject the filing. (IC 3-8-9-6)

ELECTION FORMS

Several candidate-related election forms approved for use in 2019 are included in this Guide, though are subject to change. The Election Division will provide a copy of all election related forms to each circuit court clerk at the annual winter conference (next scheduled to be held December 10-12, 2018). These forms will then be available from county election board offices. However, please allow time for the circuit court clerk to arrange for the printing and delivery of copies of these forms following the December distribution date.

This Candidate Guide along with the candidate forms will also be available from the Indiana Election Division’s office and Division’s website at www.in.gov/sos/elections.

Local government and school board candidates are required to file the CAN-12 statement of economic interests, which is available at the office of the Indiana Election Division or its website, and through the county clerk or election board.

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

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

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

Gaining access to the ballot as an independent or minor party candidate for local office has two distinct steps. The first is to gather signatures of registered voters within the election district totaling at least 2% of the total votes cast for all candidates in the 2018 Secretary of State’s election within the precincts making up the election district. If this applies to the office you are seeking, please contact your county election board for assistance with computing this number.

The CAN-44 petitions must be filed with the county voter registration official no later than the deadline set forth in state law. (IC 3-8-6-10) The county voter registration official must review and certify the signatures as set forth in IC 3-5-6. Petition signatures must be “wet.” In other words, photocopies of signatures will not be accepted. Candidates may pick up the certified petitions from the county voter registration office, but the candidate should make arrangements with the office.

An independent or minor party candidate running for local office must then file the certified petitions (CAN-44), the candidate’s signed consent (CAN-45), and statement of economic interests (CAN-12) not later than the filing deadline set forth in state law.

All candidate filing forms must be timely received by the filing deadline. Late forms will not be accepted, regardless of the postmark date on an envelope.

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:

<table>
<thead>
<tr>
<th>Judith Anne Smith</th>
<th>J. Anne Smith</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judith A. Smith</td>
<td>Judith Smith</td>
</tr>
<tr>
<td>Anne Smith</td>
<td>J.A. Smith</td>
</tr>
<tr>
<td>J. Smith</td>
<td>A. Smith</td>
</tr>
<tr>
<td>Judith (Judy) Anne Smith</td>
<td>Judy Smith</td>
</tr>
</tbody>
</table>

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

A nickname used by a candidate on the ballot must:

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

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

EXAMPLE: A ballot listing of “John R. (Doc) Doe” would not be permitted since the nickname implies a title or degree. Likewise, a ballot listing would not be permitted if the selected nickname was NOT one by which the candidate was COMMONLY known. However, unless the candidate’s filing is properly challenged regarding the candidate’s name, and this issue brought before the Commission or a county election board for determination, the candidate’s name will be placed on the ballot in the form used in the candidate’s filing or certification.
Sometimes an individual may change his or her name after filing as a candidate. If the candidate wishes to change the candidate's legal name before absentee ballots are printed for the election, the candidate must file a statement with the office where the candidate's declaration of candidacy or certificate of nomination was filed. This statement must set forth the current and former name of the candidate, and indicate that the candidate has already filed a change of name request with the appropriate county voter registration office. After this statement is filed, the county election board will print ballots bearing the candidate's new name. (IC 3-8-7-25.5)

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

**CANDIDATE FILING REMINDERS**

Candidates must sign their declaration of candidacy after swearing or affirming the truth of the statements made in the statement before an individual who has the authority to administer an oath (such as a notary public). Candidates for local office should contact their county election official to inquire if services provided by a notary public or other person authorized to administer oaths are available.

Petition signatures and candidate signatures must be “wet.” In other words, a declaration of candidacy or petition of nomination, for example, must contain an original signature and may not be submitted via fax, photocopy, or an electronic image (such as email).

**IMPORTANT FILING DEADLINE INFORMATION**

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

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

State and local candidates must also follow Indiana campaign finance law, while federal candidates must follow federal campaign finance rules. Please consult the **2019 Indiana Campaign Finance Manual** or later sections in this *Guide* for more information.
KEY CANDIDATE FILING DATES IN 2019

Below are many of the key dates for candidate filing in 2019, though it is not an exhaustive list. Please consult the 2019 Election Calendar Guide for more information. Where your important legal rights are concerned, please seek the advice of a personal attorney.

Unless noted differently, all deadlines end at NOON (12PM), local prevailing time.

January 9, 2019  First day of candidate filing
February 8, 2019  Last day to file declaration of candidacy to run in the primary election
February 11, 2019  Deadline to withdraw from the primary election
February 15, 2019  Deadline to open candidate committee
February 15, 2019  Deadline for filing candidate challenges
May 7, 2019  Primary Election Day
June 30, 2019  Deadline for Democratic, Libertarian, Republican parties to fill ballot vacancies
July 3, 2019  Deadline for party chairs to file ballot vacancy paperwork
July 15, 2019  Deadline for minor party and independent candidates to file declaration and certified petitions of nomination
July 15, 2019  General Election candidate withdrawal

KEY FORMS

The appendix of the 2019 Indiana Candidate Guide includes the current forms to run for office in 2019. Forms are available with the Indiana Election Division or county election board, and can be downloaded at www.in.gov/sos/elections. These forms are subject to change.

<table>
<thead>
<tr>
<th>CAN-1</th>
<th>Candidate Filing Challenge</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAN-12</td>
<td>Statement of Economic Interest for Local and School Board Offices</td>
</tr>
<tr>
<td>CAN-16</td>
<td>Town Office Declaration of Candidacy by a Democratic, Libertarian, or Republican Party candidate when No Town Primary is Conducted in 2019</td>
</tr>
<tr>
<td>CAN-42</td>
<td>Declaration of Candidacy for Municipal Primary Nomination in 2019</td>
</tr>
<tr>
<td>CAN-43</td>
<td>Municipal Primary Election Candidate Withdrawal in 2019</td>
</tr>
<tr>
<td>CAN-44</td>
<td>Petition of Nomination for City or Town Office in 2019</td>
</tr>
<tr>
<td>CAN-45</td>
<td>Consent of Independent or Minor Political Party Candidate Nominated by Petition for City or Town Office in 2019</td>
</tr>
<tr>
<td>CAN-46</td>
<td>Municipal Election Candidate Withdrawal in 2019</td>
</tr>
<tr>
<td>CAN-48</td>
<td>Declaration of Candidacy and Written Consent to Fill a Ballot Vacancy for a City or Town Office in 2019</td>
</tr>
<tr>
<td>CAN-51</td>
<td>Declaration of Intent to be a Write-In Candidate for City or Town Office in 2019</td>
</tr>
</tbody>
</table>
WHERE TO FILE

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

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

<table>
<thead>
<tr>
<th>OFFICE</th>
<th>WHERE TO FILE DECLARATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>All city offices (including city judges)</td>
<td>county election board</td>
</tr>
<tr>
<td>Town offices (including town judges) in towns over 3,500 population, in Marion County, or which have an agreement with the county election board under IC 3-10-7-4</td>
<td>county election board</td>
</tr>
<tr>
<td>Town officers (including town judges) in towns under 3,500 population (without an agreement under IC 3-10-7-4)</td>
<td>county election board</td>
</tr>
</tbody>
</table>

Note: The deadline to withdraw a declaration of candidacy is noon, 85 days before the primary election. (IC 3-8-2-20) Once nominated, the deadline to withdraw as a candidate is noon, July 15, 2019. (IC 3-8-7-28, 3-5-4-1.5) The deadline for a candidate nominated by petition or for a write-in candidate to withdraw is also noon, July 15, 2019. (IC 3-8-2-2.7; 3-8-6-13.5)

There are procedures for a disqualified candidate to be removed from the ballot after July 15. (IC 3-8-1-5; 3-8-7-29; IC 3-8-8; 3-5-4-1.5) A primary candidate who dies before the primary election may be removed from the ballot, depending on whether the ballots have been printed or programmed when the death occurs. (IC 3-11-3-29.4)

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

**Filing with the County Election Board**

Candidates for city offices, or town offices file their declaration of candidacy with the appropriate county election board. Candidates for local office must file a Statement of Economic Interest (CAN-12) at the time of filing.
Candidate Challenges & Disqualifications

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 city offices, or town offices come before the appropriate county election board for resolution.

Before the a county election board may consider a challenge to a candidate, a registered voter of the election district that the candidate seeks to represent or a county chairman of a major political party of a county in which any part of the election district is located must file a sworn statement with the 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 or a county chairman of a major political party in the election district must file a candidate challenge. A circuit court clerk must determine whether a sufficient number of valid signatures have been obtained to meet the requirements to nominate a candidate by petition in a municipal election. If the clerk determines, based on the certification of the signatures by the county voter registration office, that the petition does not have enough valid signatures to nominate the candidate(s) on the petition, the secretary of state or the clerk must deny the certification to the petitioners. An appeal of this denial can then be brought before the county election board by the candidate by filing the CAN-1. (IC 3-8-1-2; IC 3-8-6-12)

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

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

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

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

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

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

**DISQUALIFICATION OF A CANDIDATE OR OFFICEHOLDER**

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

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

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

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

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

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

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

A county council, city council, and town council can also remove a county commissioner or city or town council member from office in certain cases. (IC 5-8-5; IC 36-2-2-5; IC 36-4-6-6) A court may expunge records
concerning minor, Level 6 (formerly Class D) felony convictions, and some more serious felony convictions, under certain circumstances. The civil rights of a person whose conviction has been expunged shall be restored, including the right to vote and to be a candidate and if elected, hold public office.
Candidate (Ballot) Vacancies

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

- The Democratic or Republican parties may not have a candidate run for nomination in the primary election.
- The Libertarian party may have a vacancy in an office following their party’s nominating convention.
- A candidate nominated by the Democratic, Libertarian, or Republican parties may be disqualified, pass away, or withdraw at least 31-days before the general election, creating another type of early ballot vacancy. (IC 3-13-1)
- A Democratic, Libertarian, or Republican candidate dies, moves out of the election district, is disqualified due to a felony conviction, or is removed via court order under IC 3-8-7-29(d) after the thirty-first day before a general election creates a late ballot vacancy. (IC 3-13-2)

**PROCEDURES FOR FILLING DEMOCRATIC & REPUBLICAN PARTY EARLY BALLOT VACANCIES**

Candidate (ballot) vacancies for city 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 (ballot) 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. Likewise, if fewer than two (2) precinct committeemen are eligible to participate in a caucus, then the candidacy may be filled by direct appointment by the county chairman. (IC 3-13-1-3; 3-13-1-4; 3-13-1-5; 3-13-1-6; 3-13-1-8; 3-13-1-13)

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

A person who wishes to be selected by the caucus to fill a ballot vacancy for city office or town office must file a CAN-48 form with both the caucus chairman and the county election board. (IC 3-13-1-10.5) A CAN-48 is available from the Election Division’s office and each circuit court clerk’s office, and included under the Candidate Forms tab of this Guide.

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

**FILLING DEMOCRATIC OR REPUBLICAN PRIMARY CANDIDATE (BALLOT) VACANCIES**

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

The deadline for the Democratic or Republican Party to conduct a political party caucus or to make a direct appointment to fill a vacancy existing on the general election ballot resulting from a vacancy on the primary
election ballot is noon, Sunday, June 30, 2019. (IC 3-13-1-2; IC 3-13-1-7) Certificate of appointment and candidate’s statement economic interest must be filed no later than 12:00 noon, prevailing local time Wednesday, July 3, 2019. (IC 3-13-1-2; IC 3-13-1-7; IC 3-13-1-15)

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

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

A county party may authorize a chair or committee to make the appointment for one election, several elections, or in perpetuity. The county party may also choose to limit the authority to a specific individual serving as chair when the authority is granted, or to provide any person serving as county chairman with this authority until the county party decides otherwise, the decision is left to the county party to draft a document noting the parameters of the appointment authority and approve by a majority vote of party membership (IC 3-13-1-6(b)(2)). As noted above, a copy of this resolution or meeting minutes must be included each time vacancy paperwork for candidates appointed under this statute is filed with the county clerk or election board.

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

**FILLING DEMOCRATIC OR REPUBLICAN EARLY BALLOT VACANCIES DUE TO THE DEATH, WITHDRAWAL OR DISQUALIFICATION OF A CANDIDATE**

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

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

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

**FILLING DEMOCRATIC OR REPUBLICAN LATE BALLOT VACANCIES DUE TO DEATH OR DISQUALIFICATION OF A CANDIDATE**

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

1. Death of a political party’s candidate;
2. Withdrawal of a candidate who has moved from the election district;
3. Disqualification of a candidate due to a felony conviction under IC 3-8-1-5; or
4. Issuance of a court order under IC 3-8-7-29(d);

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

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

If the political party fills a candidate vacancy during the final five (5) days before an election, state law does not require a county election board to reprint ballots. (IC 3-11-3-29.5)

LIBERTARIAN PARTY BALLOT VACANCIES

If a candidate vacancy exists following a Libertarian Party 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 Sunday, June 30, 2019. (IC 3-13-1-20)

At least ten (10) days before filling the candidate vacancy, the state chairman of the Libertarian Party must file a notice of intent to fill the vacancy with the official who will receive the certificate of candidate selection filing (in 2019, only the circuit court clerk will receive these filings). (IC 3-13-1-20)

Once the Libertarian Party fills a vacancy for city offices, or town offices, the state chair and secretary must file a certificate of nomination and the candidate’s Statement of Economic Interest for Local and School Board Offices (CAN-12) with the county election board. The Party must file the certificate no later than noon, Wednesday, July 3, 2019. (IC 3-13-1-20)

If a vacancy occurs for any other reason at least thirty-one days before the general, municipal, or special election, the same procedure applies. The vacancy must be filled within 30-days, but the certificate and candidate’s statement of economic interest must be filed no later than noon, three (3) days (excluding Saturdays and Sundays) after the selection of the candidate. (IC 3-13-1-20) Special procedures apply to late ballot vacancies occurring within the final 30 days before the election and to statewide or state legislative candidates. (IC 3-13-2-12; IC 3-8-8)

OTHER MINOR PARTY CANDIDATE VACANCIES

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

This statement must include the following:

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

The county chairman must file the statement no later than noon, Wednesday, July 3, 2019. The CAN-40 and
CAN-45 are available from the Election Division’s office or each circuit court clerk’s office. (IC 3-8-6-17)

A similar procedure applies to filling candidate vacancies for individuals nominated by petition for “small” town offices with a population of less than 3,500. The town chairman of the party must file a certificate of candidate selection with the county election board no later than 12:00 noon, prevailing local time, Wednesday, August 28, 2019. (IC 3-13-1-18) (CAN-18)

INDEPENDENT AND WRITE-IN CANDIDATES

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 or independent candidate.

CAMPAIGN FINANCE INFORMATION

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

Candidates and members of their campaign finance committees are encouraged to review the 2019 Indiana Campaign Finance Manual. The Manual can be accessed from the Indiana Election Division’s office or the Division’s website at www.campaignfinance.in.gov. Forms required for campaign finance filings can be found online or at the offices of the Indiana Election Division and County Election Boards.

CITY AND TOWN OFFICES

Candidates for these offices file campaign finance documents with the county election board and should contact the county election board for information on campaign finance reporting requirements.
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 (PRE-4) returned by precinct election officers following the close of the polls to the foreman of the grand jury when the jury is next in session and to forward photocopies of the affidavits to the Secretary of State. The grand jury is required to inquire into the truth or falsity of the affidavits, and file a report of the results of its inquiry with the court. (IC 3-14-5-2) Exception: This procedure does not apply to affidavits solely concerning an individual who failed to provide additional documentation as a “first time” voter under IC 3-7-33-4.5 but has since provided this documentation. (IC 3-14-5-1)

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

(1) Using a government employer’s property to solicit contributions, or advocate the election or defeat of a candidate or public question at any time, or to distribute campaign materials on government’s real property during normal business hours. Class A misdemeanor for first offense. (IC 3-14-1-17)
(2) Conspiring with a person to encourage an individual to submit a false registration application or to vote illegally. (IC 3-14-2-1)
(3) Paying or accepting payment for applying for or casting an absentee ballot. (IC 3-14-2-1)
(4) Paying or accepting payment for registering to vote or voting. (IC 3-14-2-1)
(5) Soliciting a person known to be ineligible to vote to complete or submit an absentee ballot application. (IC 3-14-2-2.5)
(6) Signing another person’s name to an absentee ballot application that contains a false statement. (IC 3-14-2-3)
(7) Signing another person’s name to an absentee ballot application without writing on it the person’s own name and address as an attesting witness. (IC 3-14-2-3)
(8) Knowingly making a false statement regarding one’s name, residence, or voter identification number when signing a poll book or making an oral affirmation to a poll worker. (IC 3-14-2-11)
(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 induce a voter to apply for or cast an absentee ballot or to vote or refrain from voting for or against a candidate or public question. (IC 3-14-3-20)

(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)

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

(1) Filing a declaration of candidacy or other similar document to place or remove a candidate from the ballot, knowing that any part of the document is falsely made. (IC 3-14-1-1)

(2) Refusing to receive and record a declaration of candidacy or other similar document when presented in accordance with the election laws, or suppressing such a document that has been duly filed.(IC 3-14-1-1)

See the 2019 Election Administrator’s Manual, published by the Indiana Election Division, for information regarding other criminal violations of the election laws. See the 2019 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 2019 Voter Registration Guidebook, published by the Indiana Election Division, for information regarding criminal violations of the voter registration law.
A. Qualifications

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

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

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

MAYOR

IC 3-8-1-1 provides that:
“(b) A person is not qualified to run for …
   (2) A local office…
unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certification of nomination.”

IC 3-8-1-24 provides that:
“A candidate for the office of mayor of a first class city [Indianapolis] must have resided in the city for at least one (1) year before the date of taking office.”

IC 3-8-1-26 provides that:
“A candidate for the office of mayor of a second or third class city must have resided in the city for at least
one (1) year before the election.”

**IC 36-4-5-2(c) provides that:**
“Residency in territory that is annexed by the city before the election is considered residency for the purposes of [candidate qualifications under IC 3-8-1-26]... even if the annexation takes effect less than one (1) year before the election.”

**IC 3-8-1-5 provides that:**
“Sec. 5. (a) This section does not apply to a candidate for federal office.
(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year.
(c) A person is not disqualified under this section for:
   (1) a felony conviction for which the person has been pardoned;
   (2) a felony conviction that has been:
      (A) reversed;
      (B) vacated;
      (C) set aside;
      (D) not entered because the trial court did not accept the person’s guilty plea; or
      (E) expunged under IC 35-38-9; or
   (3) A person’s plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.
(d) A person is disqualified from assuming or being a candidate for an elected office if:
   (1) the person gave or offered a bribe, threat, or reward to procure the person’s election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
   (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
   (3) in a:
      (A) jury trial, a jury publicly announces a verdict against the person for a felony;
      (B) bench trial, the court publicly announces a verdict against the person for a felony; or
      (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
   (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
   (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; 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.
(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:
   (1) jury has announced its verdict against the person for a felony;
   (2) court has announced its verdict against the person for a felony; or
   (3) person has pleaded guilty or nolo contendere to a felony;
   does not affect the operation of subsection (d).”

**IC 3-8-1-33 provides that:**
“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.
(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under
IC 3-13-1 or IC 3-13-2:

* * *

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

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

CITY-COUNTY COUNCIL [MARION COUNTY ONLY]

IC 3-8-1-1 provides that:
“...(b) A person is not qualified to run for ...
(2) A local office...
unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certification of nomination.”

IC 3-8-1-25 provides that:
“A candidate for membership on city-county of a first class city [Indianapolis] must have resided in the district in which seeking election, if applicable, for at least one (1) year before the date of taking office.”

IC 36-4-6-2(c) provides that:
“Residency in territory that is annexed by the city before the person files a declaration of candidacy or petition of nomination is considered residency for the purposes of [candidate qualifications under IC 3-8-1-27, even if the annexation takes effect less than one (1) year before the election.”

IC 3-8-1-5 provides that:
“Sec. 5. (a) This section does not apply to a candidate for federal office.
(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year.
(c) A person is not disqualified under this section for:
(1) a felony conviction for which the person has been pardoned;
(2) a felony conviction that has been:
   (A) reversed;
   (B) vacated;
   (C) set aside;
   (D) not entered because the trial court did not accept the person’s guilty plea; or
   (E) expunged under IC 35-38-9; or
(3) A person’s plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.
(d) A person is disqualified from assuming or being a candidate for an elected office if:
(1) the person gave or offered a bribe, threat, or reward to procure the person’s election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
(3) in a:
(A) jury trial, a jury publicly announces a verdict against the person for a felony;  
(B) bench trial, the court publicly announces a verdict against the person for a felony; or  
(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;  
(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;  
(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; 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.  
(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:  
   (1) jury has announced its verdict against the person for a felony;  
   (2) court has announced its verdict against the person for a felony; or  
   (3) person has pleaded guilty or nolo contendere to a felony;  
does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:  
“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.  
(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

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

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

CITY COMMON COUNCIL

IC 3-8-1-1 provides that:  
“...(b) A person is not qualified to run for ...  
(2) A local office...  
unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certification of nomination.”

IC 3-8-1-27 provides that:  
“A candidate for membership on the common council of a second or third class city must: (1) have resided in the city for at least one (1) year; and (2) have resided in the district in which seeking election, if applicable, for at least six (6) months before the election.”
IC 36-4-6-2(c) provides that:
“Residency in territory that is annexed by the city before the person files a declaration of candidacy or petition of nomination is considered residency for the purposes of [candidate qualifications under IC 3-8-1-27], even if the annexation takes effect less than one (1) year before the election.”

IC 3-8-1-5 provides that:
“Sec. 5. (a) This section does not apply to a candidate for federal office.
(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year.
(c) A person is not disqualified under this section for:
(1) a felony conviction for which the person has been pardoned;
(2) a felony conviction that has been:
   (A) reversed;
   (B) vacated;
   (C) set aside;
   (D) not entered because the trial court did not accept the person's guilty plea; or
   (E) expunged under IC 35-38-9; or
(3) A person’s plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.
(d) A person is disqualified from assuming or being a candidate for an elected office if:
(1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
(3) in a:
   (A) jury trial, a jury publicly announces a verdict against the person for a felony;
   (B) bench trial, the court publicly announces a verdict against the person for a felony;
   (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; or
(6) the person is subject to:
   (A) 5 U.S.C. 1502 (the Little Hatch Act); or
   (B) 5 U.S.C. 7321-7326 (the Hatch Act);
   and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office.
(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:
(1) jury has announced its verdict against the person for a felony;
(2) court has announced its verdict against the person for a felony; or
(3) person has pleaded guilty or nolo contendere to a felony;
does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:
“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.
(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:"
* * *

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

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

FIRST CLASS CITY
(INDIANAPOLIS)

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

SECOND CLASS CITIES

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

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

THIRD CLASS CITIES

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

In other third class cities with a population of less than 10,000, the city common council may be organized and elected in accordance with an ordinance adopted after June 30, 2010 (and during a year in which the election of the city common council will not occur) (IC 36-4-6-5). The city ordinance organizing the common councils in these cities may provide that the common council consists of four (4) district members and one (1) at large member. Each voter may vote for one candidate from the district in which the voter resides and for one candidate for the at large seat.

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

Consult with the city clerk-treasurer or city attorney for more information about any such ordinance.
Some third class cities with a population of less than 7,000 may also elect their five (5) member city common council in accordance with a resolution adopted before May 7, 1991. A voter in a city operating under this procedure votes for one (1) at large candidate for city common council and for one (1) candidate from each of its 4 council districts.

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

CITY CLERK

CITY CLERK-TREASURER

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

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

IC 3-8-1-1 provides that:
“(b) A person is not qualified to run for ...
(2) A local office...
unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certification of nomination.”

IC 3-8-1-28 provides that:
“A candidate for the office of city clerk of a second class city or city clerk-treasurer of a third class city must have resided in the city for at least one (1) year before the election.”

IC 36-4-10-3(b) provides that:
“(b) Residency in territory that is annexed by the city before the election is considered residency for the purposes of [candidate qualifications under IC 3-8-1-28], even if the annexation takes effect less than one (1) year before the election.”

IC 3-8-1-5 provides that:
“Sec. 5. (a) This section does not apply to a candidate for federal office. (b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year. (c) A person is not disqualified under this section for: (1) a felony conviction for which the person has been pardoned; (2) a felony conviction that has been: (A) reversed; (B) vacated; (C) set aside; (D) not entered because the trial court did not accept the person's guilty plea; or (E) expunged under IC 35-38-9; or (3) A person’s plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court. (d) A person is disqualified from assuming or being a candidate for an elected office if: (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana; (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the
(3) in a:
(A) jury trial, a jury publicly announces a verdict against the person for a felony;
(B) bench trial, the court publicly announces a verdict against the person for a felony; or
(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; or
(6) the person is subject to:
(A) 5 U.S.C. 1502 (the Little Hatch Act); or
(B) 5 U.S.C. 7321-7326 (the Hatch Act);
and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office.
(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:
(1) jury has announced its verdict against the person for a felony;
(2) court has announced its verdict against the person for a felony; or
(3) person has pleaded guilty or nolo contendere to a felony;
does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:
“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests. (b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

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

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

CITY JUDGE

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

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

IC 3-8-1-5 provides that:
“Sec. 5. (a) This section does not apply to a candidate for federal office.

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

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

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

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

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

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

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

does not affect the operation of pleaded guilty or nolo contendere to a felony;

IC 3-8-1-33 provides that:

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

* * *

(4) A candidate for a local office..., in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).” (Subdivision 3 requires certain judge and prosecutor candidates to already file statements of economic interest)
A candidate for local office (other than judge or prosecuting attorney) is required to file a statement of economic interest (CAN-12). The circuit court clerk must reject a declaration of candidacy that does not include the CAN-12 statement. This form is available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office. A CAN-12 is included in this Guide under the Candidate Forms tab.

CITY JUDGES FOR CITIES IN ST. JOSEPH COUNTY

IC 3-8-1-1.5 provides that:
“...(b) A person is not qualified to run for [city court judge in a city in St. Joseph County] unless not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination the person is registered to vote in a county in which the municipality is located.”

IC 3-8-1-28.5 provides that:
“...(d) Before a candidate for the office of judge of the court may file a:
   (1) declaration of candidacy or petition of nomination;
   (2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; or
   (3) declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;
the candidate must be an attorney in good standing admitted to the practice of law in Indiana.”

CITY JUDGES FOR CITIES IN ALL OTHER COUNTIES

IC 3-8-1-28.5 provides that:
“...(b) A candidate for the office of judge of a city court must reside in the city upon filing any of the following:
   (1) A declaration of candidacy or declaration of intent to be a write-in candidate under IC 3-8-2.
   (2) A petition of nomination under IC 3-8-6.
   (3) A certificate of nomination under IC 3-10-6-12.
(c) A candidate for the office of judge of a city court must reside in a county in which the city is located upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.”
(d) Before a candidate for the office of judge of the court may file a:
   (1) declaration of candidacy or petition of nomination;
   (2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; or
   (3) declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;
the candidate must be an attorney in good standing admitted to the practice of law in Indiana.”

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

1. Filing Requirements
Candidates for city offices from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 7, 2019.

A candidate for the nomination for the office of mayor, city-county council member, city common council member, city clerk, city clerk-treasurer, or city judge by the Democratic or Republican Party must file a Statement of Economic Interests for Local and School Board Offices (CAN-12) and a Declaration of Candidacy for Municipal Primary Nomination (CAN-42) with the county election board. (IC 3-8-2-5) Indiana law requires the county to reject a declaration of candidacy that does not include a statement of economic interest. (IC 3-8-9-6) (Petitions signed by registered voters are NOT required of Democratic or Republican Party candidates for city offices.)
The **first day** for a candidate for a city office to submit a declaration of candidacy and statement of economic interest to the county election board is **Wednesday, January 9, 2019**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, Friday, February 8, 2019**. (IC 3-8-2-4; IC 3-8-2-5) A statement of economic interest or declaration of candidacy presented after February 8, 2019, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.

The statement of economic interest (CAN-12) and declaration of candidacy form (CAN-42) are available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office. A CAN-42 and CAN-12 are 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 in Indiana 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.

3. **Candidate Withdrawal Requirements**

**Primary Election Candidate Withdrawal**

A Democratic or Republican candidate for city office who filed with the county election board a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the county election board certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, Monday, February 11, 2019**. (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 11, 2019, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

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

**Municipal Election Candidate Withdrawal**

After the primary, if a nominee for city office wishes to withdraw from the ticket for the municipal election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2019**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will **not** certify that individual’s name as a candidate for the municipal election. **Notice to withdraw candidacy presented after July 15, 2019, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The municipal election candidate withdrawal (CAN-46) is available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office. A CAN-46 is included in this Guide under the Candidate Forms tab.
C. Libertarian Party Candidates

1. Filing Requirements
Libertarian Party candidates are not nominated in a primary election, but are nominated by political party convention. (IC 3-10-6-12)

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

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

Indiana law requires all Libertarian nominees for municipal office to file a statement of economic interests along with the certificate of nomination. Indiana law requires the county to reject a certification that does not include a statement of economic interests. (IC 3-8-9-5) The statement of economic interests (CAN-12) is available at each circuit court clerk’s office and is included in this Guide under Candidate Forms tab.

2. Candidate Withdrawal Requirements
If a nominee for a city office wishes to withdraw from the Libertarian Party ticket for the municipal election, the nominee must file a written notice of candidate withdrawal with the county election board. The DEADLINE to file this notice with the county election board is 12:00 noon, prevailing local time, on Monday, July 15, 2019. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual’s name as a candidate for the municipal election. Notice to withdraw candidacy filed after July 15, 2019 at 12:00 noon, local prevailing time, will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.

The municipal election withdrawal form (CAN-46) is available from the Election Division’s office, on the Division’s website, and 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 city office at the municipal election, must file a statement of economic interest (CAN-12), written consent to become a candidate (CAN-45) and a petition of nomination (CAN-44) with the county election board. (IC 3-8-6-12 and IC 3-8-6-14(a)) The county is required to reject a declaration of candidacy that does not include a statement of economic interest. (IC 3-8-9-6)

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

More than one independent candidate for city office cannot be nominated on the same petition form. (IC 3-8-6-4)

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

The statement of economic interest (CAN-12), written consent (CAN-45) and petition of nomination (CAN-44) are available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office. A CAN-12, CAN-44 and CAN-45 are included in this Guide under the Candidate Forms tab.

To be placed on the municipal election ballot, an independent or minor party candidate must obtain signatures of registered voters in the election district the candidate seeks to represent. A petition of nomination must be signed by the number of registered voters equal to 2% of the total votes cast for secretary of state in the 2018 general election in the election district the candidate seeks to represent. Any fraction in excess of a whole number is disregarded in computing this figure. (IC 3-8-6-3) Signatures on any petition of nomination must be those of registered voters of the state who reside in the district the candidate seeks to represent. (IC 3-8-6-2)

EXAMPLE: A candidate for the office of city common council member must obtain signatures of registered voters equal to 2% of the total votes cast for all candidates for secretary of state in the 2018 general election in that city council district.

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

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

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

The first day a candidate for a city office may submit the petition of nomination, accompanied by the written consent form (CAN-45) to the county voter registration office for certification is Wednesday, January 9, 2019 and the DEADLINE for filing is 12:00 noon, prevailing local time, Monday, July 1, 2019. (IC 3-8-6-12, 3-5-4-1.5)

For candidates for city office, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate’s consent (CAN-45) must be filed with the county election board. The DEADLINE for filing the statement of economic interest (CAN-12), petition of nomination (CAN-44), accompanied by the written consent (CAN-45) with the county election board is 12:00 noon, prevailing local time, Monday, July 15, 2019. (IC 3-8-6-10; IC 3-8-6-12; 3-5-4-1.5) The county voter registration office
must file the certified petitions of nomination with the county election board. However, the candidate for a city office may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-45) 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 at the residence address on the petition at the time the county processes the petition. Although a minor variation between the name or address of a petition signer and the name or address on the county voter registration records does not invalidate the signature, a substantial variation renders the signature invalid. Reasonable doubts must be resolved in favor of the signer of the petition. (IC 3-5-6)

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

4. Candidate Withdrawal Requirements
The DEADLINE for a person nominated by petition for a city office who wishes to withdraw from the municipal election ballot to file a written notice of candidate withdrawal with the county election board is 12:00 noon, prevailing local time, on Monday, July 15, 2019. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual’s name as a candidate for the municipal election. Notice to withdraw candidacy filed after July 15, 2019 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district that the candidate sought to represent.

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

E. Write-in Candidates

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

A person who desires to be a write-in candidate for a city office in the municipal election on Tuesday, November 5, 2019 must file a Declaration of Intent to be a Write-In Candidate for City or Town Office in 2019 (CAN-51 form) and a Statement of Economic Interests for Local and School Board Offices (CAN-12 form) with the county election board. (IC 3-8-2-2.5) Indiana law requires the county to reject a declaration that does not include a statement of economic interest. (IC 3-8-9-6)

The CAN-12 and CAN-51 forms are available from the Election Division’s office and each circuit court clerk’s office. The CAN-12 and CAN-51 are included in this Guide under the Candidate Forms tab.

The first day a write-in candidate may file the CAN-12 and CAN-51 form with the county election board is
Wednesday, January 8, 2019 and the DEADLINE for filing is 12:00 noon, prevailing local time, Wednesday, July 3, 2019. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5)

2. Candidate Withdrawal Requirements
The DEADLINE for a person who files a declaration of intent to be a write-in candidate for a city office to file a written notice of candidate withdrawal with the county election board is 12:00 noon, prevailing local time, on Monday, July 15, 2019. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual’s name as a candidate for the municipal election. Notice to withdraw candidacy filed after July 15, 2019 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district that the candidate sought to represent.

The Municipal Election Candidate Withdrawal in 2019 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 other than the Democratic, Libertarian, or Republican Parties (the parties whose nominee for Secretary of State of Indiana received at least 2% of the total votes cast in the most recent election for the office of Secretary of State (November 2018)). IC 3-8-2-2.5 However, if a write-in candidate claims affiliation with a political party: (1) that already has ballot access, (2) of a candidate who has previously filed a petition of nomination under IC 3-8-6, or (3) whose name would result in voter confusion due to its similarity with the name of the political party in (1) or (2), then a registered voter in the election district may question the validity of the filing under IC 3-8-1-2. The county election board shall determine the validity of the questioned filing. If the county election board determines that the candidate’s stated party affiliation would result in voter confusion due to its similarity with another party’s name, and the candidate declines to amend the declaration to remove this confusion, then the board shall deny the filing. (IC 3-8-2-12.5)

4. Unopposed Candidates
A county election board may, by unanimous vote of the board, decide the printing of all nominees on the city’s municipal election ballot is not required in certain cases: (1) if there is an election for at least one city common council member, only the voters within that city council election district are eligible to vote for the city council seat, there is no election for an office to be voted on by all the voters of the city, and the county election board adopts, by unanimous vote of its members, a resolution to conduct an election only in the city council district; or (2) there is only one nominee for an office or only one declared write-in for an office, as a result there is no contest for a city office, and the county election board adopts, by a unanimous vote of its members a resolution not to conduct an election for a municipal office (IC 3-10-6-7.5).
“LARGE TOWN” OFFICES

TOWN COUNCIL MEMBER

TOWN CLERK-TREASURER

TOWN JUDGE

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

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

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

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

A. Qualifications

**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:**

“An 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:**

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

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

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

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

(A) reversed;
(B) vacated;
(C) set aside;
(D) not entered because the trial court did not accept the person’s guilty plea; or  
(E) expunged under IC 35-38-9; or  
(3) A person’s plea of guilty or nolo contendere at a guilty plea hearing that is not accepted or entered by a trial court.  
(d) A person is disqualified from assuming or being a candidate for an elected office if:  
(1) the person gave or offered a bribe, threat, or reward to procure the person’s election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;  
(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;  
(3) in a:  
   (A) jury trial, a jury publicly announces a verdict against the person for a felony;  
   (B) bench trial, the court publicly announces a verdict against the person for a felony; or  
   (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;  
(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;  
(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; 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.  
(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:  
(1) jury has announced its verdict against the person for a felony;  
(2) court has announced its verdict against the person for a felony; or  
(3) person has pleaded guilty or nolo contendere to a felony; does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:  
“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.  
(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:  
 * * *  
(4) A candidate for a local office... in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).” (Subdivision 3 requires certain judge and prosecutor candidates to already file statements of economic interest)  

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

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

**Election Schedule**

As a general rule, all town council members are elected for four year terms at each municipal election year (2019, 2023, etc.). (IC 3-10-6-2; 3-10-7-6) However, a town can alter this election schedule by adopting one of several types of ordinances permitted under state law.

A town may adopt an ordinance to provide for “staggered terms” for town council members by providing that at the next municipal election, some council members will be elected for three year terms, and the other council members will be elected for four year terms. After the first “short terms” for town council members are over, this system results in the town electing some town council members in the “non-presidential general election year” (2018, 2022), and the other town council members in the ordinary municipal election years (2019, 2023). (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” (2020, 2024). (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 (2019, 2023), 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.

**Unopposed Candidates**

A county election board may, by unanimous voter of the board, decide the printing of all nominees on the town’s municipal election ballot is not required in certain cases: (1) if there is an election for at least one town council member, only the voters within that town council election district are eligible to vote for the town council seat, there is no election for an office to be voted on by all the voters of the town, and the county election board adopts, by unanimous vote of its members, a resolution to conduct an election only in the town council district; or (2) there is only one nominee for an office or only one declared write-in for an office, as a result there is no contest for a town office, and the county election board adopts, by a unanimous vote of its members, a resolution not to conduct an election for a municipal office (IC 3-10-6-7.5).

**Districts**

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

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

Additionally, if a town with a population of less than 3,500, if the town council failed to enact new town council districts or recertifying their current districts to comply with IC 36-5-2-4.1 following the 2010 census after December 31, 2011, then beginning January 1, 2018, the town council districts were abolished and,
unless a new redistricting ordinance was passed by the town council, each town council seat would be considered “at-large” at the next election the seat is on the ballot. (IC 36-5-2-4.1(n))

In other towns, the town council must adopt an ordinance to reestablish town council district boundaries in 2012 and each ten years after a U.S. census is conducted. (IC 36-5-2-4.1(g))

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

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

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

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

**Town Clerk-Treasurer**

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

**IC 3-8-1-1 provides that:**
“... (b) A person is not qualified to run for... (2) A local office... unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination.”

**IC 3-8-1-5 provides that:**
“Sec. 5. (a) This section does not apply to a candidate for federal office.
(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year
(c) A person is not disqualified under this section for:
   (1) a felony conviction for which the person has been pardoned;
   (2) a felony conviction that has been:
      (A) reversed;
      (B) vacated;
      (C) set aside;
      (D) not entered because the trial court did not accept the person's guilty plea; or
      (E) expunged under IC 35-38-9; or
   (3) A person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted or entered by a trial court.
   (c) A person is disqualified from assuming or being a candidate for an elected office if:
      (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
(2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
(3) in a:
   (A) jury trial, a jury publicly announces a verdict against the person for a felony;
   (B) bench trial, the court publicly announces a verdict against the person for a felony; or
   (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
(4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; or
(6) the person is subject to:
   (A) 5 U.S.C. 1502 (the Little Hatch Act); or
   (B) 5 U.S.C. 7321-7326 (the Hatch Act);
and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office.
(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:
   (1) jury has announced its verdict against the person for a felony;
   (2) court has announced its verdict against the person for a felony; or
   (3) person has pleaded guilty or nolo contendere to a felony;
does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:
“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests. (b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

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

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

**Town Judge**

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

**IC 3-8-1-1 does not apply to a candidate for judge of a town court.**
IC 3-8-1-1.5 provides that:
“... (b) A person is not qualified to run for [town 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.
(c) Except as provided in IC 33-35-5-7.5, before a candidate for the office of judge... a town court may file a:
   (1) declaration of candidacy or petition of nomination;
   (2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; or
   (3) declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;
   the candidate must be an attorney in good standing admitted to the practice of law in Indiana.”

IC 3-8-1-5 provides that:
“Sec. 5. (a) This section does not apply to a candidate for federal office.
(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year
(c) A person is not disqualified under this section for:
   (1) a felony conviction for which the person has been pardoned;
   (2) a felony conviction that has been:
      (A) reversed;
      (B) vacated;
      (C) set aside;
      (D) not entered because the trial court did not accept the person's guilty plea; or
      (E) expunged under IC 35-38-9; or
   (3) A person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted or entered by a trial court.
(d) A person is disqualified from assuming or being a candidate for an elected office if:
   (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
   (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
   (3) in a:
      (A) jury trial, a jury publicly announces a verdict against the person for a felony;
      (B) bench trial, the court publicly announces a verdict against the person for a felony; or
      (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
   (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
   (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; 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.
(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:
   (1) jury has announced its verdict against the person for a felony;
   (2) court has announced its verdict against the person for a felony; or
   (3) person has pleaded guilty or nolo contendere to a felony;
   does not affect the operation of subsection (d).”
IC 3-8-1-33 provides that:
“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.
(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

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

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

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

1. Filing Requirements
Candidates for town offices from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 7, 2019.

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

The first day for a candidate for a town office to submit a statement of economic interest and declaration of candidacy to the county election board is Wednesday, January 9, 2019, and the DEADLINE to file is 12:00 noon, prevailing local time, Friday, February 8, 2019. (IC 3-8-2-4; IC 3-8-2-5) A declaration of candidacy presented for filing after February 8, 2019 at 12:00 noon cannot be accepted and will not be considered valid.

The statement of economic interest (CAN-12) and declaration of candidacy form (CAN-42) are available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office. A CAN-42 and CAN-12 are 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 in Indiana 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.

3. Candidate Withdrawal Requirements

Primary Election Candidate Withdrawal
A Democratic or Republican candidate for a town office who filed with the county election board a declaration
of candidacy for the primary election, may file written notice of candidate withdrawal with the county election board certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice is **12:00 noon, prevailing local time, Monday, February 11, 2019.** (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 11, 2019 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or moves from the election district that the candidate sought to represent.**

The Municipal Primary Election Candidate Withdrawal in 2019 form (CAN-43) is available from the Election Division’s office and each circuit court clerk’s office. A CAN-43 is included in this Guide under the **Candidate Forms** tab.

**Municipal Election Candidate Withdrawal**

After the primary, if a nominee for a town office wishes to withdraw from the municipal election ballot, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice is **12:00 noon, prevailing local time, on Monday, July 15, 2019.** (IC 3-8-7-28) Upon receipt of this notice, the county election board will **not** certify that individual’s name as a candidate for the municipal election. **Notice to withdraw candidacy filed after July 15, 2019 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or moves from the election district that the candidate sought to represent.**

The Municipal Election Candidate Withdrawal in 2019 form (CAN-46) is available from the Election Division’s office and each circuit court clerk’s office. A CAN-46 is included in this Guide under the **Candidate Forms** tab.

**C. Libertarian Party Candidates**

1. **Filing Requirements**

Libertarian Party candidates are not nominated in a primary election, but are nominated by political party convention. (IC 3-10-6-12)

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

Libertarian Party candidates for town offices are **not** required to file declarations of candidacy with the county election board. Instead, the Libertarian Party convention chair and secretary will certify the Party’s nominees to the county election board. State election law requires the candidate to file a statement of economic interests along with the certification. Indiana law requires the county to reject a certification that does not include a statement of economic interests. (IC 3-8-9-6)

2. **Candidate Withdrawal Requirements**

If a nominee for a town office wishes to withdraw from the Libertarian Party ticket for the municipal election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2019.** (IC 3-8-7-28) Upon receipt of this notice, the county election board will **not** certify that individual’s name as a candidate for the municipal election. **Notice to withdraw candidacy filed after July 15, 2019 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or moves from the election district that the candidate sought to represent.** (IC 3-8-7-28)

The Municipal Election Candidate Withdrawal in 2019 form (CAN-46) is available from the Election Division’s office, on the Division’s website, and is included in this Guide under the **Candidate Forms** tab.
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 town office at the municipal election, must file a Statement of Economic Interests for Local and School Board Offices (CAN-12), written consent to become a candidate for the town office (CAN-45 Consent of Independent or Minor Political Party Candidate Nominated by Petition for a City or Town Office form), and a Petition of Nomination for City or Town Office in 2019 (CAN-44 form) with the county election board. (IC 3-8-6-12; IC 3-8-6-14(a)) Indiana law requires the county to reject a petition that does not include a statement of economic interest. (IC 3-8-9-6)

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

More than one independent candidate for town office cannot be nominated on the same petition form. (IC 3-8-6-4)

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

The statement of economic interests (CAN-12), written consent form (CAN-45), and petition of nomination form (CAN-44) are available from the Election Division’s office and each circuit court clerk’s office. A CAN-12, CAN-44 and CAN-45 are included in this Guide under the Candidate Forms tab.

To be placed on the municipal election ballot, an independent or minor party candidate must obtain signatures of registered voters in the election district the candidate seeks to represent. A petition of nomination must be signed by the number of registered voters equal to 2% of the total votes cast for all of the candidates for secretary of state in the 2018 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 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 2018 general election in that town council district.

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

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

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

The first day a candidate for a town office may submit the petition of nomination, accompanied by the written consent form (CAN-45) to the county voter registration office for certification is Wednesday, January 9, 2019 and the DEADLINE for filing is 12:00 noon, prevailing local time, Monday, July 1, 2019. (IC 3-8-6-12; 3-5-4-1.5)

For candidates for town offices, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate’s consent (CAN-45 form) and statement of economic interest (CAN-12) must be filed with the county election board. The DEADLINE for filing the petition of nomination (CAN-44), accompanied by the written consent form (CAN-45) with the county election board is 12:00 noon, prevailing local time, Monday, July 15, 2019. (IC 3-8-6-10; IC 3-8-6-12) The county voter registration office must file the certified petitions of nomination with the county election board. However, the candidate for a town office may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-45 form) with the county election board to be placed on the municipal election ballot. (IC 3-8-6-10)

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

Sometimes a county voter registration office rejects a signature on a nominating petition because the individual who signed the petition is not a registered voter at the residence address on the petition at the time the county processes the petition. Although a minor variation between the name or address of a petition signer and the name or address on the county voter registration records does not invalidate the signature, a substantial variation renders the signature invalid. Reasonable doubts must be resolved in favor of the signer of the petition. (IC 3-5-6)

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

4. Candidate Withdrawal Requirements
The DEADLINE for a person nominated by petition for a town office who wishes to withdraw from the municipal election ballot to file a notice of candidate withdrawal with the county election board is 12:00 noon, prevailing local time, on Monday, July 15, 2019. (IC 3-8-7-28) Upon receipt of this notice, the county election board will not certify that individual’s name as a candidate for the municipal election. Notice to withdraw candidacy filed after July 15, 2019 at 12:00 noon will not be considered valid unless the candidate is
disqualified under IC 3-8-1-5 or moves from the election district that the candidate has sought to represent.

The Municipal Election Candidate Withdrawal in 2019 form (CAN-46) is available from the Election Division’s office and each circuit court clerk’s office. A CAN-46 is included in this Guide under the Candidate Forms tab.

E. Write-in Candidates

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

A person who desires to be a write-in candidate for a town office in the municipal election on Tuesday, November 5, 2019, must file a Declaration of Intent to be a Write-In Candidate for City or Town Office in 2019 (CAN-51 form) with the county election board and a Statement of Economic Interests for Local and School Board Offices (CAN-12). (IC 3-8-2-2.5 Indiana law requires the county to reject a declaration that does not include a statement of economic interest. (IC 3-8-9-6)

The CAN-12 and CAN-51 forms are available from the Election Division’s office and each circuit court clerk’s office. A CAN-51 is included in this Guide under the Candidate Forms tab.

The first day a write-in candidate may file the CAN-51 form with the county election board is Wednesday, January 9, 2019 and the DEADLINE for filing is 12:00 noon, prevailing local time, Wednesday, July 3, 2019. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5)

2. Candidate Withdrawal Requirements
The DEADLINE for a person who files a declaration of intent to be a write-in candidate for a town office to file a written notice of candidate withdrawal with the county election board is 12:00 noon, prevailing local time, on Monday, July 15, 2019. (IC 3-8-7-28) Upon receipt of this notice, the county election board will not certify that individual’s name as a candidate for the municipal election. Notice to withdraw candidacy filed after July 15, 2019 at 12:00 noon will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.

The Municipal Election Candidate Withdrawal in 2019 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 other than the Democratic, Libertarian, or Republican Parties (the parties whose nominee for Secretary of State of Indiana received at least 2% of the total votes cast in the most recent election for the office of Secretary of State (November 2018)). IC 3-8-2-2.5

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

Town Council Member

Town Clerk-Treasurer

Town Judge

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

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

Municipal Primaries
A town with a population of less than 3,500 may adopt an ordinance to provide for a nomination of Democratic and Republican candidates for town office in a primary election (instead of by town convention). The town council must adopt the ordinance not later than January 1 of the year in which a municipal election is held (2019, 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

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

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

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

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

**IC 3-8-1-29 provides that:**
“A candidate for membership of a town council must reside in the district in which seeking election, if applicable.”

**IC 3-8-1-1 provides that:**
“. . . (b) A person is not qualified to run for: . . .
(2) A local office; . . .
unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination.”

**IC 3-8-1-5 provides that:**
“Sec. 5. (a) This section does not apply to a candidate for federal office.
(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year.
(c) A person is not disqualified under this section for:
   (1) a felony conviction for which the person has been pardoned;
   (2) a felony conviction that has been:
      (A) reversed;
      (B) vacated;
      (C) set aside;
      (D) not entered because the trial court did not accept the person’s guilty plea; or
      (E) expunged under IC 35-38-9; or
   (3) A person’s plea of guilty or nolo contendere at a guilty plea hearing that is not accepted or entered by a trial court.
   (d) A person is disqualified from assuming or being a candidate for an elected office if:
   (1) the person gave or offered a bribe, threat, or reward to procure the person’s election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
   (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
   (3) in a:
      (A) jury trial, a jury publicly announces a verdict against the person for a felony;
      (B) bench trial, the court publicly announces a verdict against the person for a felony; or
      (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
   (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
   (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; 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.
   (e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:  
      (1) jury has announced its verdict against the person for a felony;
      (2) court has announced its verdict against the person for a felony; or
      (3) person has pleaded guilty or nolo contendere to a felony;
IC 3-8-1-33 provides that:
“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests. (b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

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

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

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

Election Schedule
As a general rule, all town council members are elected for four year terms at each municipal election year (2019, 2023, etc.). (IC 3-10-6-2; 3-10-7-6) However, a town can alter this election schedule by adopting one of several types of ordinances permitted under state law.

A town may adopt an ordinance to provide for “staggered terms” for town council members by providing that at the next municipal election, some council members will be elected for three year terms, and the other council members will be elected for four year terms. After the first “short terms” for town council members are over, this system results in the town electing some town council members in the “non-presidential general election year” (2022, 2026), and the other town council members in the ordinary municipal election years (2019, 2023). (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” (2020, 2024). (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 (2019, 2023), and then electing successors to a full four year term.

A town with a population of less than 3,500 may adopt an ordinance that schedules elections for some or all town offices to even numbered years, municipal election years, or both, so long as no election is scheduled for any town office in a year following a presidential election year (2021, 2025). (IC 3-10-7-2.9)
Consult with the town clerk-treasurer or town attorney for more information about any such ordinances.

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

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

Districts
As a general rule, town council members in small towns must be elected from districts established by ordinance adopted by the town council following each federal decennial census (such as the 2010 federal census, for example).

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 major party l town council candidates in this town will run at large in the primary and all town council candidates will run at large in the general election. (IC 36-5-2-4.1(h))

In a small town with a population of less than 3,500, if the town council has not passed an ordinance to establish new town council districts or recertify the current town council districts at any time after December 31, 2011, then the town council districts currently established will be abolished, effective January 1, 2018. But, the town council whose districts have been abolished after January 1, 2018, may still pass an ordinance to established new town council districts to take effective after January 1, 2018. (IC 36-5-2-4.1(n))

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

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

TOWN CLERK-TREASURER

Each town is required to elect a town clerk-treasurer. The town clerk-treasurer is elected by all the voters of the town. (IC 36-5-6-4)
IC 3-8-1-5 provides that:
“Sec. 5. (a) This section does not apply to a candidate for federal office.
(b) As used in this section, "felony" means a conviction in any jurisdiction for which the convicted person might have been imprisoned for more than one (1) year
(c) A person is not disqualified under this section for:
   (1) a felony conviction for which the person has been pardoned;
   (2) a felony conviction that has been:
      (A) reversed;
      (B) vacated;
      (C) set aside;
      (D) not entered because the trial court did not accept the person's guilty plea; or
      (E) expunged under IC 35-38-9; or
   (3) A person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted or entered by a trial court.
(d) A person is disqualified from assuming or being a candidate for an elected office if:
   (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
   (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
   (3) in a:
      (A) jury trial, a jury publicly announces a verdict against the person for a felony;
      (B) bench trial, the court publicly announces a verdict against the person for a felony; or
      (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
   (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
   (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; 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.
(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:
   (1) jury has announced its verdict against the person for a felony;
   (2) court has announced its verdict against the person for a felony; or
   (3) person has pleaded guilty or nolo contendere to a felony;
   does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:
“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.
(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *
(4) A candidate for a local office..., in accordance with IC 3-8-9, except a candidate for a local office described in subdivision (3).” (Subdivision 3 requires certain judge and prosecutor candidates to already file statements of economic interest)
A candidate for local office (other than judge or prosecuting attorney) is required to file a statement of economic interest (CAN-12). The circuit court clerk must reject a declaration of candidacy that does not include the CAN-12 statement. This form is available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office. A CAN-12 is included in this Guide under the Candidate Forms tab.

**TOWN JUDGE**

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

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

**IC 3-8-1-1.5 provides that:**

“...(b) A person is not qualified to run for an office subject to this section unless not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination the person is registered to vote in a county in which the municipality is located.

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

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

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

**IC 3-8-1-5 Disqualification of candidates** provides that:

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

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

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

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

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

1. the person gave or offered a bribe, threat, or reward to procure the person’s election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
2. the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
3. in a:
   A. jury trial, a jury publicly announces a verdict against the person for a felony;
   B. bench trial, the court publicly announces a verdict against the person for a felony; or
   C. guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
4. the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
(5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate; 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.
(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:
   (1) jury has announced its verdict against the person for a felony;
   (2) court has announced its verdict against the person for a felony; or
   (3) person has pleaded guilty or nolo contendere to a felony;
does not affect the operation of subsection (d).”

IC 3-8-1-33 provides that:
“Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests. (b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

* * *

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

A candidate for local office (other than judge of the circuit, superior, county, small claims, or probate court or prosecuting attorney) is required to file a statement of economic interest (CAN-12). The circuit court clerk must reject a declaration of candidacy that does not include the CAN-12 statement. This form is available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office. A CAN-12 is included in this Guide under the Candidate Forms tab.

B. Democratic and Republican Candidates Nominated at Primary Elections
A small town may adopt an ordinance to elect some or all of the town’s officers in 2022. (IC 3-10-7-2.7; 3-10-7-2.9) A town may also adopt an ordinance providing for the nomination of Democratic and Republican candidates at a primary election. (IC 3-8-5-2). If major party candidates are to be nominated for election to a town office at a primary election to be held on May7, 2019, the same filing, political party affiliation, and candidate withdrawal requirements apply that are applicable to such candidates for county offices.

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

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

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

The first day to file a declaration of candidacy and statement of economic interest for office in a small town is Wednesday, January 9, 2019, and the DEADLINE to file is 12:00 noon, prevailing local time, on Thursday, August 1, 2019.

The Town Office Declaration of Candidacy by a Democratic, Libertarian, or Republican Candidate When No Town Primary is Conducted in 2019 (CAN-16) and the Statement of Economic Interests for Local and School Board Offices (CAN-12) are available from the Election Division’s office and each circuit court clerk’s office. A CAN-16 and CAN-12 are included in this Guide under the Candidate’s Forms tab.

Town Convention Candidate Filing Deadlines

Wednesday, August 21, 2019, 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)

Wednesday, August 28, 2019, 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

Thursday, August 1, 2019, by 12:00 noon, prevailing local time is the DEADLINE an individual may file a notice of withdrawal of a declaration of candidacy previously filed with the county election board to be the nominee of the Democratic, Libertarian, or Republican Party for town office in a small town. (IC 3-8-5-10.5; IC 3-8-5-14.5; IC 3-8-5-17) Notice to withdraw candidacy presented after August 1, 2019, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.

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

Town Convention Candidate Withdrawal

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

There is no state-approved town office convention candidate withdrawal form. The CAN-46 can be adapted for this purpose. A CAN-46 is included in this Guide under the Candidate Forms tab.

C. Minor Party and Independent Candidates

1. Filing Requirements

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

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

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

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

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

The written consent (CAN-45), petition of nomination (CAN-44), and statement of economic interests (CAN-12) are available from the Election Division’s office and each circuit court clerk’s office. A CAN-45, CAN-44, and CAN-12 are included in this Guide under the Candidate Forms tab.

To be placed on the municipal election ballot, an independent or minor party candidate must obtain signatures of registered voters in the election district the candidate seeks to represent. A petition of nomination must be signed by the number of registered voters equal to 2% of the total votes cast for secretary of state in the 2018 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 2018 general election in that town council district.

Circuit court clerks will have information on the votes by precinct for the office of secretary of state in the 2018 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.

A petition carrier is required to sign an affidavit at the bottom of each page of the petition prior to filing with the county voter registration office. A petition carrier is required to fully complete and affix their signature to the affidavit at the bottom of each page of the petition prior to filing with the county voter registration office. If the petition carrier information is incomplete, then the county voter registration office may not process the signature page, but must give the best possible notice to the petition carrier who submitted the signature page to allow for the correction. The petition carrier may correct the missing information concerning the petition carrier up to the final date an hour for filing the petition with the county voter registration office. If the information is not completed by this deadline, then the signature page may not be processed. (IC 3-6-12)
For a petition of nomination to be considered valid, the county voter registration office in the county where the individual signing the petition is registered must certify whether each person who signs the petition is a registered voter at the residence listed in the petition at the time the county processes the petition and in the election district the candidate seeks to represent. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-44 form.) (IC 3-8-6-10; IC 3-8-6-11)

The first day a candidate for a town office may submit the petition of nomination, accompanied by the written consent (CAN-20) to the county voter registration office for certification is Wednesday, January 9, 2019, and the DEADLINE for filing petitions for review by county voter registration officials is 12:00 noon, prevailing local time, Monday, July 1, 2019. (IC 3-8-6-10, 3-5-4-1.5)

For candidates for town offices, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate’s consent (CAN-45) and statement of economic interests (CAN-12) must be filed with the county election board. The DEADLINE for filing the petition of nomination (CAN-44), accompanied by the written consent form (CAN-19) and the statement of economic interest form (CAN-12) with the county election board is 12:00 noon, prevailing local time, Monday, July 15, 2019. (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5) The county voter registration office must file the certified petitions of nomination with the county election board. However, the candidate for a town office may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-45 and CAN-12) with the county election board to be placed on the municipal election ballot. (IC 3-8-6-10)

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

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

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

4. Candidate Withdrawal Requirements
The DEADLINE for a person nominated by petition for a town office who wishes to withdraw from the 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 15, 2019. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the general election. Notice to withdraw candidacy presented after July 15, 2019, at 12:00 noon, prevailing location time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.
The municipal election candidate withdrawal (CAN-46) is available from the Election Division’s office and each circuit court clerk’s office. A CAN-46 is included in this Guide under the Candidate Forms tab.

Filling Candidate Vacancies

Wednesday, August 28, 2019, by 12:00 noon, prevailing local time, is the last day for a town chairman of a political party that submitted a petition of nomination for the election of candidates to town office to file a certificate of candidate selection to fill any candidate vacancy. The certificate must be accompanied by the candidate’s written consent to the selection. (IC 3-13-1-18)

E. Write-in Candidates

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

A person who desires to be a write-in candidate for a town office in the municipal election on Tuesday, November 5, 2019, must file a declaration of intent to be a write-in candidate (CAN-51) and Statement of Economic Interests for Local and School Board Offices (CAN-12) with the county election board. (IC 3-8-2-2.5) Indiana law requires the county to reject a declaration that does not include a statement of economic interests. (IC 3-8-9-6)

The CAN-51 and CAN-12 are available from the Election Division’s office and each circuit court clerk’s office. A CAN-51 and CAN-12 are included in this Guide under the Candidate Forms tab.

The first day a write-in candidate may file the CAN-51 and CAN-12 with the county election board is Wednesday, January 9, 2019, and the DEADLINE for filing is 12:00 noon, prevailing local time, Wednesday, July 3, 2019. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5)

2. Candidate Withdrawal Requirements
The DEADLINE for a person who files a declaration of intent to be a write-in candidate for a town office to file a written notice of candidate withdrawal with the county election board is 12:00 noon, prevailing local time, on Monday, July 15, 2019. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual’s name as a candidate for the general election. Notice to withdraw candidacy presented after July 15, 2019, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.

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

3. Political Party Affiliation
A write-in candidate may claim affiliation with a political party other than the Democratic, Libertarian, or Republican Parties (the parties whose nominee for Secretary of State of Indiana received at least 2% of the total votes cast in the most recent election for the office of Secretary of State (November 2018)). (IC 3-8-2-2.5)

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

Candidate Forms

CAN-1  Candidate Filing Challenge
CAN-12  Statement of Economic Interest for Local and School Board Office
CAN-16  Town Office Declaration of Candidacy by a Democratic, Libertarian, or Republican Party Candidate when No Town Primary is Conducted in 2019
CAN-42  Declaration of Candidacy for Municipal Primary Nomination in 2019
CAN-43  Municipal Primary Election Candidate Withdrawal in 2019
CAN-44  Petition of Nomination for City or Town Office in 2019
CAN-45  Consent of Independent or Minor Political Party Candidate Nominated by Petition For a City or Town Office in 2019
CAN-46  Municipal Election Candidate Withdrawal in 2019
CAN-48  Declaration of Candidacy and Written Consent to Fill a Ballot Vacancy For a City or Town Office in 2019
CAN-51  Declaration of Intent to be a Write-in Candidate for a City or Town Office in 2019
CFA-1  Candidate’s Statement of Organization and Designation of Principal Committee or Exploratory Committee

Indiana Election Commission Opinion

Advisory Opinion 2015-1: Concerning restrictions on use of “officeholder” information in campaign advertisements (IC 3-9-3-5)
INSTRUCTIONS: This form is used by an individual seeking to challenge the following: the eligibility of a candidate, the declaration of candidacy, the declaration of intent to be a write-in candidate, a request for ballot placement, a petition or candidate’s consent to nomination, a certificate of candidate selection, or by a candidate seeking to contest the denial of certification due to insufficient signatures by filing this form under IC 3-8-1-2 or IC 3-8-8 to request a hearing before the Indiana Election Commission, the county election board or the Lake or Tippecanoe County boards of elections and registration, or a town election board.

STATE OF INDIANA
COUNTY OF ________________________

GENERAL INFORMATION

I, ___________________________________________________________________________, the undersigned, certify the following:

I am (check one box):

☐ a registered voter of Precinct _______ of the Township of _____________________________.
☐ (or of Ward, if applicable ___________ of the City or Town of ________________________), County of ___________________, State of Indiana;
☐ A county chairman of a major political party in which any part of the election district of the office subject to this challenge is located; OR
☐ A candidate who submitted a petition of nomination under IC 3-8-6.

(2) My residence address is:

Complete residence address must be inserted _____________________________, Indiana ___________ ZIP Code

(3) My mailing address is (if different from residence address):

Mailing address (Write “SAME” if both addresses are identical) _____________________________, Indiana ___________ ZIP Code

(4) If I am filing this challenge as a registered voter, my voter registration address is located within the election district of the office listed below.

(5) If I am filing this challenge as a registered voter or a county political party chairman, I question the eligibility of the following individual, who is a candidate for the office:

________________________________________________________________________________________

Name of Candidate Office sought (include District, if applicable)

(6) The following facts are known to me and lead me to believe that the individual listed above is ineligible to be a candidate for this office (attach additional sheets if necessary):

________________________________________________________________________________________

(7) If I am filing this challenge as a candidate, the following facts are known to me and lead me to believe that the denial of certification of my petition of nomination due to insufficient signatures or the county voter registration office’s failure to certify qualified petitioners is not in accordance with law, and I therefore request a hearing on this matter before the appropriate election authority under IC 3-8-1-2 or IC 3-8-8. (attach additional sheets if necessary):

________________________________________________________________________________________

CHALLENGER OR CANDIDATE CERTIFICATION

I swear or affirm under the penalties for perjury that the foregoing statements are true, to the best of my knowledge and belief.

______________________________ /________/_______ (______)_________________ (______)________________
Signature Date signed (MM/DD/YY) Telephone (Day) Telephone (Evening)

COUNTY OF ________________________ STATE OF ____________________________

Subscribed and sworn to before me this ________ day of ____________________________, 20_____.

Notary Public or Other Official Administering Oath according to IC 33-42-4-1 or IC 33-42-9

My Commission expires (applies only to Notary Public): ____________________________ County of Residence: ____________________________
STATE OF INDIANA

COUNTY OF ________________________________

INFORMATION FOR THE CALENDAR YEAR BEFORE THE DATE OF THIS FILING:

20____

NOTE: Insert “Not Applicable” where appropriate.

I, __________________________________________________________________________ the undersigned, certify the following:

Name of Candidate or Person Filling Vacant Office

(1) The elected office which I seek as a candidate, or to which I have been appointed to fill a vacancy is
______________________________________________________________________________.(Include district, if applicable.)

(2) The name of my spouse is ________________________________________________________________________________.

(3) The name of my employer and the nature of its business is
______________________________________________________________________________.

(4) The name of the employer of my spouse and the nature of its business is
______________________________________________________________________________.

(5) If I own a sole proprietorship, the name of the sole proprietorship and the nature of its business is
______________________________________________________________________________.

(6) If I operate a professional practice, the name of the professional practice and the nature of its business is
______________________________________________________________________________.

(7) If I am a member of a partnership, the name of the partnership and the nature of its business is
______________________________________________________________________________.

(8) If my spouse is a member of a partnership, the name of the partnership and the nature of its business is
______________________________________________________________________________.

(9) If I am a member of a limited liability company, the name of the limited liability company and the nature of its business is
______________________________________________________________________________.

(10) If my spouse is a member of a limited liability company, the name of the limited liability company and the nature of its business is
______________________________________________________________________________.

(11) If I am an officer or a director of a corporation (other than a church), the name of the corporation and the nature of its business is
______________________________________________________________________________.

(12) If my spouse is an officer or a director of a corporation (other than a church), the name of the corporation and the nature of its business is
______________________________________________________________________________.

COMPLETE THE AFFIRMATION ON REVERSE SIDE OF THIS FORM.
I, the undersigned, affirm that the information set forth on this Statement of Economic Interests is true and complete.

Signed, this the _____ day of _________________________________, 20___:

_______________________________________________________________
Signature

_______________________________________________________________
Printed Name

STATE OF ________________________________
COUNTY OF ________________________________
Subscribed and affirmed to before me this ________ day of _____________________________, 20__.

Notary Public or Other Official Administering Oath

My Commission expires (applies only to Notary Public): ______________________________

County of Residence: ________________________________
TOWN OFFICE DECLARATION OF CANDIDACY BY A
DEMOCRATIC, LIBERTARIAN, OR REPUBLICAN PARTY CANDIDATE
WHEN NO TOWN PRIMARY IS CONDUCTED IN 2019
State Form 46422 (R19 / 6-18)
Indiana Election Division (IC 3-8-5-10.5)

INSTRUCTIONS: This form must be filed with the circuit court clerk of the county in which most of the town’s population is located no earlier than January 9, 2019 and no later than NOON, August 1, 2019 before an election. This form is to be used by a Democratic Party, Libertarian Party, or Republican Party candidate for a town office in a town that has a population of less than 3,500 in which no town primary will be conducted. A candidate of any other political party (or an independent candidate) must use the CAN-19 and CAN-20 forms.

STATE OF INDIANA
COUNTY OF ________________________________

GENERAL INFORMATION
I, __________________________________________ the undersigned,
certify the following:
(1) I am a registered voter of Precinct __________________ of the Township of _______________________________________.
(or of Ward, if applicable, __________ of the City or Town of ___________________), County of ____________________, State of Indiana.
(2) I am a member of the (check one box) ☐ Democratic Party ☐ Libertarian Party OR ☐ Republican Party
(3) I am claiming affiliation with the Democratic, Libertarian, or Republican Party. I understand that my party affiliation is determined by which party I voted for in the last primary election in Indiana in which I voted. I understand that if I cannot meet this party affiliation requirement I must obtain and file with this declaration a certificate from the appropriate county chairman of the party indicating that I am a member of this political party.
I meet the requirement to be affiliated with the political party indicated because (check one):
☐ The most recent primary election in Indiana in which I voted was the primary held by the party with which I claim affiliation above.
☐ The county chairman of the county in which I reside, and of the political party with which I claim affiliation above, has certified that I am a member of the political party. (I have attached a copy of the county chairman’s certification to this form.)
(4) I am a candidate for the nomination to the office of ________________________________, District ___________________ (if any) in the Town of _____________________________________.
(5) I comply with all requirements under the laws of the State of Indiana to be a candidate for this office (including any applicable residency requirement), and I am not ineligible to be a candidate due to a criminal conviction that would prohibit me from serving in this office.

CANDIDATE ADDRESS INFORMATION
(6) My complete residence address is:
__________________________________________________ _____________________________, Indiana ______________, ZIP Code ______________
Complete Residence Address Must Be Inserted City
(7) My mailing address is (if different from residence address):
__________________________________________________ _____________________________, Indiana ______________, ZIP Code ______________
Mailing Address (Write “SAME” if both addresses are identical) City

↓ Please complete reverse of form ↓
CANDIDATE NAME INFORMATION

(8) I request that my name appear on the municipal election ballot in the following manner:

____________________________________________________________________________________________________________

(*Include any Nickname and/or Suffix, Jr. Sr. II III IV)

I also request that my name on my voter registration record be the same as the name on this declaration of candidacy, and that a copy of this form be forwarded to the county voter registration office for any necessary change.

The candidate’s name must comply with the requirements in Indiana Code 3-5-7. If a candidate’s name does not comply with this state law, the declaration may be challenged under Indiana Code 3-8-1-2.

*A candidate may use a nickname on the ballot only if the nickname is a name by which the candidate is commonly known and does not exceed 20 characters.

EXAMPLE: John R. (Jack) Doe  A candidate may not use a title or degree as a designation or a designation that implies a title or degree.

CANDIDATE CERTIFICATION

(9) By initialing, I acknowledge that I have attached a copy of the CAN-12 statement of economic interests, file stamped by the office of the appropriate circuit court clerk, or a receipt or photocopy of a receipt showing that this statement of economic interest has been filed. (initial here) _____

(10) By initialing, I acknowledge that I might be required to file a surety bond before serving in office. (initial here) _____

(11) By initialing, I acknowledge that I might be required to complete training or have attained certification related to service in office. (initial here) _____

(12) By initialing, I acknowledge that I: am aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign finance contributions and expenditures, and agree to comply with the provisions of IC 3-9. (initial here) _____

I, the undersigned, certify that the information in this Declaration of Candidacy is true and complete, and that I meet the specific requirements of this office.

_____________________________________ (__________)_____________  (_________)______________
Signature                                   Date Signed  Telephone (Day)  Telephone (Evening)
(MM/DD/YY)

OPTIONAL INFORMATION: Candidate e-mail address: _______________________________________  Campaign website: _______________________________________

STATE OF __________________________________ )
COUNTY OF ________________________________ )

Subscribed and sworn to before me this _______ day of _____________________________, 2019.  
__________________________________________________________
Notary Public or Other Official Administering Oath according to IC 33-42-9

My Commission expires (applies only to Notary Public): ______________________________

County of Residence: _________________________________

CAMPAIGN FINANCE NOTICE

A candidate’s committee must file a pre-election campaign finance report no later than NOON, October 18, 2019, with the appropriate county election board.

The candidate’s committee must also file a pre-election supplemental report no later than forty-eight (48) hours after the committee receives contributions from a person that total $1,000 or more during the period beginning October 12, 2019, and ending at 6 a.m. November 3, 2019, with the appropriate county election board. If no such contribution is received, the candidate’s committee is not required to file a supplemental report.

A person who fails to file a report with the county election board is subject to a civil penalty of $50 for each day the report is late, with the afternoon of the final date for filing the report being calculated as the first day, for a maximum penalty of not more than $1,000, plus any investigative costs incurred and documented by the county election board.
STATE OF INDIANA     )
COUNTY OF ____________________________________ )

GENERAL INFORMATION

I, ___________________________   __________________________________________
the undersigned,
First Name of Candidate                                                   Middle Name of Candidate                                                             Last Name of Candidate
certify the following:

(1) I am a registered voter of Precinct _____________________ of the Township of _______________________________________, (or of Ward ________ of the City or Town of ______________________________), County of _____________________, State of Indiana.

(2) I request that my name be placed on the official primary ballot of the party with which I am affiliated (check one box)
   □ Democratic Party or the  □ Republican Party for the office of ___________________________ ________________, District _________________________ (if any)
in the (check one box) □ City or the  □ Town of ______________________________ to be voted on at the primary election to be held on May 7, 2019.

(3) I am claiming affiliation with the Democratic or Republican Party. I understand that my party affiliation is determined by which party I voted for in the last primary election in Indiana in which I voted. I understand that if I cannot meet this party affiliation requirement I must obtain and file with this declaration a certificate from the appropriate county chairman of the party indicating that I am a member of this political party.

I meet the requirement to be affiliated with the political party indicated because (check one):
   □ The most recent primary election in Indiana in which I voted was the primary held by the party with which I claim affiliation above.
   □ The county chairman of the county in which I reside, and of the political party with which I claim affiliation above, has certified that I am a member of the political party. (I have attached a copy of the county chairman’s certification to this form.)

(4) I comply with all requirements under the laws of the State of Indiana to be a candidate for this office including any applicable residency requirement. I am not ineligible to be a candidate due to a criminal conviction that would prohibit me from serving in this office.

ADDRESS INFORMATION

(5) My complete residence address is:
____________________________________________________  _____________________________, Indiana ___________________
Complete Residence Address Must Be Inserted City ZIP Code

(6) My mailing address is (if different from residence address):
____________________________________________________  _____________________________, Indiana ___________________
Mailing Address (Write “SAME” if both addresses are identical or leave blank) City ZIP Code

CANDIDATE NAME INFORMATION

(7) I request that my name appear on the primary election ballot in the following manner:

_____________________________________________________________________________________________________________________________________
(*Include any Nickname and/or Suffix, Jr. Sr. II III IV)
I also request that my name on my voter registration record be the same as the name on this declaration of candidacy, and that a copy of this form be forwarded to the county voter registration office for any necessary change.

The candidate’s name must comply with the requirements in Indiana Code 3-5-7. If a candidate’s name does not comply with this state law, the declaration may be challenged under Indiana Code 3-8-1-2.

*A candidate may use a nickname on the ballot only if the nickname is a name by which the candidate is commonly known and does not exceed 20 characters.
EXAMPLE: John R. (Jack) Doe  A candidate may not use a title or degree as a designation or a designation that implies a title or degree.

↓ Please complete reverse of form ↓
(8) By initialing, I acknowledge that I have attached a copy of the CAN-12 statement of economic interests, file stamped by the office of the appropriate circuit court clerk, or a receipt or photocopy of a receipt showing that this statement of economic interest has been filed. (initial here) _____

(9) By initialing, I acknowledge that I might be required to file a surety bond before serving in office. (initial here) _____

(10) By initialing, I acknowledge that I might be required to complete training or have attained certification related to service in office. (initial here) _____

(11) By initialing, I acknowledge that I am aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign finance contributions and expenditures, and agree to comply with the provision of IC 3-9. (initial here) _____

(12) I have been a candidate for state or local office in Indiana in a previous primary election: ☐ Yes ☐ No (Check one)

(If the answer to this question is no, skip paragraph 13 and proceed to paragraph 14.)

(13) I have filed all reports required by IC 3-9-5-10 for all previous candidacies: ☐ Yes ☐ No (Check one)

(14) (This paragraph applies to a candidate for a local office if the local office receives compensation of at least $5,000 per year, or to a local office if the local office receives compensation of less than $5,000 but the candidate raises or spends more than $500.) I have filed a campaign finance statement of organization for my principal candidate’s committee with the appropriate county election board OR I am aware that I may be required to file the campaign finance statement of organization not later than noon, seven (7) days after the final date to file this declaration of candidacy. (initial here) _____

I certify that the information in this Declaration of Candidacy is true and complete, and that I meet the specific requirements of this office.

Signature ______________________ Date Signed / M M / D D / Y Y Telephone (Day) __________ Telephone (Evening) __________

OPTIONAL INFORMATION: Candidate e-mail address: ______________________ Campaign website: ______________________

STATE OF ______________________ )
COUNTY OF ______________________ )

Subscribed and sworn to before me this _______ day of ______________________, 2019. ☐

Notary Public or Other Official Administering Oath under IC 33-42-9-1

My Commission expires (applies only to Notary Public): ______________________

County of Residence: ______________________

CAMPAIGN FINANCE NOTICE

A candidate’s committee must file a pre-primary campaign finance report no later than NOON, Monday, April 22, 2019, with the appropriate county election board.

The candidate’s committee must also file a pre-primary supplemental report no later than forty-eight (48) hours after the committee receives contributions from a person that totals $1,000 or more during the period beginning April 13, 2019 and ending May 5, 2019, with the appropriate county election board. If no such contribution is received, the candidate’s committee is not required to file a supplemental report.

A candidate’s committee must file a pre-municipal election campaign finance report no later than NOON, Friday, October 18, 2019, with the appropriate county election board.

The candidate’s committee must also file a pre-municipal election supplemental report no later than forty-eight (48) hours after the committee receives contributions from a person that total $1,000 or more during the period beginning October 12, 2019 and ending November 3, 2019, with the appropriate county election board. If no such contribution is received, the candidate’s committee is not required to file a supplemental report.

A person who fails to file a report with a county election board is subject to a civil penalty of $50 for each day the report is late, with the afternoon of the final date for filing the report being calculated as the first day, for a maximum penalty of not more than $1,000, plus any investigative costs incurred and documented by the county election board.
INSTRUCTIONS: This form is used by a candidate for nomination who wishes to remove the candidate’s name from the municipal primary election ballot. This withdrawal must be received by the official with whom the Declaration of Candidacy was filed no later than NOON, February 11, 2019.

To the Clerk of ____________________________________ Circuit Court:

CANDIDATE WITHDRAWAL

(1) I, _______________________________________________________________________________ the undersigned,
   insert name on previously filed candidacy
   withdraw as a candidate of the (check one box) □ Democratic Party or □ Republican Party for nomination to the
   office of ________________________________, District __________________ (if any) to be voted on at the
   primary election to be held on May 7, 2019.

(2) My residence address is:
   __________________________________________________  __________________________, Indiana _______________
   Complete residence address must be inserted   City   ZIP Code

(3) I request that you act under IC 3-8-2-21 to notify each appropriate county election board that I do not wish my name to
appear on the primary election ballot.
   __________________________  __________________________
   Signature   Date signed (MM/DD/YY)   Telephone Number

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF ________________________________  )
COUNTY OF ________________________________  )

Before me, the undersigned, a notary public (or other officer authorized to take acknowledgments) in and for
_________________________________________________________ County and the State of Indiana, personally appeared
_________________________________________________________, the above-named candidate, and acknowledged the execution
of the above and foregoing instrument. Witness my hand and official seal this ________ day of _____________________________, 2019.

________________________________________________________________________
Notary Public or Other Official Administering Oath according to IC 33-42-9-7

My Commission expires (applies only to Notary Public): ______________________________

County of Residence: ____________________________________________________
### INSTRUCTIONS

This petition is used to nominate independent candidates or candidates of a minor political party not already entitled to have its candidates placed on the ballot. Petitioners are not required to provide precinct/ward information. The county voter registration office will complete this information after the petition is filed. Except in cases of disability, the petitioner must complete this information in the petitioner's own handwriting. If assistance is provided due to disability, the assister must complete the affidavit on the reverse of this form. Each candidate must also complete a Candidate's Consent form (CAN-45).

This petition must be filed with the appropriate county voter registration office for processing no earlier than January 9, 2019 and no later than NOON, July 1, 2019. Democratic and Republican Party candidates running in a municipal primary should use a CAN-42 form, not this form. Democratic, Libertarian, and Republican Party candidates in a town which is not conducting a municipal primary use a CAN-16 form, not this form.

<table>
<thead>
<tr>
<th>Office Sought</th>
<th>Complete Candidate Address (as established on CAN-45 form)</th>
</tr>
</thead>
</table>

**To The __________________________________ COUNTY VOTER REGISTRATION OFFICE:**

Each of the undersigned represents that: 1) the individual resides at the address after the individual's signature; 2) the individual is a duly qualified registered voter in Indiana; and 3) the individual desires to be able to vote for the candidates listed below; and each of the undersigned respectfully requests you to place the following named legally qualified candidates on the November 5, 2019 Municipal Election Ballot as (check only one box please) independent candidates or as candidates on the ________________________________________________ Party ticket.

<table>
<thead>
<tr>
<th>Candidate Name</th>
<th>Office Sought</th>
</tr>
</thead>
</table>

**Candidate Signature:**

I affirm under the penalties for perjury that I have no reason to believe that any individual whose signature appears on this page is ineligible to sign this petition or did not properly complete and sign this page.

**Petition Carrier Certification:**

I affirm under the penalties for perjury that I have no reason to believe that any individual whose signature appears on this page is ineligible to sign this petition or did not properly complete and sign this page.

<table>
<thead>
<tr>
<th>Carrier's Name</th>
<th>Carrier's Address</th>
<th>Carrier's Signature</th>
<th>Carrier's Date of Birth</th>
</tr>
</thead>
</table>

**County of Voter Registration Office:**

Petition of Nomination for City or Town Office in 2019

(CAN-44)

(CAN-45)

(CAN-42)

(CAN-16)
County Voter Registration Office Certification

Complete if petition includes signatures from individuals in a second county. Otherwise, leave blank.

County:

Number of Valid Signatures:

I certify that, in accordance with IC 3-8-6-10(c), I have reviewed the registration records of the petitioners on this petition and certify the above number to be registered voters of this County.

I certify that, in accordance with IC 3-8-6-10(c), I have reviewed the registration records of the petitioners on this petition and certify the above number to be registered voters of this County.

Witness my/our hand and seal this __________ day of __________________, 2019, at ______________, Indiana.

COUNTY SEAL HERE

Signature 1

Clerk of the Circuit Court or Member of the Board of Registration

Signature 1

Clerk of the Circuit Court or Member of the Board of Registration

Signature 2

Member of the Board of Registration

Signature 2

Member of the Board of Registration

Affidavit of Assistance Provided to Petitioner(s)

I affirm under the penalties for perjury that I assisted the following petitioners, due to disability, in writing the petitioners' signature, printed name, and residence address on this petition:

Names of Petitioners Assisted by me: _____________________________________________________________________
______________________________________________________________________________________________________________

________________________, 20____

DATE ASSISTANCE PROVIDED

(month, day, year)

_____________________________________          ______________________________

ASSISTER'S SIGNATURE                                         ASSISTER'S PRINTED NAME                             ASSISTER'S ADDRESS

(number and street, city, state, and ZIP code)
CONSENT OF INDEPENDENT OR MINOR POLITICAL PARTY
CANDIDATE NOMINATED BY PETITION FOR CITY OR TOWN OFFICE IN 2019

INSTRUCTIONS: This consent must be filed with the certified CAN-44 petition of nomination form by an independent candidate or a candidate of a political party nominated by petition by NOON, July 15, 2019. This form is not used by Democratic, Libertarian, or Republican Party candidates.

SEE IMPORTANT INFORMATION ON BACK OF FORM.

All candidates seeking a election to a city or town office must file the CAN-12 statement of economic interests WITH this form.

STATE OF INDIANA
COUNTY OF ________________________________

GENERAL INFORMATION

I, ________________________________, the undersigned,
First Name of Candidate                                                   Middle Name of Candidate                                                             Last Name of Candidate
certify the following:
(1) I am a registered voter of Precinct ______________________ of the Township of __________________________, (or of Ward __________________
of the City or Town of __________________________, County of __________________________, State of Indiana.
(2) I am a candidate for the office of __________________________, District __________________________ (if any) in the (check one box)
□ City or the □ Town of __________________________.
(3) I give my written consent under IC 3-8-6-12 to the circulation and filing of a petition under IC 3-8-6 to place my name on the ballot for the municipal election to be held on November 5, 2019, designated as an independent candidate or a candidate of the Party stated on the petition of nomination (CAN-44 form) attached to this consent. (Note: If you claim affiliation with a political party, the name of the party may not be identical with or result in voter confusion due to its similarity with that of a party guaranteed ballot access under Indiana law or which has already filed a petition for ballot placement. (IC 3-8-6-5.5))
(4) (This paragraph does not apply to an independent candidate.) I am □ OR am not □ (check one box) affiliated with the same political party as any other candidate or group of candidates that has filed or will be filing a petition of nomination with the county voter registration office. (You may attach additional information concerning your affiliation with specific candidates of the same political party.)
(5) I comply with all requirements under the laws of the State of Indiana to be a candidate for this office (including any applicable residency requirements). I am not ineligible to be a candidate due to a criminal conviction that would prohibit me from serving in this office.

CANDIDATE ADDRESS INFORMATION

(6) My residence address is:
____________________________________________________  _____________________________, Indiana __________________
Complete Residence Address Must Be Inserted                                                                 City                                                                     ZIP Code
(7) My mailing address is (if different from residence address):
____________________________________________________  _____________________________, Indiana ___________________ Mailing Address (Write "SAME" if both addresses are identical or leave blank) City                                                                     ZIP Code

CANDIDATE NAME INFORMATION

(8) I request that my name appear on the general election ballot in the following manner:
____________________________________________________________________________________________________________
(*Include any Nickname and/or Suffix, Jr. Sr. II III IV)
I also request that my name on my voter registration record be the same as the name on this consent, and that a copy of this form be forwarded to the county voter registration office for any necessary change.
The candidate’s name must comply with the requirements in Indiana Code 3-5-7. If a candidate’s name does not comply with this state law, the consent may be challenged under Indiana Code 3-8-1-2.
*A candidate may use a nickname on the ballot only if the nickname is a name by which the candidate is commonly known and does not exceed 20 characters.
EXAMPLE: John R. (Jack) Doe A candidate may not use a title or degree as a designation or a designation that implies a title or degree.

↓ Please complete reverse of form ↓
(9) By initialing, I acknowledge that I have attached a copy of the CAN-12 statement of economic interests, file stamped by the office of the appropriate circuit court clerk, or a receipt or photocopy of a receipt showing that this statement of economic interest has been filed. (initial here)

(10) By initialing, I acknowledge that I might be required to file a surety bond before serving in office. (initial here)

(11) By initialing, I acknowledge that I might be required to complete training or have attained certification related to service in office. (initial here)

(12) By initialing, I acknowledge that I am aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign finance contributions and expenditures, and agree to comply with the provision of IC 3-9. (initial here)

(13) I have been a candidate for state or local office in Indiana in a previous primary election: ☐ Yes ☐ No (Check one)

(If the answer to this question is no, skip paragraph 14 and proceed to paragraph 15.)

(14) I have filed all reports required by IC 3-9-5-10 for all previous candidacies: ☐ Yes ☐ No (Check one)

(15) (This paragraph applies to a candidate for a local office if the local office receives compensation of at least $5,000 per year, or to a local office if the local office receives compensation of less than $5,000 but the candidate raises or spends more than $500.) I have filed a campaign finance statement of organization for my principal candidate’s committee with the appropriate county election board OR I am aware that I may be required to file the campaign finance statement of organization not later than noon, seven (7) days after the final date to file this declaration of candidacy. (initial here)

I certify that the information in this Declaration of Candidacy is true and complete, and that I meet the specific requirements of this office.

_____________________________________  ______/_____/_______
Signature                                  Date Signed
(MM/DD/YY)

Telephone (Day) Telephone (Evening)

OPTIONAL INFORMATION: Candidate e-mail address: ________________________________
Campaign website: ________________________________

STATE OF __________________________________ )
COUNTY OF ________________________________ )

Subscribed and sworn to before me this ________ day of _____________________________, 2019.

Notary Public or Other Official Administering Oath under IC 33-42-9

My Commission expires (applies only to Notary Public): ________________________________

County of Residence: ________________________________

CAMPAIGN FINANCE NOTICE

A candidate’s committee must file its first campaign finance report no later than NOON, Monday, August 5, 2019, with the appropriate county election board.

A candidate’s committee must file a pre-municipal election campaign finance report no later than NOON, Friday, October 18, 2019, with the appropriate county election board.

The candidate’s committee must also file a pre-municipal election supplemental report no later than forty-eight (48) hours after the committee receives contributions from a person that total $1,000 or more during the period beginning October 12, 2019 and ending November 3, 2019, with the appropriate county election board. If no such contribution is received, the candidate’s committee is not required to file a supplemental report.

A person who fails to file a report with a county election board is subject to a civil penalty of $50 for each day the report is late, with the afternoon of the final date for filing the report being calculated as the first day, for a maximum penalty of not more than $1,000, plus any investigative costs incurred and documented by the county election board.
MUNICIPAL ELECTION CANDIDATE WITHDRAWAL IN 2019

Indiana Election Division (IC 3-8-2-2.7, 3-8-5-10.5, 3-8-5-14.5, 3-8-6-13.5, 3-8-7-17, 3-8-7-20, 3-8-7-21, 3-8-7-28)

INSTRUCTIONS: This form is used by a nominee chosen in the municipal primary, nominated by petition or chosen by a convention who wishes to remove the nominee’s name from the municipal election ballot. This form is also used by a write-in candidate who wishes to withdraw.

DEADLINE: This form must be filed with the appropriate circuit court clerk by NOON, July 15, 2019.

EXCEPTION: For Candidates Seeking Office in Small Towns Outside Marion County: A candidate who files a declaration of candidacy for a town office in a town with a population of less than 3,500 which has not conducted a town primary in 2019 may withdraw by filing this statement by NOON, August 1, 2019.

EXCEPTION: For Candidates Nominated by Town Political Party Convention: A candidate nominated by a town convention of the Democratic, Libertarian, or Republican Party must file this withdrawal with the circuit court clerk or town election board no later than NOON, three (3) days after the adjournment of the town convention.

To the Clerk of ___________________________ Circuit Court:

CANDIDATE WITHDRAWAL

(1) I, ____________________________________________________________, the undersigned,

Insert name on previously filed candidacy

withdraw as a candidate (check one box and enter name of party)

☐ affiliated with the _____________________________ Party; OR

☐ an independent candidate (not affiliated with any party)

for the office of ____________________________________, District _________________________ (if any)

to be voted on at the municipal election to be held on November 5, 2019.

(2) My residence address is:

__________________________________________________________, City ____________________________, Indiana _______________ Complete residence address must be inserted ZIP Code

(3) I request that you act under IC 3-8-7-17 or IC 3-8-7-28 to notify each appropriate county election board to remove my name from the ballot as the nominee of the above mentioned party for this office.

Signature __________________________________________________________ Date signed __________/_______/_________ (MM/DD/YY) Telephone Number

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF INDIANA )
COUNTY OF ___________________________ )

Before me, the undersigned, a notary public (or other officer authorized to take acknowledgments) in and for

________________________________________________________, County and the State of Indiana, personally appeared

________________________________________________________, the above-named candidate, and acknowledged the execution

of the above and foregoing instrument. Witness my hand and official seal this ________ day of _____________________________, 2019.

________________________________________________________

Notary Public or Other Official Administering Oath under IC 33-42-9

My Commission expires (applies only to Notary Public): ____________________________ County of Residence: ____________________________
INSTRUCTIONS: A declaration of candidacy to fill a ballot vacancy must be filed no later than seventy-two (72) hours before the caucus to fill the vacancy. For city or town offices, the declaration is filed with the county chairman of the county in which the greatest part of the election district is located. (See IC 3-13-1-8)

The declaration must also be filed no later than seventy-two (72) hours before the caucus with the appropriate circuit court clerk if I am a candidate for selection by caucus. (See IC 3-13-1-10.5)

STATE OF INDIANA

COUNTY OF ____________________________________

GENERAL INFORMATION

I, ____________________________________________________________, the undersigned,
certify the following:

(1) I am a registered voter of Precinct __________________ of the Township of _____________________________, (or of Ward ______________ of the City or Town of _____________________________, County of _____________________________, State of Indiana.

(2) I give my written consent for you to certify my name to the appropriate election official under IC 3-13-1-15 to be placed on the official municipal election ballot of the Democratic Party or the Republican Party for the office of _____________________________, District _____________________________, (if any)
in the (check one box) ☐ City or the ☐ Town of _____________________________ to be voted on at the municipal election to be held on November 5, 2019.

(3) If I am a candidate for selection by a caucus, I am also filing a copy of this declaration with the Circuit Court Clerk of the above-named county at least seventy-two (72) hours before the time fixed for the caucus.

(4) I comply with all requirements under the laws of the State of Indiana to be a candidate for this office including any applicable residency requirement. I am not ineligible to be a candidate due to a criminal conviction that would prohibit me from serving in this office.

CANDIDATE ADDRESS INFORMATION

(5) My complete residence address is:
____________________________________________________  _____________________________, Indiana ___________________

Complete Residence Address Must Be Inserted City ZIP Code

(6) My mailing address is (if different from residence address):
____________________________________________________  _____________________________, Indiana ___________________

Mailing Address (Write “SAME” if both addresses are identical or leave blank) City ZIP Code

CANDIDATE NAME INFORMATION

(7) I request that my name appear on the municipal election ballot in the following manner:
_____________________________________________________________________________________________________________________________________

(*Include any Nickname and/or Suffix, Jr., Sr., II, III, IV)

I also request that my name on my voter registration record be the same as the name on this declaration of candidacy, and that a copy of this form be forwarded to the county voter registration office for any necessary change.

The candidate’s name must comply with the requirements in Indiana Code 3-5-7. If a candidate’s name does not comply with this state law, the declaration may be challenged under Indiana Code 3-8-1-2.

*A candidate may use a nickname on the ballot only if the nickname is a name by which the candidate is commonly known and does not exceed 20 characters.

EXAMPLE: John R. (Jack) Doe A candidate may not use a title or degree as a designation or a designation that implies a title or degree.

↓ Please complete reverse of form ↓
CANDIDATE CERTIFICATION

(8) By initialing, I acknowledge that, if selected as the candidate, I will be required to provide the county chairman with an executed copy of my CAN-12 statement of economic interests, to be filed with the CAN-49 certificate of candidate selection form in the office of the appropriate circuit court clerk (initial here) _____

(9) By initialing, I acknowledge that I might be required to file a surety bond before serving in office. (initial here) _____

(10) By initialing, I acknowledge that I might be required to complete training or have attained certification related to service in office. (initial here) _____

(11) By initialing, I acknowledge that I am aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign finance contributions and expenditures, and agree to comply with the provisions of IC 3-9. (initial here) _____

(12) I have been a candidate for state or local office in Indiana in a previous primary election: ☐ Yes ☐ No (Check one)
(If the answer to this question is no, skip paragraph 13 and proceed to paragraph 14.)

(13) I have filed all reports required by IC 3-9-5-10 for all previous candidacies: ☐ Yes ☐ No (Check one)

(14) (This paragraph applies to a candidate for a local office if the local office receives compensation of at least $5,000 per year, or to a local office if the local office receives compensation of less than $5,000 but the candidate raises or spends more than $500.) I have filed a campaign finance statement of organization for my principal candidate’s committee with the appropriate county election board OR I am aware that I may be required to file the campaign finance statement of organization not later than noon, seven (7) days after the final date to file this declaration of candidacy. (initial here) _____

I certify that the information in this Declaration of Candidacy is true and complete, and that I meet the specific requirements of this office.

________________________________________________  ______/_____/_______   (___________)_________________  (____________)__________________
Signature                                                   Date Signed
(MM/DD/YY)

OPTIONAL INFORMATION: Candidate e-mail address: ____________________________
Campaign website: ________________________________________________________

STATE OF __________________________________ )
COUNTY OF ________________________________ )

Subscribed and sworn to before me this ________ day of _____________________________, 2019.

________________________________________________
Notary Public or Other Official Administering Oath under IC 33-42-9

My Commission expires (applies only to Notary Public): ____________________________

County of Residence: ________________________________________________________

CAMPAIGN FINANCE NOTICE

A candidate who fills a ballot vacancy thirty (30) days or more before the municipal election must file campaign finance reports in accordance with IC 3-9-5-8.5. A candidate who fills a ballot vacancy less than thirty (30) days before the municipal election must file campaign finance reports in accordance with IC 3-9-5-8.5.

The candidate’s committee must also file a pre-municipal election supplemental report no later than forty-eight (48) hours after the committee receives contributions from a person that total $1,000 or more during the period beginning October 12, 2019 and ending November 3, 2019, with the appropriate county election board. If no such contribution is received, the candidate’s committee is not required to file a supplemental report.

A person who fails to file a report with a county election board is subject to a civil penalty of $50 for each day the report is late, with the afternoon of the final date for filing the report being calculated as the first day, for a maximum penalty of not more than $1,000, plus any investigative costs incurred and documented by the county election board.
INSTRUCTIONS: A declaration of intent to be a write-in candidate in the municipal election must be filed no earlier than January 9, 2019 and no later than NOON, July 3, 2019.

SEE IMPORTANT INFORMATION ON BACK OF FORM.

All candidates seeking election to a city or town office must file the CAN-12 statement of economic interests WITH this form.

STATE OF INDIANA
COUNTY OF __________________________________

GENERAL INFORMATION
I, ___________________________ the undersigned,
certify the following:
(1) I am a registered voter of Precinct _____________________ of the Township of _______________________________________, (or of Ward _______________ of the City or Town of ___________________________________), County of _____________________, State of Indiana.

(2) I am NOT claiming affiliation with the Democratic Party, the Libertarian Party, or the Republican Party.

I am (check one box and enter name of party)
☐ affiliated with the ___________________________ Party; OR
☐ an independent candidate (not affiliated with any party)

(3) I declare my intention to be a write-in candidate for the office of __________________________ ________________, District _________________________ (if any) in the (check one box) ☐ City or the ☐ Town of __________________________ to be voted on at the municipal election to be held on November 5, 2019.

(4) I comply with all requirements under the laws of the State of Indiana to be a candidate for this office, including any applicable residency requirements, and I am not ineligible to be a candidate due to a criminal conviction that would prohibit me from serving in this office.

CANDIDATE ADDRESS INFORMATION
(5) My complete residence address is:
Complete Residence Address Must Be Inserted, Indiana

(6) My mailing address is (if different from residence address):
Mailing Address (Write “SAME” if both addresses are identical or leave blank), Indiana

CANDIDATE NAME INFORMATION
I request that my name as set forth above appear on the certified list of write-in candidates. I also request that my name on my voter registration record be the same as the name on this declaration of candidacy, and that a copy of this form be forwarded to the county voter registration office for any necessary change.

The candidate’s name must comply with the requirements in Indiana Code 3-5-7. If a candidate’s name does not comply with this state law, the declaration may be challenged under Indiana Code 3-8-1-2.

↓ Please complete reverse of form ↓
CANDIDATE CERTIFICATION

(7) By initialing, I acknowledge that I have attached a copy of the CAN-12 statement of economic interests, file stamped by the office of the appropriate circuit court clerk, or a receipt or photocopy of a receipt showing that this statement of economic interest has been filed. (initial here) _____

(8) By initialing, I acknowledge that I might be required to file a surety bond before serving in office. (initial here) _____

(9) By initialing, I acknowledge that I might be required to complete training or have attained certification related to service in office. (initial here) _____

(10) By initialing, I acknowledge that I: am aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign finance contributions and expenditures, and agree to comply with the provisions of IC 3-9. (initial here) _____

(11) I have been a candidate for state or local office in Indiana in a previous primary election: ☐ Yes ☐ No (Check one) (If the answer to this question is no, skip paragraph 12 and proceed to paragraph 13.)

(12) I have filed all reports required by IC 3-9-5-10 for all previous candidacies: ☐ Yes ☐ No (Check one)

(13) (This paragraph applies to a candidate for a local office if the local office receives compensation of at least $5,000 per year, or to a local office if the local office receives compensation of less than $5,000 but the candidate raises or spends more than $500.) I have filed a campaign finance statement of organization for my principal candidate’s committee with the appropriate county election board OR I am aware that I may be required to file the campaign finance statement of organization not later than noon, seven (7) days after the final date to file this declaration of candidacy. (initial here) _____

I certify that the information in this Declaration of Candidacy is true and complete, and that I meet the specific requirements of this office.

________________________________________________  ______/_____/_______   (___________)_________________  (____________)__________________
Signature                                                   Date Signed

OPTIONAL INFORMATION: Candidate e-mail address: ________________________________ Campaign website: ________________________________

STATE OF __________________________________ )
COUNTY OF ____________________________________ )

Subscribed and sworn to before me this ________ day of _________________________, 2019. ☐

Notary Public or Other Official Administering Oath under IC 33-42-9

My Commission expires (applies only to Notary Public): ________________________________

County of Residence: ____________________________________________________________

CAMPAIGN FINANCE NOTICE

A candidate’s committee must file its first campaign finance report no later than NOON, Wednesday, July 24, 2019, with the appropriate county election board.

A candidate’s committee must file a pre-municipal election campaign finance report no later than NOON, Friday, October 18, 2019, with the appropriate county election board.

The candidate’s committee must also file a pre-municipal election supplemental report no later than forty-eight (48) hours after the committee receives contributions from a person that total $1,000 or more during the period beginning October 12, 2019 and ending November 3, 2019, with the appropriate county election board. If no such contribution is received, the candidate’s committee is not required to file a supplemental report.

A person who fails to file a report with a county election board is subject to a civil penalty of $50 for each day the report is late, with the afternoon of the final date for filing the report being calculated as the first day, for a maximum penalty of not more than $1,000, plus any investigative costs incurred and documented by the county election board.
# CANDIDATE’S STATEMENT OF ORGANIZATION AND DESIGNATION OF PRINCIPAL COMMITTEE OR EXPLORATORY COMMITTEE

**State Form 4604 (R14 / 10-17)**

**Indiana Election Division (IC 3-9-1-3; IC 3-9-1-4; IC 3-9-1-5)**

**PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK. SEE INSTRUCTIONS ON REVERSE SIDE.**

## FILE NUMBER

1. IS THIS AN AMENDMENT?  
   - [ ] Yes  
   - [ ] No  
   If Yes, please enter the file number in this box. →

### SECTION A. CANDIDATE INFORMATION: Fill in all applicable boxes as fully and accurately as possible.

<table>
<thead>
<tr>
<th>2. Last Name</th>
<th>First Name</th>
<th>Middle Name</th>
<th>Nickname</th>
<th>3. Type of Committee (Check one)</th>
</tr>
</thead>
</table>
|              |            |             |          | [ ] Candidate’s Principal Committee  
|              |            |             |          | [ ] Exploratory Committee        |

<table>
<thead>
<tr>
<th>4. Mailing Address (number and street, city, state, and ZIP code)</th>
<th>5. FAX (Optional)</th>
<th>6. E-mail Address (Optional)</th>
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<tr>
<th>11. Party Affiliation</th>
<th>12. Office Sought (Include district number, if any. Not required for an exploratory committee.)</th>
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### SECTION B. COMMITTEE INFORMATION: Fill in all applicable boxes as fully and accurately as possible.

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<thead>
<tr>
<th>13. Full Name of Committee (Do not abbreviate.)</th>
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<tr>
<th>14. Mailing Address (number and street, city, state, and ZIP code)</th>
<th>15. FAX (Optional)</th>
<th>16. E-mail Address (Optional)</th>
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<tr>
<th>21. Chairperson’s Full Name</th>
<th>22. Mailing Address (number and street, city, state, and ZIP code)</th>
<th>23. FAX (Optional)</th>
<th>24. E-mail Address (Optional)</th>
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| 29. Bank or Other Depositories (List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.) | 30. Exploratory Committee (Give brief statement explaining purpose of an exploratory committee only.) | 31. Salaries and Reimbursements (Will the committee pay the candidate a salary or reimbursement for lost wages? If Yes, attach a copy of the contract.)  
   - [ ] Yes  
   - [ ] No |
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### SECTION C. APPOINTMENT OF TREASURER (IC 3-9-1-14)

<table>
<thead>
<tr>
<th>32. I, as Chairperson of the foregoing committee, appoint the following person as Treasurer of the Committee.</th>
<th>Person Appointed Treasurer</th>
<th>Signature of the Committee Chairperson</th>
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<thead>
<tr>
<th>33. Treasurer’s Full Name</th>
<th>34. Mailing Address (number and street, city, state, and ZIP code)</th>
<th>35. FAX (Optional)</th>
<th>36. E-mail Address (Optional)</th>
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<tr>
<th>37. City</th>
<th>State</th>
<th>ZIP Code</th>
<th>38. County</th>
<th>39. Telephone (Day)</th>
<th>40. Telephone (Evening)</th>
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### SECTION D. ACCEPTANCE OF APPOINTMENT (IC 3-9-1-15)

41. I give notice that I accept the duties and responsibilities of Treasurer of this Committee. I am not the chairperson of a campaign finance committee (except as permitted for a candidate committee under IC 3-9-1-7).  
   Signature of Person Accepting Appointment  
   [ ] Yes  
   [ ] No

### SECTION E. CERTIFICATION OF STATEMENT

We certify as the candidate and the duly appointed Chairperson of the Committee and that we have examined this statement. To the best of our knowledge and belief it is true, correct and complete.

<table>
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<tr>
<th>42. Typed or Printed Name of Chairperson</th>
<th>Signature of Chairperson</th>
<th>Date (mm/dd/yy)</th>
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<tr>
<th>43. Typed or Printed Name of Candidate</th>
<th>Signature of Candidate</th>
<th>Date (mm/dd/yy)</th>
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**Warning:** State law requires that any change in this information be reported within ten (10) days of the change (IC 3-9-1-10). A person who knowingly files a fraudulent report commits a Level 6 D felony (IC 3-14-1-13). A person who fails to file a complete or accurate report as required by the Indiana Campaign Finance Law commits a Class B misdemeanor (IC 3-14-1-14), and may be subject to civil penalties (IC 3-9-4-16, IC 3-9-4-17, and IC 3-9-4-18).
This is a dual purpose form. The most common use of this form is to designate a candidate’s principal committee in which the candidate is both the chairperson and treasurer. The form enables the candidate to organize and at the same time designate the candidate’s principal committee as required by IC 3-9-1-3, IC 3-9-1-4 & IC 3-9-1-5.

The form also allows a person exploring opportunities for seeking a political office but who has not definitely decided to become a candidate for a particular office to organize an exploratory committee. If the candidate is not yet a candidate for a specific office, an amended CFA-1 must be filed.

The preparer should type or print legibly in black ink all information on this form. If more space is needed please attach additional sheets. All versions of State Form 4604 prior to revision (R10/10-01) are obsolete and cannot be used (IC 3-5-4-8). State law requires that any changes on this form must be reported WITHIN TEN (10) DAYS OF THE CHANGE.

ITEM 1. IS THIS AN AMENDMENT? Check the appropriate box. If “YES” is checked, enter the file number in the file number box and go on to Section A. If “NO” is checked, proceed directly to Section A.

SECTION A. CANDIDATE INFORMATION: Enter the name of the candidate, as set forth in the candidate’s voter registration record and any nickname the candidate uses.

TYPE OF COMMITTEE. See second paragraph above. Be sure to enter the full and current address and the ZIP Code+4, if known. Under party affiliation, enter the party the candidate supports. If no party is supported, enter “Independent.” A “Write-In” candidate should follow the same procedure; do not write “Write-In.”

OFFICE BEING SOUGHT. Enter the full name of that office. For example, “Indiana State Senator, District ____.” This box is not required to be completed by an exploratory committee.

SECTION B. COMMITTEE INFORMATION: Do not use any abbreviations in the committee name. Check the new name box if this is a new name. Be sure to enter the full and current mailing address. All correspondence with the committee relative to filings under the Campaign Finance Act will be mailed to this address, unless specified otherwise.

Check the new address if appropriate. Enter the ZIP Code+4, if known, in all boxes calling for the ZIP Code. The date the committee was organized may be the date the candidate publicly announced, filed a declaration of candidacy, solicited or accepted contributions, or made an expenditure. (IC 3-5-2-6)

ITEM 16. COMMITTEES FILING WITH THE INDIANA ELECTION DIVISION ONLY: Committees that file campaign finance reports with the Indiana Election Division and wish to file these reports electronically may contact the Election Division at (800) 622-4941 or at the e-mail address campaignfinance@ielec.in.gov for further information.

ITEM 21. Chairperson. This may be the candidate. However, the chairperson may not be the treasurer of any other campaign finance committee except in the case of the candidate’s committee. Check if this is a new chairperson or new information.

ITEM 29. Bank or Other Depositories. If a candidate’s committee accepts contributions or makes expenditures on an aggregate amount of more than two hundred dollars ($200) in a year, all funds of a committee must be segregated from, and may not be commingled with, the personal funds of officers, members or associates of the committee. (IC 3-9-2-9)

ITEM 30. Exploratory Committee. Enter a brief statement explaining the purpose of this committee. Example: “To receive and expend funds to explore the opportunities for elected office.”


SECTION C. APPOINTMENT OF TREASURER:
ITEM 32. Treasurer. The treasurer must be a U.S. citizen and may not be the chairperson of any other campaign finance committee except in the case of a candidate’s committee. The treasurer’s duties and responsibilities are discussed in detail in the Instruction Manual for the Indiana Campaign Finance Act (current edition). Check if this is a new treasurer or new information. This section must be completed in its entirety by the committee chairperson.

SECTION D. ACCEPTANCE OF APPOINTMENT: The treasurer must provide the treasurer’s written signature verifying acceptance of the duties and responsibilities as committee treasurer.

SECTION E. CERTIFICATION OF STATEMENT: The chairperson and candidate must enter their typed or printed names, written signatures and date signed in this section. Note: If the candidate and the chairperson are the same only one signature is necessary.

SPECIAL INSTRUCTIONS FOR STATEWIDE CANDIDATES

This form must be filed electronically with the Election Division. Contact 1-800-622-4941 for more information.

WARNING: Any information contained in this statement may not be copied for sale or used for any commercial purpose. (IC 3-9-4-5) Using campaign funds for primarily personal purposes is prohibited. (IC 3-9-3-4 and IC 3-9-1-12)
ADVISORY OPINION 2015-1

INDIANA ELECTION COMMISSION

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

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

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

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

IT IS THEREFORE ORDERED:

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

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

"Sec. 5. (a) This section does not apply to the following:
(1) A communication relating to an election to a federal office.
(2) A person whose sole act is, in the normal course of business, participating in the
preparation, printing, distribution, or broadcast of the advertising or material containing
the false representation.
(b) As used in this section, "officeholder" refers to a person who holds an elected office.
(c) A person may not knowingly or intentionally authorize, finance, sponsor, or
participate in the preparation, distribution, or broadcast of paid political advertising or
campaign material that falsely represents that a candidate in any election is or has been an officeholder."

does not require that advertising or campaign material include words or phrases such
as "elect", "vote", or "for", in campaign materials to comply with IC 3-9-3-5. Specifically,
advertising or campaign material containing text such as "John Doe County Assessor",
for example, 
not require inserting these words or phrases so that the communication would read “Elect John Doe County Assessor” or “John Doe for County Assessor” for the communication to comply with IC 3-9-3-5.

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

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

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

ISSUED THIS THE 21st DAY OF July, 2015:

THE INDIANA ELECTION COMMISSION:

Bryce H. Bennett, Jr., Chair

Suzannah Wilson Overholt, Member

S. Anthony Long, Vice-Chairman

Zachary E. Klutz, Member