



2023 Town Election Guidebook

For towns with a population of less than 3,500 located outside of Marion County

Published by the
Indiana Election Division
302 West Washington Street, Room E-204
Indiana Government Center South,
Indianapolis, IN 46204-2743
(317) 232-3939 | (800) 622-4941 | FAX: (317) 233-6793
www.in.gov/sos/elections

TABLE OF CONTENTS

TABLE OF CONTENTS	i
INTRODUCTION.....	1
Key Players	1
Terminology	2
When A Small Town Is Located In More Than One County	3
MUNICIPAL ELECTIONS IN 2023.....	5
Municipal Primary Election.....	5
Small Town Conventions	6
Municipal General Election	6
Apportionment of Election Costs.....	7
CANDIDATE QUALIFICATIONS & TOWN OFFICES	9
Town Council	9
Candidate Qualifications	9
Town Council Districts.....	10
IMPORTANT NOTE CONCERNING TOWN COUNCIL DISTRICTS FOR 2023 ELECTION:	11
Changing the Number of Town Council Members	11
Staggered Terms and Changing Year of Elections.....	11
Town Clerk-Treasurer	12
Town Judge.....	13
CANDIDATE FILING PROCEDURES, GENERALLY	15
Primary Election	15
Town Conventions	15
STEP 1: DECLARATIONS OF CANDIDACY.....	16
STEP 2: ORGANIZE THE TOWN COMMITTEE	17
STEP 3: CALLING THE TOWN CONVENTION	17
STEP 4: CONDUCTING THE TOWN CONVENTION	18
STEP 5: CERTIFYING THE NOMINEES.....	19
STEP 6: WITHDRAWAL OF A TOWN CONVENTION NOMINEE	19
Petitions of Nomination	19
Write-In Candidates	21
Filling Ballot Vacancies	22
“SMALL” TOWN ELECTIONS.....	23
Determining Whether an Election is Required	23
Office Holdovers.....	24
Town Election Board.....	24
Organization and Meetings of Town Election Board	24
Election Records	25
Appealing Town Election Board Decision	25
Precinct Election Officials.....	25
Public Test of Voting Equipment.....	26

Town Election Expenses	26
Expenses Where Town Election Board Conducts Election	27
Expenses Where County Election Board Conducts Election	27
VOTER REGISTRATION	29
Regular Registration Procedures	29
National Voter Registration Act	29
ABSENTEE VOTING	31
Absentee Ballot Application Assistance	31
Early Voting (Absentee In-Person)	32
Voting Absentee by Mail	32
Voting Absentee by Traveling Board	34
Military and Overseas Voters	34
Voters with Print Disabilities	35
Appointment of Absentee Voter Boards	36
Processing and Challenging an Absentee Ballot Applications	36
ELECTION DAY AND POST-ELECTION ACTIVITIES	39
Precincts and Polling Places	39
Opening Election Day Polling Locations	40
Accessibility for Voters with Disabilities	41
Voting Method	41
Ballots & Ballot Layout	41
Provisional Voting and Fail-Safe Procedures	43
Tabulating Election Results	43
Traditional Hand Counted Paper Ballots	43
Optical Scan Paper Ballot Card Voting Systems	44
Direct Record Electronic Voting Systems	44
Absentee Ballots	44
Delivery of Election Materials after Polls Close	45
Finalizing Election Results; Provisional Ballots	45
Recounts and Contests	45
Oath of Office and Bond	46
APPENDIX A: AGREEMENT TO PROVIDE ELECTION ADMINISTRATION SERVICES ..	47
APPENDIX B: INDIANA DEMOCRATIC PARTY 2023 TOWN CONVENTION RULES OF PROCEDURE	49
APPENDIX C: REPUBLICAN PARTY 2023 TOWN CONVENTION RULES OF PROCEDURE	53
APPENDIX D: ELECTION FORMS	57

INTRODUCTION

Cities and “large” towns (towns with populations of 3,500 or more) are treated similarly under state law with respect to the conduct of elections, and the county election board is responsible for conducting their elections. **However, in odd-numbered years (such as 2023), each municipality pays for the cost of conducting their local elections.** Except for the section on the apportionment of costs in municipal elections, the *2023 Election Administrator’s Manual* is the best resource for county election boards conducting elections for the municipalities.

There are unique state laws that apply to elections in “small” towns (towns with populations of less than 3,500) that are outside of Marion County. This Guidebook is primarily designed to address election procedures that apply to small towns outside of Marion County. Procedures used in cities and large towns may be mentioned to compare or contrast with those procedures used in small towns. The *2023 Election Administrator’s Manual* complements this Guidebook for small towns who plan to manage their own municipal election, as a town election board is responsible for following all state and federal laws regarding election administration.

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 Guidebook 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 Guidebook 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 (that is, IC 3-8-2-5 means Indiana Code title 3, article 8, chapter 2, section 5).

Consult the online version of the Indiana Code and the 2022 print edition of the Indiana Election Code and its supplement to check for changes or updates to election statutes. The current version of the Indiana Code is available online at iga.in.gov.

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

Key Players

County Commissioners: With respect to election law, the county commissioners are responsible for adopting precinct boundaries and in non-vote center counties, establishing Election Day polling locations.

County Clerk: In most Indiana counties, the County Clerk is the chief voter registration and chief election official, who, along with the two appointed members of the county election board, is responsible for conducting elections pursuant to state and federal election law.

County Election Board: Three-member board comprised of the elected County Clerk, a member nominated by the county Democratic party chair, and a member of the county Republican party chair. (In Lake and Porter County, the election board is five members with each party nominating two members.) The county election board conducts elections within the county.

Indiana Election Division: Bi-partisan state agency that creates election forms for candidate filing and campaign finance, for example, and serves as an information source for those with duties conducting town elections and for candidates and voters in those elections, among other duties.

Town Clerk Treasurer: In small towns that establish a town election board to conduct their town's election, the town clerk-treasurer exercises the same duties as the county clerk would if the county was conducting the election. This includes serving as secretary on the town election board.

Town Council: The legislative body of the town. May pass a resolution between January 1 and August 8 before the town's election to establish a town election board to conduct that election. In the case where the county election board conducts the town's election, the town council can enter into an agreement with the county election board to reimburse the county at a certain amount to cover conducting the election and makes appropriations to the county to cover those costs. Additionally, the town council can adopt an ordinance not later than January 1, 2023, to have Democratic and Republican candidates for town office nominated at a primary election conducted by the county election board. See IC 3-8-5-2(d).

Town Election Board: Three-member board comprised of the elected town clerk-treasurer, a member nominated by the town Democratic Party chair, and a member of the town Republican Party chair.

Terminology

Absentee Voting: Voting that occurs before Election Day, including by mail, by travel board, and in-person early voting at the clerk's office or other satellite location.

At-Large: Refers to an office where voters can vote for more than one person to hold the seats that make up those at-large offices. In some cases, this refers to an office (such as a seat on the town council) where only one person can be elected but the district the council member represents is the entire town.

City: A municipality that has a mayor, city clerk or clerk-treasurer, and a common council.

Election District: The area of a city or town that is represented by a particular office.

Large Town: Towns with a population greater than 3,500 persons and are required to have the town election conducted by a county election board and other county officials.

Municipal Election: Local city and town elections conducted on the first Tuesday after the first Monday in November, typically in an odd-numbered year like 2023.

Polling Place: Generally, the location where a person votes on Election Day. A county may assign polling places to each precinct ("non-vote center" county), which requires a voter to go to their assigned voting location on Election Day, or use "vote centers," which allows a voter to vote at any Election Day voting location.

Precinct: Small geographic area made up of census blocks and may comprise an election district such as town council.

Primary Election: Election conducted for the two major political parties (Democratic and Republican) to nominate candidates for November's municipal election. In Indiana, the primary election is held on the

first Tuesday after the first Monday in May. A voter voting in the primary election must select either a Democratic or Republican ballot. Not all small towns hold a primary election and may instead nominate party candidates at a town convention.

Small Town: A town with a 2020 census population of less than 3,500 persons. Small towns have more flexibility in the odd-numbered year elections to conduct their elections and are the primary focus of this Guidebook.

Town Convention: Political parties entitled to place candidates on the municipal election ballot without petitions (Democratic, Libertarian, and Republican) must conduct a town convention in a small town to choose their nominees for the November election ballot if 1) multiple people within the same party file to run for the same office and 2) the town council does not adopt an ordinance to conduct a primary election. See details later in this Guidebook.

Vote Center: Only a county election board may unanimously agree to adopt a vote center plan. Vote centers, generally speaking, are Election Day polling locations where any voter in the county may cast their ballot. A county may choose to use vote centers for some small towns in the 2023, but not other small towns in the county, if the county election board adopts a vote center plan with that provision. The county voter center plan does not apply to any small town who establishes a town election board to conduct the town's election in 2023.

When A Small Town Is Located In More Than One County

State law provides that when a small town is located in more than one county, special procedures apply if a municipal election is conducted in an odd-numbered year (such as 2023) and the town has not created its own town election board. (IC 3-6-5-15)

In these cases, the county election board of the county with the greatest percentage of the town's population (according to the 2020 decennial census) is responsible for canvassing and certifying the final results of the election and appointing poll workers to each Election Day polling location that are nominated by the Democratic and Republican Party county chairs of the county where the polling place is located. For example, voting location 1 is in Cardinal County and voting location 2 in Peony County. The party chairs in Cardinal County nominate poll workers for location 1; the chairs of Peony County for location 2. The "largest" county would also fill poll worker vacancies if the chair does not nominate enough individuals. These nominations by the county party chairs are submitted to the county election board with the largest population of the town.

Additionally, the county election board with the largest population may designate the polling locations used on Election Day for voters living in the municipality, which could include sites in the "smaller" counties.

Otherwise, each county election board is responsible for conducting the election for the town voters living in their respective counties. This means each county will:

- Request absentee board members and counter teams from their party chairs;
- Receive and approve absentee applications;
- Send absentee ballots out to voters by mail (or by fax and email for military and overseas voters or voters with print disabilities);
- Support travel board requests;

- Manage early voting at the one clerk's office as designated by the circuit court clerk or a satellite early voting location;
- Issue certificates of errors on election day;
- Train absentee board members, Election Day poll workers, and absentee counters;
- Manage Election Day voting locations for sites within their county, including the delivery of voting systems, ePollbooks (or paper poll lists);
- Perform the central count of absentee ballots on Election Day;
- Hold a provisional ballot hearing and determine if a provisional ballot can be counted;
- Canvass the Election Day and absentee returns for voters in their county; and
- Conduct other duties to administer election laws within the jurisdiction.

The "smaller" county (or counties) then has a responsibility to certify the results of the election to the "largest" county to allow for the certification of election results not later than noon, the second Monday following the election. (IC 3-6-5-15; IC 3-12-5-2)

In this scenario, the "largest" county would receive all candidate filings for the jurisdiction and certify the candidate information to the "smaller" county (or counties) to allow each county to manage their election duties as noted above. (IC 3-8-2-6(b))

MUNICIPAL ELECTIONS IN 2023

Municipal Primary Election

In Indiana, the primary election is held on the first Tuesday after the first Monday in May in the odd-numbered year after the non-presidential (mid-term) federal election (that is, 2023, 2027, etc.). A primary is an election where the voters who are affiliated with the two major political parties (Democratic Party and Republican Party) choose the nominees of their parties for election the following November. There is no primary conducted to nominate independent candidates or candidates of other political parties. In addition, no write-in candidates are permitted on a primary ballot. Please see 'general election' below for more information about the November election.

In Indiana, **cities, large towns (towns with a population of 3,500 or more) and all towns of any size population located wholly or partially within Marion County** conduct a primary, if more than one candidate files for the same office within their political party for nomination to a city or town office. (IC 3-10-6-4)

In a small **town with a population of less than 3,500 that is not located within Marion County**, the town council may adopt an ordinance under state law (IC 3-8-5-2) to provide for the nomination of Democratic and Republican Party candidates in a primary election. An ordinance to provide for the nomination of Democratic and Republican Party candidates in a primary election must be adopted no later than **January 1, 2023**. The town clerk-treasurer must file a copy of the ordinance with the office of the circuit court clerk of the county that contains the greatest percentage of the town's population not later than noon of the first day that a primary declaration of candidacy may be filed. If the resolution is not timely adopted and filed with the county clerk having the greatest percentage of population of the town before the primary election, then the small town must follow the procedures to hold a town convention.

If the town council in a small town adopts a municipal primary ordinance, then the **county election board conducts the primary election for the town** according to the statutes governing primary elections for cities and large towns and candidates will be required to use the forms and file by the deadline applicable to primary elections for cities and large towns. For example, a candidate running for town council in 2023 primary election must file a "Declaration of Candidacy for Municipal Primary Nomination in 2023" (STATE FORM CAN-42) with a "Statement of Economic Interests for Local and School Board Offices" (STATE FORM CAN-12) no sooner than **January 4, 2023**, and no later than noon (local prevailing time), **February 3, 2023**. (IC 3-8-2-4)

Detailed procedures describing how to file as a candidate in a primary and how to conduct a primary election in a city or large town may be found in the 2023 Candidate Guide and the 2023 Election Administrator's Manual. These publications are available online at www.in.gov/sos/elections/2397.htm.

If a small town adopts an ordinance providing for a municipal primary, the town may not change the method of nominating Democratic and Republican Party candidates for town office more than one time in any twelve year period. (IC 3-8-5-2(e)) Therefore, if the town adopts a municipal primary ordinance on December 31, 2021, this ordinance must remain in effect until December 31, 2033.

Pursuant to state laws applicable to municipal primaries, if no candidate has filed a declaration to be nominated in the primary for any office for a party, then that party may not hold a primary election. (IC 3-10-6-4) If there is not a contest within a major political party for any nomination, but at least one

candidate has filed a declaration to be nominated in the primary for any office for a party, then that party may hold a primary for that nomination if the county chairman of that party files a notice with the county election board not later than noon, prevailing local time, seven (7) days after the deadline for filing a declaration of candidacy for the primary.

If the only contest within a major political party is a contest for city council or town council district seat and only the voters of the council district may vote for the candidate then the county election board may, by unanimous vote of the board's entire membership, adopt a resolution providing that:

- 1) a primary election for the party will be held only in the legislative body election districts for which there is a contest, and
- 2) the unopposed candidates for the party's nomination to an office to be voted on by all the voters of the city or town may not be placed on the ballot.

In this case, unopposed candidates who are not placed on May's primary election ballot will automatically be placed on November's municipal election ballot. (IC 3-10-6-4)

In a municipal primary election, all municipalities all share in the cost of the election. See "Apportionment of Election Costs" below and more detailed information for town election boards later in this Guidebook.

Small Town Conventions

In small towns outside of Marion County that have not adopted an ordinance providing for the nomination of Democratic and Republican Party candidates in a primary election, the Democratic and Republican Party candidates will be nominated in a town convention.

Libertarian Party candidates will be nominated in a town convention whether the town adopts an ordinance to provide for the nomination of Democratic and Republican Party candidates in a primary election. Information about the forms and applicable deadlines to file as a town convention candidate, and how to conduct a town convention, will be discussed in more detail later in this Guidebook.

Please note: a small town convention is not an **election**; rather, it is how the Democratic, Republican, and Libertarian parties may nominate candidates for the election in November, which determines who will serve the next term in office.

Municipal General Election

In Indiana, the municipal general election is held on the first Tuesday after the first Monday in November in the odd-numbered year after the non-presidential (mid-term) federal election (that is, 2023, 2027, etc.). The municipal general election ballot may include Democratic, Republican, Libertarian, Independent, and minor party candidates, and public questions.

Some of the Democratic and Republican candidates will have been nominated during the primary election, while others will be nominated at a small town convention or selected to fill ballot vacancies. Libertarian candidates are nominated at their party's conventions but might also be selected to fill a ballot vacancy.

Independent candidates have a deadline to submit the necessary petition signatures to appear on the ballot. An independent candidate or the candidate of a party other than the Democrats, Libertarians, or

Republicans, may also file to be a write-in candidate. Details on candidate filing processes are found in the *2023 Candidate Guide* and highlighted in this Guidebook.

A candidate for a small town office may also file as a Libertarian Party candidate, an independent or other minor party candidate, or as a write-in candidate. The forms and applicable deadlines for these types of candidates will be discussed in more detail later in this Guidebook.

In a municipal general election, municipalities where the county election board is required to conduct the election share in the cost of the election. A town council of a small town may adopt an ordinance to establish a town election board to conduct the town's election.

Apportionment of Election Costs

If the county election board will conduct a primary for a small town that has adopted an ordinance to provide for the nomination of Democratic and Republican Party candidates in a primary election, the county will establish the amount the town will reimburse the county for conducting the primary by charging certain election expenses directly attributable to the town's primary to the town and apportioning other expenses among all other municipalities in the county conducting a primary. (IC 3-5-3-7; IC 3-5-3-8; IC 3-5-3-9). (see Appendix – "Apportionment of Municipal Primary Costs in Counties Using Precincts," STATE FORM CEB-34)

This apportionment of costs does not apply to a town which has entered into an agreement with the county to establish a fixed amount the town will reimburse the county for conducting the primary election. (IC 3-5-3-8(b))

If the town is in a county that has adopted a vote center plan, state law requires all cities and towns in the county to pay for all costs for holding the primary election, apportioned among each town and city in the same ratio as the number of voters who cast a ballot in the municipality at the primary election to the total votes cast in all municipalities during the primary election. (IC 3-5-3-8(c); IC 3-5-3-9(d)) (see Appendix – "Apportionment of Municipal Primary Costs in Counties Using Vote Centers," STATE FORM CEB-38)

This same apportionment of costs applies to any city or town whose election is conducted by the county election board during the November municipal general election. Different forms are used by the county election board to assess these costs. (see Appendix – "Apportionment of Municipal General Election Costs in Counties Using Precincts" STATE FORM CEB-35 and "Apportionment of Municipal General Election Costs in Counties Using Vote Centers" STATE FORM CEB-39).

In 2023, political subdivisions and school corporations may hold special elections for the voters to approve or reject a public question authorized by state law. In some of these special elections, state law requires the political subdivision or school corporation to pay for the cost of the special election incurred by the county election board. If the special election takes place in a county at the same time a municipal election is held, then the political subdivision or school corporation that holds the special election is required to pay for the cost of the election in the areas of the county where a municipal election is not taking place. The costs incurred for the special election in these areas of the county are determined based on the ratio of the number of voters who participated in the special election to the total number of voters who cast a ballot in all election conducted with the county on the same date. (IC 3-5-3-12)

CANDIDATE QUALIFICATIONS & TOWN OFFICES

To run for a town office, a person must meet certain qualifications. Qualifications vary depending on the office. In small towns with fewer than 3,500 in population, there are at least two different elected positions as follows: town council member and town clerk-treasurer. Towns that have created a town court by ordinance will also elect a town judge. (IC 33-35-1-1)

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 effectively resigns from their government employment 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)

The *2023 Candidate Guide* further details the requirements and filing process and is a helpful resource.

As a general rule, town council members and town clerk-treasurers serve four (4) year terms that begin on January 1 following their election. Special provisions apply in newly incorporated towns and towns that adopt an ordinance to change the schedule for electing town officials. (See "Staggered Terms and Changing the Year of Elections" in this Guidebook)

In addition, the "holdover" provision of the Constitution of the State of Indiana provides that a person holds office until a successor has been elected and qualified. **In other words, if there are no candidates for a given office (or not enough candidates for all the town council seats) then the current office holder serves another four year term.** (Article 15, Section 3, IC 3-13-9-5.5 and IC 3-13-9-5.6) As a result, a small town may not have an election conducted for many years if no candidate chooses to file for office during the filing period set by state law.

If fewer at-large town council members are elected than there are at-large seats to be filled, the town council determines which incumbent at-large members will holdover for another four year term. This decision must be made by the town council during a public meeting of the council no later than December 31 following the election. (IC 3-13-9-5.6)

Town Council

Candidate Qualifications

A candidate for town council must be a registered voter in the district the candidate seeks to represent no later than the deadline for filing a declaration of candidacy or petition of nomination. (IC 3-8-1-1) In addition, candidates for town council must:

1. reside within the town; and
2. reside in the district they seek to represent, if applicable. (IC 3-8-1-29; See section on “Town Council Districts” for additional information)

Once town council members assume office they must continue to reside in the town and district, if applicable, and forfeit office if they cease to be a resident of the town or district. A council member who no longer meets applicable residence requirements after assuming office must resign. (IC 36-5-2-6). If a council member is required to resign and does not, then the council member may be removed from office by a court or by the town council itself using special procedures under state law. (IC 34-17-1; IC 36-5-2-6.5(3); IC 5-8-5)

Certain events like a prior felony conviction that has not been reversed, vacated, set aside or expunged, act to disqualify a candidate to town office. (IC 3-8-1-5)

Town Council Districts

Often informally called "wards," Indiana law provides several options for dividing a town into council districts (IC 36-5-2-5) as follows:

- 1) Towns with districts where a candidate must reside in the district to run as a candidate for the district and where voters must reside to vote for the district candidate.
- 2) Towns that have no town council districts, including towns that have abolished town council districts (towns with less than 3,500 in population may abolish town council districts). A candidate in these towns runs “at-large” and may live anywhere in town to run for town council and all the voters of the town vote for all candidates for town council.
- 3) Towns with districts where candidates must reside in the district to run as a candidate for the district but all the voters in the town may vote for candidates in all district races.
- 4) Towns with some district seats (as described in Option 1 or Option 3) and some at-large seats where candidates may live anywhere in town to run for the at-large seat and all the voters of the town may vote for all of the at-large seats.

Upon incorporation of the town by the county commissioners, a town may be divided by the county commissioners into at least three (3), but not more than seven (7), districts. For newly incorporated towns with a population of less than 3,500, the county commissioners can provide for no districts so that all town council members may live anywhere in town to run for at-large seats and all the voters of the town may vote for all the at-large seats. (IC 36-5-1-10.1)

After the original town council districts (if any) are created, the town council has the authority to adopt an ordinance to change town council district boundaries. A town with town council election districts is required to adopt an ordinance to establish new districts, or recertify existing districts, the second year following the federal census, if the town’s election is held during an odd numbered year. (IC 3-5-10-7(a)(1)(C)). But if the town has offices on the ballot during an even numbered year or an even and odd numbered year, then the town may only redistrict during the first year following the federal census. (IC 3-5-10-7(a)(1)(D)).

If a town currently has council districts, the town will next be required to establish new council districts, or recertify that existing districts comply with state law, in 2022 pursuant to standards and procedures in state law. (IC 3-5-10-7; IC 36-5-2-4.1) A small town with less than 3,500 in

population with existing council districts may abolish its council districts and have all of its members elected at large. (IC 36-5-2-4.1(g)) An ordinance abolishing council districts may not be adopted or repealed during a year in which a municipal election is held.

If a town council has not completed redistricting on March 1, 2022, then the town council has until December 31, 2022, to redistrict from the 2020 federal decennial census. An ordinance recertifying, establishing, changing, or abolishing districts must be filed with the circuit court clerk of the appropriate county. Annexation ordinances must also be filed with the circuit court clerk. (IC 36-4-3-22)

IMPORTANT NOTE CONCERNING TOWN COUNCIL DISTRICTS FOR 2023 ELECTION:

Under state law, all town council districts in a small town were abolished, effective January 1, 2018, if the town council had not adopted a council district ordinance after December 31, 2011, or adopted an ordinance recertifying the existing town council districts. To be effective, a town council district ordinance must be filed with the circuit court clerk of the county in which the greatest percentage of the town's population resides. (IC 36-5-2-4.1)

Changing the Number of Town Council Members

Towns can also increase or decrease the number of council members by following the procedures outlined in state law. (IC 36-5-2-4.2) These steps include a resolution, a ballot referendum, and a local ordinance.

Staggered Terms and Changing Year of Elections

Towns may stagger the terms of town offices and change the year in which some or all town offices are elected. Some towns stagger the terms of town officers so that officers are elected in different years to prevent the turnover of all town officers after one election.

To stagger terms, the town council must pass an ordinance in the year preceding a town election. The deadline for staggering terms for the 2023 town elections is **midnight, December 31, 2022**.

The ordinance must specify the years in which town elections will be held. Town elections may be scheduled to occur in general election years that occur during even-numbered years (2024 or 2026, for example) or during municipal election years (2023 or 2027, for example), or both. However, a town election may not be scheduled to occur in those years immediately following a presidential election (2025 or 2029 for example), also known as an "off-year" where no elections are scheduled.

The ordinance must also specify which offices, including seats on the town council, will be elected in each year. Initially, to change the time of elections, or stagger terms, or both, the holders of offices designated to change will serve less than a four-year term. After this initial shortened term, successors will be elected to full four-year terms. The ordinance may not establish a term that lasts more than four years.

In general, a large town (a town with a population of 3,500 or more) may only stagger the terms of council members so that no more than 50% of its members are elected in a general election year. (IC 3-10-6-2.5) In contrast, a small town (a town with a population of less than 3,500) has more flexibility in scheduling its elections.

For example, a small town may provide that some or all town offices elected in the 2023 election serve an initial one- or three-year term so that the successors to the town offices elected in 2023 will be up for election in 2024, 2026, or both. Upon completion of the initial shortened term of one or three years,

successors to the town officials elected in 2023 to hold shortened one or three-year terms will be elected to full four-year terms. (IC 3-10-7-2.9)

In fact, a small town may change the year of the election for all its offices so that all offices are elected in a general election year (2024, 2026) rather than a municipal election year. (2023, 2027) For example, a small town that elects all town offices in 2023 could adopt an ordinance that provides that all town offices elected in 2023 will serve an initial three-year term. The successors of all town offices would then be elected in 2026 and every four years after. (2030, 2034 etc.)

In 2020, the Indiana General Assembly adopt a procedure for all towns and any city with a population of less than 3,500 to move the election of their municipal offices to an even numbered year. Under this procedure, during the year before the municipality's election, the legislative body of the municipality may adopt an ordinance to provide that:

- 1) The term of office for each individual elected to a municipal office at the next municipal election will either be one (1) or three (3) year;
- 2) the successors of the individual elected at the next municipal election shall be elected in the follow applicable even numbered year as determined by one (1) or three (3) year term of office stated in the ordinance; and
- 3) the term of office of the successors of the individual elected to the initial one (1) or three (3) year term of office will be a four (4) year term of office beginning on January 1 in the year after the even numbered year election the municipal office is on the ballot. (IC 3-10-6.5-4)

Once an ordinance is adopted under IC 3-10-6.5-3, it will take effect when the ordinance is filed circuit court clerk of the county in which the largest percentage of the population of the municipality is located. (IC 3-10-6.5-7) Additionally, the legislative body of the municipality may not repeal the ordinance for the next twelve (12) years after the ordinance is adopted. Once the period of time passes, the legislative body can only repeal the ordinance in a year preceding the year the municipal offices are next up for election. (IC 3-10-6.5-6)

Ordinances establishing staggered terms and changing the times of elections must be passed in the year preceding the municipal election and may not be repealed earlier than twelve years after adoption. (IC 3-10-6.5-3; IC 3-10-7-2.7; IC 3-10-7-2.9)

The county election board shall conduct the elections for all town offices that occur during general election years and may not assess the town for the cost of the election. (IC 3-5-3-11)

Town Clerk-Treasurer

A candidate for town clerk-treasurer must be a registered voter in the district the candidate seeks to represent no later than the deadline for filing a declaration of candidacy or petition of nomination. (IC 3-8-1-1) in addition, certain events like a prior felony conviction that has not been reversed, vacated, set aside or expunged, act to disqualify a candidate to town office. (IC 3-8-1-5)

Once elected, a town clerk-treasurer must reside within the town throughout their term of office and forfeits office if they cease to be a resident of the town. (IC 36-5-6-3)

Town Judge

A candidate for town judge is not required to be a registered voter in the town the candidate seeks to represent. Instead, the individual must be a registered voter of a county in which the municipality is located. (IC 3-8-1-1.5)

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

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

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

Certain events like a prior felony conviction that has not been reversed, vacated, set aside, or expunged, act to disqualify a candidate to town office. (IC 3-8-1-5)

Once elected, a town judge must reside in the town throughout the judge's term of office. (Article 6, Section 6 of the Indiana Constitution)

CANDIDATE FILING PROCEDURES, GENERALLY

In general, a person may file as a candidate for town office in one of three different ways. First, a candidate of the Democratic, Libertarian, or Republican Party in a small town may file a declaration of candidacy as a member of one of these three parties. (IC 3-8-5) As previously discussed, the applicable form and filing deadlines for Democratic or Republican Party candidates in small towns depends upon whether the small town has adopted an ordinance establishing a May primary election or the political parties nominate candidates for small town office in a town convention.

Second, a candidate may appear on the ballot by filing a petition of nomination. (IC 3-8-6) A candidate running as independent, or a candidate running as a candidate of a minor party (other than Libertarian Party), file a petition of nomination. Candidates wishing to represent the Libertarian Party must be nominated by the party (either in a convention or by direct appointment).

Finally, a candidate may file a declaration to be a write-in candidate. (IC 3-8-2-4) **Individuals running as a write-in candidate should remember that their names will not appear on the ballot.** Voters may cast a vote for a write-in candidate by writing in the name of the write-in candidate on the ballot.

For additional information on detailed candidate qualifications, filing forms, and filing deadlines, please consult the *2023 Indiana Candidate Guide*.

Primary Election

In Indiana, the Democratic and Republican parties are authorized to conduct primary elections on the first Tuesday after the first Monday in May. The primary election allows these two parties to nominate their candidates for the November election. Cities and “large” towns with a population of 3,500 or more hold a primary election, and candidate filing is managed through the county clerk’s office.

Candidates running for office in a city or “large” town must file the Declaration of Candidacy for Municipal Primary Nomination in 2023 (STATE FORM CAN-42) and the “Statement of Economic Interests for Local and School Board Office” (STATE FORM CAN-12) no sooner than January 4, 2023, and no later than noon (local prevailing time), February 3, 2023.

If a town council in a “small” town with a population less than 3,500 adopts a resolution to hold a primary election for the Democratic and Republican parties, then the county election board manages the primary election. Candidates running for a “small” town office must file the Declaration of Candidacy for Municipal Primary Nomination in 2023 (STATE FORM CAN-42) and the “Statement of Economic Interests for Local and School Board Office” (STATE FORM CAN-12) with the county clerk no sooner than January 4, 2023, and no later than noon (local prevailing time), February 3, 2023.

However, many “small” towns nominate Democratic, Libertarian, and Republican candidates through a town convention. Discussions on filings for independent and minor party candidates are found later in this chapter.

Town Conventions

As described above, the general rule is that Democratic, Libertarian, and Republican Parties hold town conventions to nominate candidates for local office in small towns under 3,500 in population **when there is competition for an office between candidates of the same party.**

The exception to this rule is where a small town has adopted an ordinance establishing a primary to nominate Democratic and Republican Party candidates. Even where a small town has adopted an ordinance establishing a primary to nominate Democratic and Republican Party candidates, Libertarian Party candidates would be subject to the town convention nominating process.

Determining the need for a town convention and the conduct of a town convention can be summarized in the following steps:

STEP 1: DECLARATIONS OF CANDIDACY

For a town nominating convention, a person who desires to be nominated for a town office as a Democratic, Libertarian, or Republican candidate must file a "Town Office Declaration Of Candidacy By A Democratic, Libertarian, Or Republican Party Candidate When No Primary Is Conducted In 2023" (see Appendix STATE FORM CAN-16) and a "Statement Of Economic Interests For Local And School Board Offices" (See Appendix STATE FORM CAN-12) **with the circuit court clerk between January 4, 2023, and noon (local prevailing time), August 1, 2023.**

Candidates for town judge must file a copy of the statement of economic interest for judges and judicial candidates that has been filed with the Commission on Judicial Qualification instead of the CAN-12 statement of economic interest form. As a general rule, town council members and town clerk-treasurers serve four (4) year terms that begin on January 1 following their election. Special provisions apply in newly incorporated towns and towns that adopt an ordinance to change the schedule for electing town officials. (See "Staggered Terms and Changing the Year of Elections" in this Guidebook)

In addition, the "holdover" provision of the Constitution of the State of Indiana provides that a person holds office until a successor has been elected and qualified. In other words, if there are no candidates for a given office (or not enough candidates for all the town council seats) then the current office holder serves another four year term. (Article 15, Section 3; IC 3-13-9-5.5; IC 3-13-9-5.6) As a result, a small town may not have an election conducted for many years if no candidate chooses to file for office during the filing period set by state law.

If fewer at-large town council members are elected than there are at-large seats to be filled, the town council determines which incumbent at-large members will holdover for another four year term. This decision must be made by the town council during a public meeting of the council no later than December 31 following the election. (IC 3-13-9-5.6)

For a town that has established a town election board, the circuit court clerk must certify to the town clerk-treasurer, and release to the public, a list of all candidates for all small town offices following the filing deadline for candidates. The circuit court clerk must also post a copy of the list in a prominent place in the circuit court clerk's office and file a copy of each CAN-16 declaration of candidacy with the town clerk-treasurer. (IC 3-8-5-10.5; see "Circuit Court Clerk Certification of Town Candidates" in Appendix State Form CAN-17).

If there is no competition within a political party for the nomination to a town office, then the candidate of that party who filed by the filing deadline will automatically appear on the November town election ballot for that political party if an election is held in the town.

IMPORTANT NOTE FOR 2023 SMALL TOWN POLITICAL PARTY CONVENTION CANDIDATES AND PARTY AFFILIATION:

The declaration of candidacy must state the basis for the candidate's party affiliation. A candidate may indicate their party affiliation in one of two ways:

- 1) The most recent primary election in Indiana in which the candidate voted was a primary election held by the party with which the candidate claims affiliation; or
- 2) The county chairman of the county where the candidate resides, and of the political party with which the candidate claims affiliation, certifies in writing that the candidate is a member of the political party.

If a candidate claims party affiliation based on a county chairman's certification, the candidate must attach the written certification of the county chairman to the candidate's declaration. (IC 3-8-5-10.5)

If there is no competition within a political party for **any** town office, then that party will not conduct a town convention and all the candidates who filed for that party will appear on the November town election ballot if an election is held in the town. (IC 3-8-5-14.3)

STEP 2: ORGANIZE THE TOWN COMMITTEE

The appropriate county chairman must appoint a registered voter of the town to serve as chairman of the town committee. The chairman of the town committee may not be a person who also holds a town office for the town. (IC 3-8-5-3) The town chairman also appoints a registered voter of the town to serve as the secretary of the town committee.

STEP 3: CALLING THE TOWN CONVENTION

The town chairman is responsible for calling and conducting the convention. The convention should be held in the town. However, the town convention can be held elsewhere within the county if no suitable location exists in the town. **The convention must be held no later than August 21, 2023.**

The town chairman must file the "Call of Town Convention" with the circuit court clerk of the appropriate county (where the largest part of the town's population lives). The "Call of Town Convention" must also be posted in three prominent places in the town, including the town clerk-treasurer's office for at least three days. The "Call of Town Convention" must state the date, time and place of the town convention. (see Appendix **STATE FORM CAN-15**)

A convention must be held if there are more candidates who file than the number of candidates the political party can nominate to be elected on the November election ballot for that office (two Democratic Party candidates for town clerk-treasurer or four Republican Party candidates for three town council at-large positions, for example). (IC 3-8-5-10)

If the county chairman determines that an emergency requires the rescheduling of a town convention after notice of the convention has been given, the county chairman shall promptly file a notice in the county election board office and in the office of the town clerk-treasurer, stating the date, time, and place of the rescheduled convention. (IC 3-8-5-10(e))

The county election board shall furnish the secretary of the town convention with a list of the town's registered voters, which should not be filtered to exclude individuals that do not have a past primary

voting history that aligns with the political party conducting the town convention. (IC 3-8-5-11) The list must state the date that an individual became a voter of the town if the individual became a voter of the town the same year the town convention is held.

STEP 4: CONDUCTING THE TOWN CONVENTION

The town committee chairman and secretary serve different roles at the convention. If either is unable or unwilling to participate in the convention, a replacement for the chairman, secretary, or both, is selected from the eligible voters attending the convention. (IC 3-8-5-12) If the town chairman is unable or unwilling to participate in the convention, the secretary acts as chairman until the convention elects a chairman from among the eligible voters attending the convention.

Registered voters of the town affiliated with that party holding a town convention may attend and vote at the convention. Additionally, the voter must comply with any other requirement for determining political party affiliation set forth in the rules of the political party conducting the convention.

An individual who wants to vote in a town convention must register with the secretary of the town convention and subscribe to a statement that the individual is affiliated with the party conducting the convention before being permitted to vote in the convention. The secretary of the convention shall note on the list when an individual registers with the secretary. (IC 3-8-5-11(b))

The town chairman must make an initial determination regarding who is eligible to participate and vote at the convention. If an individual objects to the determination of the chairman, the matter shall be put to the vote of all those individuals whose eligibility to vote is not in dispute. (IC 3-8-5-12 (b))

A person may not attend and vote at more than one party's town convention. (IC 3-8-5-11(c)) A person who votes at more than one town convention commits a Class A misdemeanor and is subject to prosecution. (IC 3-14-2-30)

The chairman of the town convention must also propose convention rules for adoption by the town convention voters. At the very least, the rules must provide as follows:

- 1) the voting method to be used;
- 2) a method for resolving tie votes;
- 3) a method for narrowing the list of candidates if no candidate receives a majority of votes cast; and
- 4) the rights of nonvoting observers and media attending the convention. (IC 3-8-5-12)

Proxy or absentee voting is not allowed at a town convention. In addition, nothing in the law permits candidates to be nominated from the floor of a town convention.

To be nominated, candidates must receive a majority of votes cast by voters present and voting at the convention.

When more than one candidate may be nominated to an at-large seat at a town convention, the candidates who receive the highest number of votes at the convention, up to the total number to be elected in the November town election, are considered the nominees of the convention for the town council seats in the November town election. (IC 3-8-5-12)

STEP 5: CERTIFYING THE NOMINEES

Following the convention, the chairman and secretary must complete in writing a “Town Convention Certificate of Nomination” (see Appendix STATE FORM CAN-18) stating as follows:

- 1) the name each nominee as the nominee wants the nominee’s name to appear on the ballot (this is indicated on the person’s declaration of candidacy);
- 2) the residence address of each nominee;
- 3) the office for which each person was nominated; and
- 4) that each nominee is legally qualified to hold office;

The certificate must be notarized and signed by the chairman and secretary of the convention. It is then filed with the circuit court clerk of the appropriate county **no later than noon (local prevailing time), August 28, 2023**. The circuit court clerk must then file a copy of the certificate of nomination with the town clerk-treasurer **no later than noon (local prevailing time), September 4, 2023**. (IC 3-8-5-13) (NOTE: September 4, 2023, is a holiday, therefore the deadline will be noon (local prevailing time), September 5, 2023.

STEP 6: WITHDRAWAL OF A TOWN CONVENTION NOMINEE

Candidates nominated at a town convention may withdraw their nomination by filing a “Municipal Election Candidate Withdrawal in 2023” with the circuit court clerk. (IC 3-8-5-14.5; STATE FORM CAN-46)

A completed notice must be filed not later than noon (local prevailing time), three days following the adjournment of the convention.

Petitions of Nomination

An independent or minor party candidate can get on the ballot through the circulation of a “Petition of Nomination for City or Town Office in 2023” (See Appendix STATE FORM CAN-44) signed by registered voters of the town. (IC 3-8-5-2) This method is reserved for those candidates who choose not to affiliate with the Democratic, Libertarian, or Republican parties. Further, this option is for independent and minor party candidates who want their name printed on the ballot and should not be confused with the process of becoming a declared write-in candidate, as a write-in candidate’s name is never printed on a ballot.

Candidates seeking nomination through a petition must acquire the signatures of registered voters who are qualified to vote for the candidate. In other words, a petitioner must be a registered voter of the town or the town district, if the candidate is running for a district office, where the voter resides. (IC 3-8-6-2; IC 3-5-2-19)

Petition signatures must be submitted to the county voter registration office for a determination of whether the signature is that of a registered voter of the town or relevant town district. For the signature to count toward the number of signatures required, the county voter registration office must certify that the signature is of a registered voter as of the date the county voter registration office processes the petition. (IC 3-8-6-2)

A candidate’s petition must be signed by a number of voters that is equal to two percent (2%) of the total vote cast in the last election for secretary of state in the election district they seek to represent. Fractions of whole numbers do not count. (IC 3-8-6-3) The county election board maintains the precinct

level results from the 2022 Secretary of State’s election and will determine the appropriate number of signatures required to gain ballot access as an independent or minor party candidate.

To illustrate how this two percent (2%) requirement is calculated assume there is a town named “Hoosierville.” Hoosierville is composed of two precincts. Assume the breakdown of votes cast for candidates for secretary of state in an election in these two Hoosierville precincts is as follows:

Candidates	Precinct 1	Precinct 2	Totals
Adam Benson	120	110	330
Cathy Dugger	110	120	330
Ethan Ferguson	17	21	38

698 total votes (330+330+38) were cast for all candidates for secretary of state in these two precincts. 698 multiplied by 2% (698 x .02) equals 13.96. Therefore, a candidate will be required to obtain the signatures of 13 voters of the town on a petition of nomination to qualify for an at-large seat on the Hoosierville town council.

Frequently a small town will be included entirely within a precinct that consists of an entire township so that the precinct contains both voters in the town and voters in the unincorporated areas of the township. In this situation it may be impossible to calculate the 2% figure for the town. However, if a candidate for town office obtains enough signatures on a petition to equal the 2% required for the entire township, then the petitioner is certain to have obtained enough signatures to meet the 2% required to run for town office.

A petition of nomination must indicate, among other things, whether the candidate is 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. **Note: An independent candidate may not include the name of any other candidate on the petition or request to be placed on the ballot as associated with any other candidate for town office.** (IC 3-8-6-4; see Appendix STATE FORM CAN-44)

A candidate may identify a political party name on the petition and include a symbol for the political party. Once a petition is certified, the name and any symbol will appear on the ballot. (IC 3-8-6-5)

Petitioners who sign a candidate’s “Petition of Nomination for City or Town Office in 2023” must include:

- 1) the person’s signature;
- 2) their name of the person legibly printed; and
- 3) the person’s residence address. (IC 3-8-6-6)

Electronic signatures, digital signatures, digitized signatures, or photocopied signatures of a voter are not permitted. (IC 3-5-4-1.7) The signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to include this information on the petition, then the petitioner with the disability may authorize another person to write this information on the petition on the petitioner’s behalf. If this occurs, the person assisting a petitioner must execute the Affidavit of Assistance Provided to Petitioner(s) on the back of the candidate’s “Petition of Nomination for City or Town Office in 2023”. (IC 3-8-6-6)

In addition, an individual who circulates a petition to collect signatures on a candidate’s “Petition of Nomination for City or Town Office in 2023” is required to complete the Petition Carrier Certification at the bottom of each page of the candidate’s “Petition of Nomination for City or Town Office in 2023.”

This is required even if the candidate is circulating his or her own “Petition of Nomination for City or Town Office in 2023”. (IC 3-6-12)

A signature page that does not comply with the petition carrier requirements can be received for filing. However, the county voter registration office will not certify the signatures on a page of the petition that does not contain a completed Petition Carrier Certification. The county voter registration office is required to notify the petition carrier and allow the petition carrier to complete the Petition Carrier Certification and will certify the signatures on the petition if the Petition Carrier Certification is completed before the deadline for filing the candidate’s “Petition of Nomination for City or Town Office in 2023” (noon, local prevailing time, June 30, 2023). (IC 3-6-12)

A candidate seeking nomination through the petition process should acquire more than the minimum number of required petition signatures. Those who sign the petition may not either be registered to vote or registered to vote in the relevant election district. In addition, the county voter registration office may find it difficult to certify a signature where there is no printed name or address or the name and address is not legible.

A candidate’s “Petition of Nomination for City or Town Office in 2023” may be filed with the county voter registration office between **January 4, 2023, and noon (local prevailing time), June 30, 2023**, for certification of petition signatures.

After verification of the signatures on a candidate’s petition, the county voter registration office must file a copy of the petition with the public official authorized to place names on the ballot, certifying the number of valid signatures on each petition of nomination. Petitions must be certified by **noon (local prevailing time), July 17, 2023. (NOTE: July 15, 2023 is a Saturday; therefore, the deadline moves to Monday, July 17, 2023.** (IC 3-8-6-10)

A candidate’s petitions must be accompanied by the candidate’s “Consent of Independent or Minor Party Candidate Nominated by Petition for City or Town Office in 2023” (IC 3-8-6-10; see Appendix STATE FORM CAN-45) and the candidate’s “Statement Of Economic Interests For Local And School Board Offices.” (See Appendix STATE FORM CAN-12) Candidates for town judge must file a copy of the statement of economic interest for judges and judicial candidates that has been filed with the Commission on Judicial Qualification instead of the CAN-12 statement of economic interest form.

A candidate may voluntarily withdrawal a previously filed petition by filing a “Municipal Election Candidate Withdrawal in 2023” if this form is filed by noon (local prevailing time), July 17, 2023. **(NOTE: July 15, 2023 is a Saturday; therefore, the deadline moves to Monday, July 17, 2023.** (IC 3-8-6-13.5; see Appendix STATE FORM CAN-46)

Write-In Candidates

Another manner of candidate nomination is as a write-in candidate. This method allows a person to run for office without filing as a major party candidate, being nominated at a town convention, or by a petition of nomination.

To be eligible, a candidate must file a “Declaration of Intent to be a Write-In Candidate for City or Town Office in 2023” with the circuit court clerk. (IC 3-8-2-2.5) (see **Appendix STATE FORM CAN-51**) and the candidate’s “Statement Of Economic Interests For Local And School Board Offices.” (See Appendix STATE FORM CAN-12) Candidates for town judge must file a copy of the statement of economic interest for judges and judicial candidates that has been filed with the Commission on Judicial Qualification instead of the CAN-12 statement of economic interest form. Once filed, a write-in

candidate is subject to the same laws that apply to other candidates. However, unlike all other candidates, **the write-in candidate's name will not appear on the ballot**. Instead, a voter must write the name of the candidate on the ballot in the space provided for write-in votes. Only votes cast for declared write-in candidates shall be counted and certified. (IC 3-12-1-1.7)

Candidates can file a "Declaration of Intent to be a Write-In Candidate for City or Town Office in 2023" and the statement of economic interest between **January 4, 2023, and noon (local prevailing time), July 3, 2023**. (IC 3-8-2-4(b))

A write-in candidate may voluntarily withdraw a previously filed "Declaration of Intent to be a Write-In Candidate for City or Town Office in 2023" by filing a "Municipal Election Candidate Withdrawal In 2023" no later than **noon (local prevailing time), July 17, 2023**. (July 15, 2023, falls on a Saturday, therefore, the deadline moves to Monday, July 17, 2023 at noon) (IC 3-8-2-2.7) (see Appendix **STATE FORM CAN-46**)

Filling Ballot Vacancies

Another way for a candidate to get on the ballot is to fill a ballot vacancy for a party. The *2023 Election Administrator's Manual* or the *2023 Candidate Guide* provides more extensive detail and would be a helpful resource on these procedures.

Major parties (the Democratic and Republican Parties) may fill a ballot vacancy that exists on the general election ballot as a result of no candidate running for an office in the primary election if a primary election is applicable to the town office. The party may also be able to fill a ballot vacancy if a previously nominated candidate ceases to be a candidate due to withdrawal, disqualification for specific reasons, is challenged and removed from the ballot, or death. (IC 3-13-1-7(b))

If a ballot vacancy for a major party candidate occurs before the 30th day before the town election, the precinct committeemen of the party with the vacancy, who are eligible to vote for the office, may hold a caucus if called by the party's county chairman to select a candidate to fill the ballot vacancy, or in the alternative, the county chairman or the county executive committee (chairman, vice chairman, secretary and treasurer) may fill the ballot vacancy if authorized to do so by the political party's county committee. (IC 3-13-1-6)

Libertarian Party ballot vacancies are filled by the state committee of that party. (IC 3-10-7-21; IC 3-13-1-20; IC 3-13-1-15)

Late ballot vacancies are those that occur after the 31st day before the election. For major parties, the county chairman of the Democratic or Republican Party may fill a late ballot vacancy for the party. (IC 3-13-2-5) The Libertarian Party state committee fills its late ballot vacancies. (IC 3-13-2-12)

In those instances where the candidate was nominated by filing a "Petition of Nomination for City or Town Office in 2023" as a member of a party other than the Democratic, Libertarian, or Republican Party, the town chairman of the party identified on the petition may appoint someone to fill the vacancy. Vacancies of these party candidates must be filled **not later than noon (local prevailing time), August 28, 2023**. (IC 3-13-1-18 and IC 3-8-5-13)

A candidate who was nominated by filing a "Petition of Nomination for City or Town Office in 2023" as an "independent" candidate may not be substituted with another candidate under any circumstances. (IC 3-8-6-17)

“SMALL” TOWN ELECTIONS

In general, the county election board will conduct elections for all the cities and towns in a county. The county election board shall conduct the election in a small town (a town with a population of less than 3,500) in 2023 unless the town council adopts a resolution between **January 1, 2023, and August 8, 2023**, to establish a town election board to conduct the town election. The resolution must be filed with the circuit court clerk no later than **noon (local prevailing time), August 21, 2023**. If adopted, the resolution will expire **December 31, 2023**. (IC 3-10-7-5.5)

The information in the remainder of this Guidebook is focused on the work a town election board will do should the town council adopt a resolution for the town to conduct its own municipal election. The *2023 Election Administrator's Manual* and *2023 Election Administrator's Calendar* are companion resources to this Guidebook and should be referenced as a town election board must follow all election procedures outlined in state and federal law.

Determining Whether an Election is Required

If, after all the deadlines to become a candidate for town office have passed, and **no candidate has filed** for an office that is up for election in 2023, then the town may not have a municipal election. In this case, town officers currently holding offices hold over to serve another term. (Art. 15 § 3 of the Indiana Constitution; IC 3-13-9-5.5; IC 3-13-9-5.6)

If **at least one candidate has filed** for any office up for election in 2023, then the general rule is that the town shall have a town election on November 7, 2023, unless the county election board (or the town election board if one has been established) adopts a unanimous resolution as described below. (IC 3-10-7-6)

If some candidates have filed for town office but there are **no more candidates nominated for any office by any means (primary, town convention, petition, or write-in candidates, for example) than seats up for election, meaning the office on the ballot is uncontested**, then the town must nonetheless have an election unless the county election board (or a town election board if one is established) adopts a unanimous resolution of its entire membership that an election may not be held in the town. (IC 3-10-7-6(e))

For example, where only one candidate may be elected to an office (town clerk-treasurer) and only one candidate is competing for that office, there is no contest for the office of town clerk-treasurer. Likewise, where more than one candidate may be elected to an office (three town council members who all run at-large, for example) and only three candidates are competing for the office, there is no contest for the office for town council.

If there is a contested race for any office, all names must appear on the ballot with one exception. If there is a contest for an office that is voted on by only the residents of a particular district (a town council district where only the residents of the district vote for the office, for example), and there is no contest for an office to be voted on by the voters of the entire town (town clerk-treasurer, for example), then the county election board (or town election board if one is established) may, by unanimous vote, adopt a resolution that only the names of candidates in the town council district in which there is a contest shall be printed on the ballot. If this occurs, the names of all unopposed candidates for an election to be voted on by all voters of the town will **not** be placed on the ballot. (IC 3-10-7-6(d))

Office Holdovers

Occasionally, there may be no candidates to file to run for a town office. If this happens the person holding the town office at the time the term of office ends will “holdover.” When there are no nominees for an office where only one candidate may be elected (town clerk-treasurer, for example), the person currently serving in the position remains in office automatically for another term.

The Constitution of the State of Indiana specifies that an officeholder remains in office until a qualified successor is elected. (Article 15, § 3; IC 3-13-9-5.5) Where more than one candidate may be elected to the office (three town council members who all run at-large, for example), the town council shall determine, not later than December 31 following the election, the incumbent council member or members who remain in office. (IC 3-13-9-5.6)

Town Election Board

If a resolution is adopted to establish a town election board in a small town, then the town election board is responsible for administering the municipal election. The town election board has the same powers and duties in conducting the town election as the county election board has when conducting a general election. (IC 3-10-7-21) In other words, the town election board must follow all state and federal election laws when conducting the election, including ensuring polling locations are accessible to voters with disabilities, applying voter registration fail safe laws, offering absentee voting by mail, travel board, and in-person, recruiting and training poll workers, and providing accessible voting systems and other election materials for use on Election Day.

The town election board consists of a town chairman appointed by the Democratic Party county chairman, a town chairman appointed by the Republican Party county chairman, and the town clerk-treasurer. (IC 3-10-7-7) The town election board must select one of its appointed members to serve as chairman of the town election board. The clerk-treasurer serves as secretary to the town election board. (IC 3-10-7-11)

The town election board should not be confused with the town political party committees established to administer the town conventions. It should also not be confused with the town council.

Organization and Meetings of Town Election Board

The town election board chairman calls meetings of the town election board when necessary to perform its duties. If the chairman refuses or is unable to call meetings, the two remaining town election board members may meet and conduct business. (IC 3-10-7-12) Minutes must be kept of all meetings, including a record of each member's vote on all questions that come before the board. (IC 3-10-7-13) The meetings and minutes are subject to the State Open Door Law (IC 5-14-1.5) and Access to Public Records Act (IC 5-14-3).

For town elections to come off smoothly, it is important for the town election board to prepare a plan for the election and work with other election officials. One of the first tasks a town election board should do is contact the circuit court clerk, county chairmen of the Democratic and Republican Party, and the county election board. Each of these boards or individuals has a role to play in the election. It is also recommended that the town election board read the *2023 Indiana Election Administrator's Manual* and the *2023 Indiana Election Calendar Election Administrator's Edition* for a review of county election board duties, responsibilities, and deadlines that the town election board will be required to observe.

The town election board is responsible for securing voting supplies, printing ballots, tallying votes, keeping accurate records, and coordinating absentee voting. Party chairmen are responsible for nominating certain election officials and filling ballot vacancies. The county election board and circuit

court clerk are responsible for providing voter registration information and election equipment and materials. In addition, the county election board may hear appeals of decisions made by the town election board. (IC 3-10-7-35)

The town election board has the authority to hire clerks, custodians, and other employees to assist in administering the election. While nothing in the law requires that towns hire additional employees, the town election board fixes the employees' salaries, duties, and rank. (IC 3-10-7-16)

The town election board may also appoint deputy election commissioners. Deputy election commissioners must be residents of the town and serve at the pleasure of the town election board. If the town election board chooses to appoint deputy election commissioners, the county chairmen of the Democratic and Republican parties each shall designate one half of the commissioners. (IC 3-10-7-15)

Whenever called upon by the town election board, the town marshal must assist the board in enforcing all election laws and the discharge of their duties. (IC 3-10-7-19)

Election Records

As secretary of the town election board, the clerk-treasurer is responsible for keeping a record of the board's minutes, meeting notices, and agendas for each board meeting. (IC 3-10-7-13) These records must be compiled and retained according to the same requirements for town council meetings under the Open Door Law. (IC 5-14-1.5)

In addition, after the town election board has completed a canvass of all the votes cast in an election, **the town election board shall immediately file the poll lists, ballots, tally sheets, and other election forms with the circuit court clerk of the county** containing the greatest percentage of population of the town for preservation and voter list maintenance in accordance with state law. (IC 3-10-7-33)

Federal and state law requires that election materials be kept for twenty-two (22) months after the election. (IC 3-10-1-31.1) Except for one ballot and one provisional ballot that should be retained for the town's records, unused ballots can be destroyed after noon (local prevailing time), seventeen (17) days after the election. (IC 3-11-3-31)

Appealing Town Election Board Decision

Any registered voter in the town may appeal any decision of the clerk-treasurer or the town election board to the county election board. The appeal must be in writing, describe the grounds for the appeal, and include any relevant documents. The county election board must render a decision within ten (10) days of receiving the appeal. (IC 3-10-7-35)

Precinct Election Officials

Precinct election officials are nominated by the appointed Democratic and Republican Party members of the town election board. The town election board shall appoint the nominated precinct election officials for each precinct or voting place. (IC 3-10-7-27; IC 3-10-7-22)

Each precinct election official must be a registered voter of a county in which the town is located (in former years, these officials were required to be residents of the town, but this requirement was repealed in 2013). (IC 3-10-7-22) All precinct election officials have the same powers and duties, and are subject to the same qualifications and penalties, as their counterparts in a general county election. (IC 3-10-7-23)

The town election board must appoint a precinct election board consisting of one inspector and two judges of opposite political parties. The inspector is appointed by the appointed town election board member representing the political party whose candidate received the most votes in that county for the office of secretary of state in the last general election for that office in 2022. (IC 3-10-7-26) The circuit court clerk of the appropriate county can provide this information.

The town election board must also appoint two poll clerks and two election sheriffs of opposite political parties. (IC 3-10-7-24) However, the town election board may adopt a resolution to eliminate election sheriffs in precincts of the town that contain no more than 250 registered voters and assign their duties to the two precinct judges. (IC 3-10-7-25(b)) Two assistant poll clerks may also be appointed if the town election board deems such positions necessary. (IC 3-10-7-24)

If a precinct election board administers more than one precinct, the precinct election board must keep the ballots cast in each precinct separate from the ballots cast in any other precinct, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined. (IC 3-10-7-22(c))

In addition to these precinct officials, each political party that has a candidate on the ballot may appoint one challenger and one pollbook holder for each precinct in the town. These persons have the same powers and duties, and are subject to the same qualifications and penalties, as challengers and pollbook holders appointed under IC 3-6-7-1 Challengers and pollbook holders are not paid by the town. (IC 3-10-7-29)

Even in counties that use a vote center model to conduct elections, when a town creates a town election board to conduct the town's election, polling locations must be established in each precinct of the town with its own precinct election board as described above. (IC 3-10-7-22) The town election board may consolidate multiple adjoining precincts into one polling location by passing a resolution by a unanimous vote of the town election board stating which adjoining precincts will be located at a specific polling location. (IC 3-11-8-4.3)

Public Test of Voting Equipment

If a town election board uses an optical scan ballot card voting system or direct record electronic voting system, a public test of the voting system must be conducted before the first day of in-person early voting. The requirements of the public test are set out in IC 3-11-13-22 through 3-11-13-25 (for optical scan ballot cards) and IC 3-11-14.5 (for electronic voting systems, DREs). Once these tests are complete, the town election board must certify to the Indiana Election Division that the public test was successfully completed by filing the IEC-9 (for optical scan ballot cards) or the IEC-10 (for electronic voting systems, DREs). (IC 3-11-13-22; IC 3-11-14.5-9)

Town Election Expenses

The allocation of town election expenses depends on whether the town election board or county election board conducts the town election. In addition, if the town election board conducts the town election, the board may enter into an agreement with the county for election supplies and equipment. Even if the county election board conducts the town's election the town may enter into an agreement with the county to establish a fixed reimbursement amount the town will owe to the county for conducting the town election. (IC 3-10-7-4)

Expenses Where Town Election Board Conducts Election

If the town establishes a town election board, the appointed members may be compensated for serving on the town election board. The town council determines the compensation. (IC 3-10-7-20) However, state law does not require that appointed members receive pay. In addition, there is no provision for additional compensation for the clerk-treasurer for serving as secretary for the town election board. In addition, the town election board may appoint and compensate deputy election commissioners and any other employees it may need to administer an election (IC 3-10-7-15; IC 3-10-7-16)

If the town election board conducts the town's election, the election materials, supplies, and equipment are purchased in accordance with the town budget as set by the town council. All purchases must conform to state purchasing laws, and payments are made only upon filing a claim with the clerk-treasurer and verified and approved by the town election board. (IC 3-10-7-17)

Upon request of the town election board, the county election board shall furnish any available equipment necessary for a town election and the town shall pay the county the expense of moving the equipment to and from the polls and for any loss of or damage to the equipment. (IC 3-10-7-31)

Expenses Where County Election Board Conducts Election

Small towns with a population of less than 3,500 are permitted by law to enter into a contractual agreement with the county to establish the amount the town will reimburse the county for conducting the town's election. (IC 3-5-3-8(b)) For the 2023 town election, this agreement must be made no later than **September 21, 2023**. (IC 3-10-7-4) State law does not dictate the contents of the agreement, only that both parties agree to its terms. (see Appendix: Sample Agreement)

The agreement permitted under this statute should be limited to one election. Subsequent elections would be covered by a separate agreement. The amount the county is reimbursed for its expenses should be specified in the agreement. Entering into an agreement with the county election board does not change how candidates are nominated for town elections. (IC 3-10-7-4)

If the county conducts the election for the town and there is not an agreement with the county to establish the amount the town will reimburse the county for conducting the election, certain election expenses directly attributable to the town's election are billed by the county to the town. (IC 3-5-3-7; IC 3-5-3-8; IC 3-5-3-9).

Additionally in counties that do not use vote centers, other general expenses that cannot be attributed directly to one town's election are apportioned between the county (25% of the expenses) and all municipalities where an election is conducted in the county (75% of the expenses). The portion of these general expenses that will be applied to the municipalities where an election conducted will be billed in the same ratio that the number of voters who cast a ballot in the municipality during the primary (if any) or municipal election bears to the total number of voters who cast a ballot in all the cities and towns in the county in the primary or municipal election. (see Appendix: "Apportionment Of Municipal Primary Costs In Counties Using Precincts" STATE FORM CEB-34; "Apportionment Of Municipal General Election Costs In Counties Using Precincts" STATE FORM CEB-35) This apportionment of costs does not apply to a town which has entered into an agreement with the county to establish the amount the town will reimburse the county for conducting the election. (IC 3-5-3-8(b); IC 3-5-3-9(c))

In 2017, a change was made to state law regarding the apportionment of municipal election expenses to municipalities that hold elections during the municipal election year in vote center counties. In these counties, all expenses incurred by the county election board are to be apportioned to the municipalities holding elections in the county. These expenses will be billed to each municipality in the same ratio that the number of voters who cast a ballot in the municipality during the primary (if any) or municipal

election bears to the total number of voters who cast a ballot in all the cities and towns in the county in the primary or municipal election. (see Appendix: "Apportionment Of Municipal Primary Costs In Counties Using Precincts" STATE FORM CEB-38; "Apportionment Of Municipal General Election Costs In Counties Using Precincts" STATE FORM CEB-39) This apportionment of costs does not apply to a town which has entered into an agreement with the county to establish the amount the town will reimburse the county for conducting the election. (IC 3-5-3-8(c); IC 3-5-3-9(d))

NOTE: Only expenses incurred by the county election board beginning ninety (90) days before the municipal primary election (February 1, 2023) through the day after the municipal election (November 8, 2023) may be apportioned and billed to the municipalities in the county that conducted an election. (IC 3-5-3-8(a))

VOTER REGISTRATION

This chapter describes some of the key dates and unique features of the voter registration process. Should a town election board be tasked with conducting the November's municipal election, the board should be consulting frequently with the county voter registration official, as the county voter registration official continues to process voter registration forms for the municipal elections.

Regular Registration Procedures

Indiana law provides that a voter only needs to register to vote once. In most cases, the only time a person would need to re-register is if they have moved from the precinct where they most recently voted. A person who has been disenfranchised due to incarceration following conviction of a crime must re-register after release from imprisonment. (IC 3-7-13-7)

For a municipal election year, registration is open for most voters between December 1, 2022 and **April 3, 2023**. Registration closes prior to any primary election in each precinct in which a municipal primary is to be conducted, but reopens May 16, 2023, and continues until **October 10, 2023** (transferred from Monday, October 9, 2023 due to the state holiday Columbus Day) for the November municipal election. (IC 3-7-13-10(d)) The deadline for registering to vote may apply differently depending on the manner the person submits a registration application (by hand-delivery, mail or online, for example) and there are special late registration procedures that apply to military and overseas voters. For additional information consult the *2023 Indiana Election Calendar Administrator's Edition* or the *2023 Voter Registration Guidebook*.

The county voter registration Office is responsible for processing voter registrations. The only official duty a small town has with respect to the registration of voters is to make mail-in voter registration applications (State Forms VRG-7 & VRG-11, and Federal Voter Registration Form) available at the office of the town clerk-treasurer. (IC 3-7-24-9)

Because a person must be registered before they can vote, the town election board will need accurate and current voter registration lists from the county voter registration office. These lists of registered voters must be prepared and distributed **no later than ten (10) days before the election** by the county voter registration office. Lists must be prepared for each precinct in the town. (IC 3-7-29-1) Special procedures apply to counties (or towns that established a town election board) that have adopted the use of electronic poll books instead of paper poll books.

Because of the confusion that may exist regarding precincts and town boundaries, town election boards may want to obtain, review, and organize these voter lists as early as possible. Accurate and easily referenced voter registration lists in the statewide voter registration system should minimize potential problems. A key element to reducing these problems is cooperation between the town clerk-treasurer and the county voter registration office. Working together and sharing information will help both to discharge their statutory duties more easily and with less potential for error. The town will likely be assessed the cost of preparing these lists.

National Voter Registration Act

The NVRA or "motor voter" law created several sites for registering to vote. A person can apply to register to vote at the bureau of motor vehicle branches (IC 3-7-14), public assistance agencies (IC 3-7-15), agencies serving the disabled (IC 3-7-16), and armed forces recruitment offices (IC 3-7-17)

The town clerk-treasurer's office is designated as a site where mail-in voter registration forms (State Forms VRG-7 & VRG-11, and Federal Voter Registration Form) must be available to the public. (IC 3-7-24-9) The office must also post a notice in a prominent location easily visible to the public indicating that mail-in voter registration forms are available at the office (IC 3-7-24-17). The notice must state substantially the following:

"VOTER REGISTRATION FORMS AVAILABLE HERE

"This office has forms that you can fill out to register to vote in Indiana. If you live in Indiana and are not registered to vote where you live now, and you want to register (or change your registration record), please take one of the forms.

"If you cannot find a blank voter registration form in this office, ask us to give you a form. You must take the form with you and mail or deliver the form to the voter registration office.

"Applying to register or declining to register to vote will not affect the assistance or service that you will be provided by this office."

As the notice indicates, the clerk-treasurer's office is not required to accept these forms, or mail or deliver them to the county voter registration office. (IC 3-7-24-16)

ABSENTEE VOTING

In addition to casting a ballot on Election Day, voters may apply to vote by absentee ballot before Election Day. (IC 3-11-4-2) (STATE FORMS: ABS-IN PERSON, ABS-MAIL, ABS-TRAVELING BOARD, ABS-VPD and FPCA) Depending upon the circumstances, a voter may vote absentee in-person, by mail, or by absentee traveling board. Military and overseas voters and voters with print disabilities may even vote by fax or email.

In small towns that have established a town election board, the board should contact the county clerk's office and obtain a quantity of application forms as soon as the board is established. Military and overseas voters can use a combined voter registration and absentee ballot application known as the Federal Post Card Application (FPCA). The county voter registration office must process the voter registration application portion of the FPCA. A voter with print disabilities may use a combined voter registration and absentee ballot application known as the Voter's with Print Disabilities Combined Voter Registration and Absentee Ballot Application (ABS-VPD). The town election board and town voters may also obtain absentee ballot applications from the Election Division's website at <http://www.in.gov/sos/elections/2402.htm>.

In small towns that have established a town election board, all absentee ballots must include the official seal and signature of the town clerk-treasurer and the initials of either both members of the absentee voter board or the appointed members of the town election board. (IC 3-11-4-19; IC 3-11-10-27)

NOTE: Whenever the clerk-treasurer is a candidate on the ballot for any office, the name and signature of the town clerk-treasurer may not appear on the ballot for authentication or other purpose. Instead, the ballot printer must substitute a uniform device prescribed by the Indiana Election Division for that purpose (IC 3-5-4-9). Contact the Election Division if you need a copy of this uniform device or other information concerning this requirement.

Absentee Ballot Application Assistance

A person may provide another person with a "pre-completed" absentee ballot application with the following items provided:

- 1) the voter's name;
- 2) voter's registration address; and
- 3) date of birth.

However, a person is prohibited from providing another person with an absentee ballot application with the following items "pre-completed" on the application:

- 1) the address to mail the ballot (other than the individual's own registration address);
- 2) the party ballot choice in a primary election;
- 3) the types of absentee ballots (such as presidential only); and
- 4) the reason why the voter is qualified to vote absentee by mail or before a traveling board.

If a person assists another person in completing any of the items listed in #1-4 in the preceding paragraph, the person assisting must do so in the presence of the voter and state the following information, under oath, on the absentee ballot application in the area provided:

- 1) The name, address, and telephone numbers of the person assisting.
- 2) The date of the assistance.

- 3) That the individual assisting complied with state laws regarding submitting applications (such as timeliness).
- 4) That the person assisting had no reason to believe that the applicant was ineligible or did not properly complete and sign the application. (IC 3-11-4-2)

A person who receives an absentee ballot application from another person must file the application with the county election board by noon (local prevailing time), ten days after receiving it, or by the applicable absentee ballot application deadline, whichever occurs first. There is a line on the absentee ballot application to indicate the date when the person received the application from the other person. However, this requirement for timely delivery does not apply to a postal employee or to an employee of a bonded courier company.

A person, other than a postal employee or an employee of a bonded courier company, who files an absentee ballot application other than the person's own application, must complete and file an "Affidavit of Individual Filing Absentee Ballot Application" (State Form ABS-17) with the voter absentee ballot application stating the following:

- 1) The name, address, and telephone number of the person filing the application.
- 2) That the individual filing the application complied with state laws regarding submitting applications.
- 3) That the person filing the application had no reason to believe that the applicant was ineligible or did not properly complete and sign the application.
- 4) That the affidavit is completed under the penalties of perjury (with those penalties being set out on the affidavit).
- 5) The dates (or dates) that the absentee ballot applications attached to the affidavit were received. (IC 3-11-4-2)

The town election board must record the date and time the affidavit was filed. (IC 3-11-4-2)

Early Voting (Absentee In-Person)

If a small town has established a town election board to conduct its election, a person may apply to vote absentee in-person in the office of the town clerk-treasurer without stating a reason. (IC 3-11-4-1) Unless otherwise ordered by the town election board, voting in person can be done between October 11, 2023, and **noon (local prevailing time), November 6, 2023**, the day before the town election. Absentee voting in the town clerk-treasurer's office must also be held on the two Saturdays preceding the election for at least seven (7) hours. (October 28 and November 4, 2023). In counties with a population of less than 20,000, the seven hour requirement can be reduced to four hours. (IC 3-11-10-26)

However, as a practical matter, providing for in-person absentee voting as otherwise required by law in many small towns may be difficult. As a result, a town election board may, by unanimous vote of the entire board, and after making certain findings required by law, adopt a resolution that establishes specific days and times for early voting in the town clerk-treasurer's office that are less than otherwise required by law. (IC 3-11-10-26.5) A town election board may obtain a sample resolution from the Indiana Election Division for this purpose.

Voting Absentee by Mail

A voter may also cast a vote by mail. However, a voter voting an absentee ballot by mail is eligible to cast an absentee ballot only if they indicate one of the pre-printed reasons on the absentee ballot application that is applicable to the voter. For example, the voter has a specific, reasonable expectation

of being absent from the county on Election Day during the entire twelve hours that the polls are open, for example.

Applications to vote by mail can be completed and delivered to the town election board in person, by mail, by email, or by fax. In addition, military and overseas voters may deliver an absentee ballot application to the town election board by scanning a copy of their application and attaching the application to an email sent to the town clerk-treasurer. Absentee ballot applications to vote absentee by mail in the town election must be received by the town election board no earlier than **April 20, 2023**, and not later than 11:59PM (local prevailing time), **October 26, 2023**. (NOTE: Voting absentee by mail in the May primary election is managed by the county election board. Those dates and details can be found in the *2023 Election Administrator's Calendar* or in the *2023 Election Administrator's Manual*.)

Except when an absentee application is challenged, absentee-by-mail ballots must be sent, postage fully prepaid, on the day the application was received or within five days after receipt of the ballots, whichever is later, together with a pre-addressed postage prepaid envelope for the return of the ballot by the voter. (IC 3-11-4-18; IC 3-11-4-20)

If the town election board determines that a voter who has submitted an absentee ballot application has been placed in "pending" status after submitting a voter registration form to the county voter registration official, the board may hold onto the absentee ballot application and send an absentee ballot to the voter on the date that the voter becomes an "active" registered voter. (IC 3-11-4-18(c)) (NOTE: In Indiana, a voter's registration application is placed in "pending" status for seven days after their registration form is processed pursuant to state law; once out of "pending" status, a voter's registration record status is moved to "active.")

A person voting an absentee ballot by mail must:

- 1) Personally mark the ballot in the presence of no other person who can see how the voter voted;
- 2) fold each ballot so that no other person can determine how it was voted;
- 3) enclose the voted ballot in the envelope provided and seal the envelope;
- 4) sign the voter's name on the outside of the envelope; and
- 5) mail the ballot to the town election board or deliver it in person. (IC 3-11-10-1)

No other individual may mark a voter's absentee-by-mail ballot or enclose it in the security envelope. **(NOTE: This issue regarding personally marking a ballot is under litigation. Please contact the Indiana Election Division for more information.)** A person may have assistance in sealing the absentee ballot envelope or use a power-of-attorney to witness the signature or mark of the voter. If assistance is provided to seal the envelope or witness a signature, then the affidavit of assistance found on the absentee envelope must be executed.

In addition to the voter hand-delivering an absentee ballot in person to the town election board, the voter may provide an absentee ballot to the voter's attorney in fact, a member of the voter's household, a spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, bother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece whose relationship to the voter is the result of birth, marriage, or adoption for delivery to the board. However, it is a criminal offense for other individuals to do so. (IC 3-14-2-16)

An absentee ballot that is hand-delivered to the town election board must be accompanied by an "Affidavit of Individual Delivering a Voter's Marked Absentee Ballot to County" (STATE FORM ABS-19) that documents that the person delivering the absentee ballot is an authorized family member under

state law, a member of the voter's household or the voter's attorney in fact. If the person delivering the absentee ballot is the voter's attorney in fact then a copy of the power of attorney for the voter must be attached to this ABS-19, unless a copy of the power of attorney has already been filed with the town election board. (IC 3-11-10-24)

The town election board, where one is established, must arrange to have absentee ballots prepared and delivered no later than September 18, 2023. (IC 3-11-4-15) Absentee ballots must begin to be mailed to voters with pending absentee ballot applications on file by September 23, 2023, or the date the application is received, whichever is later. (IC 3-11-4-18) It is absolutely critical to mail absentee ballots to military and overseas voters with pending absentee ballot applications on file before September 23, 2023, by the deadline of September 23, 2023, in order to avoid a violation of state law.

Voting Absentee by Traveling Board

A qualified voter confined to a residence or other facility within the county because of illness or injury, a voter caring for a confined person, or a voter with a disability whose precinct is not accessible to the voter may vote an absentee ballot before a traveling absentee board that travels to where the voter is located. An absentee ballot voted before a traveling absentee board must be cast on **any of the nineteen (19) days** immediately preceding the election (October 19, 2023). (IC 3-11-10-25) The deadline to apply to vote before a traveling absentee board is **noon (local prevailing time), November 6, 2023**

A voter with a disability who is unable to personally mark the ballot or make a mark or sign their name to an absentee ballot secrecy envelope **MUST** vote before a traveling absentee board. (IC 3-11-10-24)

Military and Overseas Voters

Military and Overseas voters may vote absentee by mail, or by fax or email. To do so, a military or overseas voter submits a Federal Post Card Application (FEDERAL FORM 76A; FPCA). This document serves not only as an absentee ballot request, but also is used to update their voter registration information. A FPCA may be delivered to the town election board by mail, email, or fax, but must first be reviewed by the county voter registration official in order to determine if the voter's registration needs to be updated. If the FPCA is received on or after October 31, 2023, then the voter's registration may not be updated, though special rules might apply to the voter. Please direct those questions to the county election board or the Indiana Election Division.

The deadline for a military or overseas voter to submit a FPCA to request an absentee ballot by mail is 11:59PM (local prevailing time), October 26, 2023. An absentee ballot received **by mail** from an overseas voter, including a military voter who is stationed outside of the United States, will not be considered as arriving too late to be counted if the ballot is postmarked no later than Election Day, Tuesday, November 7, 2023, and is received by the noon (local prevailing time), ten days after the election or November 17, 2023. (IC 3-12-1-17)

The deadline for a military or overseas voter to submit a FPCA to request an absentee ballot by fax or email is noon (local prevailing time), **November 6, 2023**. (IC 3-11-4-3; IC 3-11-4-4; IC 3-11-4-6) If an application to vote by email or fax is approved by the town election board, the board will fax, or scan and email, a "Cover Sheet and Affidavit for Absentee Uniform Services and Overseas Voter" (formerly designated as the STATE FORM ABS-9) and a digital image or faxed copy of the absentee ballot to the voter. The military or overseas voter must complete the ABS-9 and mark the absentee ballot and return either a faxed copy, scanned copy, or a digital image (a picture using a cell phone, for example) of the ABS-9 and voted ballot to the town election board by email or fax.

The town election board will then take the emailed or faxed ballot and place it in a special absentee ballot envelope (STATE FORM ABS-10) and attach the voter's absentee ballot application and completed ABS-9 to the outside of the envelope. This emailed or faxed ballot is then processed like any other absentee ballot.

However, a faxed or emailed ballot must be remade by a bi-partisan remake team on an optical scan ballot card, if the town election board is using an electronic or optical scan voting system as its primary method of voting. The bi-partisan team must mark the ballot card with the selections made by the voter on the digital image of the ballot. The team must also place a serial number on the digital ballot image submitted by the voter and place the same serial number on the remade ballot card. This requirement is a necessary preparation for a recount, as the parties involved in the litigation may want to ensure the voter's selections on the original ballot match the choices made by the bi-partisan remake team.

Voters with Print Disabilities

A voter with print disabilities is an individual who is unable to independently mark a paper ballot or ballot card due to blindness, low vision, or a physical disability that impairs manual dexterity. (IC 3-5-2-50.3)

Voters with print disabilities are encouraged to use the combined form for voters with print disabilities to register to vote, update their voter registration, or apply for an absentee ballot. The combined form is a benefit to voters with print disabilities as it updates a voter's registration record, expands the methods for an absentee ballot to be sent and received to include mail, fax, or email, and serves as a request for an absentee ballot for one calendar year (January 1 to December 31 of the year in which the application is approved).

A voter with print disabilities may make this request and submit a combined print disabled voter registration and absentee application via email or fax using accessible technology developed for persons with print disabilities. When a town or county election board or county voter registration office receives a request for a combined form, the office that received the request for the application must send the combined form not later than the end of the first business day after the office receives the request from the voter by e-mail or fax if an email or fax number is provided to the office. If the e-mail address or fax number is not provided by the voter with print disabilities or the e-mail address or fax number does not permit the office to send the application, then the application shall be sent by mail.

If filing a paper copy of the form, then the voter must be able to personally sign their name or make their mark on the combined form. It is possible for nearly any person to assist the voter in signing the combined form, except for the voter's union representative or employer. (IC 3-11-9-2-(a)) If the voter's attorney-in-fact signs the application on behalf of the voter, a copy of the power of attorney must be filed with the application. (IC 3-11-4-2(b))

Voters with print disabilities using the combined form to register to vote must submit the application not later than twenty-nine (29) days before the election. A county voter registration official cannot reject a voter registration request made by a voter with print disabilities using the combined form on the basis the document was faxed or emailed and does not contain an original, "wet" signature.

If the voter is qualified and the combined form is timely filed and approved by county election officials, the voter may be eligible to receive absentee ballots in each of the primary, general, municipal, or special elections conducted in their precinct during the calendar year. Indiana law requires county election officials to rescind the absentee application portion of the voter's combined form for the remainder of the calendar year if the absentee ballot mailed to the voter is returned as undeliverable.

(IC 3-11-4-6(e)) A voter with print disabilities must submit a combined form on or after January 1 each year to renew their absentee application for the calendar year (and to make changes in registration information, if applicable).

While a voter with print disabilities using the combined form may vote absentee by fax or email, the voter must waive their right to secret ballot to use this option as a bi-partisan team must remake the ballot on official ballot card stock to be read by the voting system. The county election official must transmit the ABS-25 form (Coversheet and affidavit for voters with print disabilities) along with the person's emailed or faxed ballot. The voter must also complete the ABS-25 and return it with their completed ballot. The deadline to submit the combined form to request a ballot is twelve (12) days prior to election day. A faxed or emailed ballot must be received by the county election board no later than 6:00 p.m. (prevailing local time), Election Day.

Appointment of Absentee Voter Boards

The town election board may appoint as many absentee voter boards (including traveling absentee voter boards) that the town election board deems necessary for conducting absentee voting. Absentee voter boards consist of two people who are voters of the county, one from each of the two major political parties. A person is not eligible to serve on an absentee voter board if the person is:

- 1) unable to read or write the English language;
- 2) has any property bet or wagered on the outcome of the election;
- 3) is a candidate to be voted upon at the election; or
- 4) is related to a candidate, unless the candidate is unopposed. (IC 3-11-10-36)

Fifty (50) days before the election, the town election board must notify the respective county chairs of the Democratic and Republican parties of the number of absentee voter boards that will be appointed. Once the party chairs are notified, they must make written recommendations for appointments to the absentee voter boards no later than forty-six (46) days before the election. The town election board must appoint those individuals recommended by the county chairs for appointment. If the county chairs fail to make recommendations within the statutory time frame, the town election board may appoint any voter of the county otherwise qualified to serve. (IC 3-11.5-4-23)

A member of an absentee voter board must receive training from the town election board before beginning to perform the member's duties. (IC 3-11-10-39)

An absentee board member is entitled to compensation. The town election board may establish a per diem and reimbursement for mileage. (IC 3-11-10-38)

Processing and Challenging an Absentee Ballot Applications

Upon receiving an application for an absentee ballot, the town election board (or the absentee voter board) shall determine if:

- 1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;
- 2) the information set forth on the application appears to be true;
- 3) the signature of the voter on the application substantially conforms with the signature of the voter on the voter registration record, or that any substantial difference between the signatures can be accounted for by age or disability of the voter or the execution of the affidavit by an individual assisting a disabled voter under section IC 3-11-4-2(b); and
- 4) the application has been completed and filed in accordance with Indiana and federal law. (IC 3-11-4-17.5(a))

The town election board (or the absentee board) will need to coordinate with the county voter registration office to obtain information sufficient to make these determinations.

If the members of the town election board or absentee voter board are making these determinations and are unable to agree about any of these determinations then one of the board members must challenge the absentee ballot application as described below. Only a member of the town election board or a member of the absentee voter board may challenge an absentee ballot application. An absentee ballot application is challenged by completing and filing an “Affidavit of County Election Board or Absentee Voter Board Member Challenging Absentee Ballot Application” (STATE FORM ABS-20) alleging that the application:

- 1) was not submitted by a voter of the precinct;
- 2) contains a false statement; or
- 3) was not executed or filed in accordance with state or federal law (including the laws described in the preceding section).

If an absentee ballot application is challenged, the matter must be referred to the town election board for a prompt decision to either approve or deny the application. (IC 3-11-4-18.5)

However, if the application that is challenged is submitted by a voter wanting to cast an absentee ballot in person at the office of the town clerk-treasurer then the voter shall be permitted to cast a provisional ballot which the county election board shall retain for processing after Election Day with other provisional ballots and should not transmit to the voter's polling place. (IC 3-11-4-17.5(a))

ELECTION DAY AND POST-ELECTION ACTIVITIES

The town election board must prepare for and perform a number of duties on Election Day. Leading up to Election Day the board must decide which method or methods of voting will be used. (See section titled preceding section titled “Ballot Type and Voting Method” and section below titled “Ballots”) The town election board will also be responsible for tabulating ballots election night and certifying the results.

Precincts and Polling Places

Precincts are geographical areas established for the purpose of voting. Unlike town council districts, which are established by the town council, the county executive (the board of county commissioners or the Mayor of Indianapolis in Marion County) establishes precinct boundary lines by filing a precinct establishment order with the Indiana Election Division for approval. A town cannot alter precinct boundaries within the towns for the purpose of conducting town elections. (IC 3-11-1.5-2; IC 3-11-1.5-24)

Generally, each precinct located wholly or partially within a town must have its own voting place also called a **polling place**. A polling place refers to the room in a building where voters of a precinct vote. However, the county executive (or town council president in a small town that has established a town election board) may establish one polling place administered by one team of precinct election officials (inspector, judges, poll clerks, and sheriffs) for two adjoining precincts if the county election board (or town election board in a town that has established a town election board) adopts an order approving this procedure by unanimous vote. (IC 3-11-8-4.3; IC 3-10-7-21; IC 3-10-7-22) Having one team of precinct election officials administer two precincts in the same polling place in this manner will reduce election expenses like room rental, wages, meals, and election training. However, if precinct election officials administer more than one precinct, the ballots and vote totals cast in each precinct are required to be kept and reported separately.

In addition, a county election board (or town election board in a town that has established a town election board) may omit certain precinct officers (poll clerks, sheriffs, or both) by adopting a resolution by unanimous vote. This resolution must specify which of the remaining precinct election offices will perform the duties of the clerks or sheriffs. (IC 3-6-6-38)

An alternative to precinct polling places are **vote centers**, which are used in more than half of Indiana’s counties. The bi-partisan county election board must unanimously agree to a plan that is first vetted with community stakeholders. A vote center plan includes Election Day voting locations, absentee “early voting” locations, the titles and number of poll workers and voting systems and methods to be used. A plan can stipulate which vote centers are to be used in a municipal election year like 2023, up to and including amending the plan to allow for precinct based polling locations to be used in city and town elections. A vote center plan may be amended at any time through unanimous agreement by the county election board.

City or town representatives should have conversations with the county election board or county commissioners to plan for voting locations in the municipal primary and general elections.

School buildings, fire stations, and all other public buildings shall be made available for polling places without charge. (IC 3-10-7-21; 3-11-8-4)

Opening Election Day Polling Locations

The polls are open from **6:00 a.m. to 6:00 p.m.** prevailing local time on Election Day. (IC 3-11-8-8) Before opening the polls, it is important that any voting system used is properly set up, and certain materials must be displayed and posted including to the 2023 Voters' Bill of Rights poster and sample ballots.

The inspector must announce the opening and closing of the polls to people outside the polling place in a loud tone of voice. (IC 3-11-8-9) Any voters that have passed the challengers (if any), signed the poll list, are in the act of voting, or are in the chute at closing time shall be permitted to vote.

At the time when the polls closes, if there are voters in line waiting to, including those in the chute and extending outwards, then a poll worker designated by the town election board must determine where the last voter in line waiting to vote is and do one of the following:

- 1) Write down the names of the voters waiting in line to vote;
- 2) Stamp each voter's hand; or
- 3) Stand, or designate another individual to stand, immediately behind the last voter who may vote. (IC 3-11-8-11)

The "chute" is defined as the area that extends 50 feet from the entrance to the room where voting is being conducted. Under special circumstances, the chute can be less than 50 feet (such as when this would extend the polls into a public street, for example). (See IC 3-5-2-10)

The following are permitted in the voting room on Election Day:

- 1) Members of the precinct election board (inspector and two judges)
- 2) Poll clerks and assistant poll clerks
- 3) Election sheriffs
- 4) Deputy election commissioners
- 5) Pollbook holders and challengers
- 6) Watchers
- 7) Voters for the purpose of voting
- 8) Minor children accompanying voters
- 9) Individual assisting a voter in the manner prescribed by state law (see IC 3-11-9)
- 10) Member of the County Election Board or Town Election Board, when acting on behalf of the Board.
- 11) Mechanic authorized to repair a voting system, if the mechanic has credentials signed by each member of the County Election Board or Town Election Board.
- 12) Either of the following who have been issued credentials signed by the county election board or town election board:
 - a. The county chairman (unless the county chairman is on the ballot)
 - b. The county vice-chairman (unless the county vice-chairman is on the ballot)
- 13) The Secretary of State, as chief election officer of the state, unless that individual is a candidate for nomination or election to an office at the election. (IC 3-11-8-15)

Partisan watchers, pollbook holders and challengers must possess an identification card issued to them by their respective political party county chairman. The identification card should contain the person's name, their status as a watcher, pollbook holder, or challenger, the name of the party making the appointment, and the name of the county chairman of that party. (IC 3-6-7-1 and IC 3-6-8-3) The media may also appoint watchers under state law. (IC 3-6-10) The state party chairman may also appoint a watcher, and if this is the case, the watcher credential would be signed by the state party chairman.

Accessibility for Voters with Disabilities

Whenever a polling place is selected, state and federal law requires that all polling places be accessible to people with disabilities. (IC 3-11-8-6) Should a small town decide to conduct its own municipal general (November) election, the town election board must ensure its polling locations are accessible to voters with disabilities. This includes not only physical access to the site, but also the use of required accessible voting systems.

Voting Method

The town election board needs to determine how votes will be cast in the election: by traditional hand-counted paper ballot, by optical scan ballot card, on electronic voting machines, or by some combination of these different ways to cast a vote. Whatever method is used, there are statutory requirements that must be followed. The general requirements are listed in different chapters of the Indiana election code as follows:

- 1) Traditional hand-counted paper (IC 3-11-2; IC 3-11-11);
- 2) Optical Scan Ballot Card (IC 3-11-13); and
- 3) Electronic voting system (IC 3-11-14).

The town election board may request to use the county's voting equipment. The county must provide the use of the voting equipment if it is available. However, the town must pay moving expenses and for any loss or damage to the equipment. (IC 3-10-7-31) If the town uses a voting system other than traditional hand-counted paper ballots, the system must have been previously approved for use in Indiana by the Indiana Election Commission.

Whatever voting system is used in an election, the town election board is required to arrange to have at least one accessible voting machine available for early voting and at least one accessible voting machine available at each polling place on Election Day so that voters with disabilities, including blind voters and visually impaired voters, may cast a ballot privately and independently. (IC 3-11-15-13.3(c); IC 3-11-9-6; IC 3-11-10-12.5) This requirement can be met by providing a specially equipped electronic voting machine. (IC 3-11-15-13.3(d)) Every county in Indiana was required to purchase these machines as a result of the federal Help America Vote Act of 2002.

If a voting system or electronic pollbooks are delivered to the town election board, the CEB-1A, certification of delivery of voting systems to a precinct or vote center and the CEB-1B, certificate of return of precinct or vote center materials by inspector or judge, must be completed and filed in accordance with the instructions on those forms.

Ballots & Ballot Layout

A town election board must follow state law regarding the proper order and placement of local public questions and offices on the ballot. Ballot layout is covered extensively in the *2023 Election Administrator's Manual*. This resource and Indiana election law should be reviewed before finalizing the ballot used in the town's election. The Indiana Election Division will also review ballots to help election officials ensure compliance.

A town may use paper traditional hand-counted paper ballots, optical scan ballot cards, or electronic voting systems, or a combination of these methods of voting. State laws governing the design of ballots, and the casting and counting of ballots, differ depending upon the voting system used as follows: traditional hand-counted paper ballots (IC 3-11-11; 3-12-2), optical scan ballot cards (3-11-13; 3-12-3), and electronic voting systems (IC 3-11-14; IC 3-12-3.5) are set out in detail in the election code. For example, traditional hand-counted paper ballots must be printed on the same size, quality,

and color of paper, and be thick enough so that the printing cannot be read from the back of the ballot. (IC 3-11-2-3)

At the extreme top of the ballot, the following statement must be printed: "It is a crime to falsify this ballot or to violate Indiana election laws." (IC 3-11-2-7) Voting instructions are printed at the top of the ballot below this statement or can be posted inside the voting booth. (IC 3-11-2-8(b)) Instructions must include how to cast a straight party vote and how to cast a write-in vote, if a declared write-in candidate has filed. (IC 3-11-2-10)

If there is a local public question, then it must be printed after the instructions on the ballot. In November's municipal election, the straight party option is printed below a local public question, if applicable. In Indiana, the Democratic, Libertarian, and Republican parties emblems and names must be printed on the ballot to allow for straight ticket voting. Party emblems for straight party voting must be enclosed in a circle that is at least three-fourths of an inch in diameter. (IC 3-11-2-9) But the party emblem and name may not be printed on the municipal election ballot when:

- 1) the party has no candidates on the ballot; or
- 2) the only candidates of the political party on the ballot are the ones for who a straight party ticket vote will not count as a vote for any individual candidates (that is, offices where more than one candidate may be elected). (IC 3-11-2-9; IC 3-11-13-14; IC 3-11-14-14.5)

Candidates are listed on the ballot under their party name and emblem. (IC 3-11-2-5) Candidates of the political party that received the most votes for secretary of state in the last election in the county (November 2022) are listed first; candidates of the party that received the second highest number of votes are listed next, and so on. Third party and independent candidates are listed in the order in which they filed their petition of nomination. Any at-large offices (in other words, an office where more than one person is elected) are to appear at the end of the ballot due to recent changes in state law.

If a declared write-in candidate for an office has filed, then a column or row for write-in voting must be placed after the party and independent candidates for that office. If no declared write-in candidate has filed for an office, then the election board may print the paper ballots without including any space for a voter to cast a vote for a write-in candidate for that office. (IC 3-11-2-6(e))

The names of candidates must be placed three-fourths of an inch apart from center to center of the name. A square, three-eighths of an inch on each side should be placed immediately to the left of each candidate's name. (IC 3-11-2-10(f))

Absentee, provisional, and Election Day ballots must include a box where the absentee voter board or poll clerk must affix their initials before the ballot is provided to the voter. (IC 3-11-11-4; IC 3-11-13-28.1; IC 3-11-13-28.2)

Absentee and provisional ballots must contain the seal and signature of the town clerk-treasurer. (If the county election board is conducting the November municipal election, then the county clerk's seal and signature would appear on the ballot.) However, ballots cast on Election Day are not required to include the seal and signature. NOTE: If a town clerk-treasurer is on the ballot, then the clerk-treasurer's signature may not be printed on the ballot and a generic seal must be used. Please see the "Absentee Voting" section for more information

As indicated above, there are also detailed state laws governing the design of ballots, and the casting and counting of ballots, for optical scan ballot cards and electronic voting systems. (IC 3-11-13-11; IC 3-11-14-3.5).

Provisional Voting and Fail-Safe Procedures

Provisional voting is a way for a voter to cast a ballot at the polls on Election Day when a voter's qualifications cannot be determined while they are at the polls. The precinct election board should first try to resolve a voter's eligibility issue by applying one of several "fail-safe" voting provisions. These are described in the *2023 Election Administrator's Manual and the 2023 Voter Registration Guide*.

Provisional voting is also a way for a voter to cast a ballot at the polls on Election Day when the voter cannot meet the photo identification requirements of state law while the voter is at the polls. Detail on how the photo identification requirement is administered at the polls is described in the *2023 Election Day Handbook*.

However, if one of the fail-safe provisions does NOT apply, or the voter does not meet the photo identification requirement, the voter should be offered the opportunity to cast a provisional ballot so that the county election board can resolve the voter eligibility issue after the polls have closed.

Provisional ballots must resemble the ballots provided to other voters at the election; however, there are some differences. A provisional ballot will state that it is a provisional ballot and will have the circuit court clerk's seal and signature printed on the ballot, much the same as an absentee ballot. Provisional ballots must be prepared and delivered to the town election board by September 8, 2023.

There are special forms that must be completed and procedures that must be followed when a provisional ballot is cast. When a voter's ballot is challenged, and the voter casts a provisional ballot, the provisional ballot is segregated from other ballots at the polls and returned to the town election board for processing. The town election board must decide, no later than noon (local prevailing time), ten (10) days after Election Day, whether or not the voter's provisional ballot should be counted or rejected.

For further information about how the town election board should process provisional ballots consult the *2023 Election Administrator's Manual*.

Tabulating Election Results

State law specifies procedures for counting ballots at the polling place, and those rules must be followed by the town election board.

Traditional Hand Counted Paper Ballots

When counting ballots cast on traditional hand-counted paper ballots the inspector and judge from the opposite party view the ballots as they are read and counted. (IC 3-12-2-2) Either official may protest any ballot that is not properly endorsed, is mutilated or bears distinguishing marks. (IC 3-12-1-3; IC 3-12-2-3)

However, the voter's intent is the primary factor in determining the validity of a ballot. In general, if the voter's intent can be determined on the ballot or any part of the ballot, it should be counted. (IC 3-12-1-1)

A ballot that:

- 1) has a mark in or touching the circle containing a political party device is counted as a straight party vote (IC 3-12-1-8);
- 2) has a mark in or touching the circle or square next to a candidate's name is counted as a vote for that candidate. However, if the mark does not touch the circle or square the vote should not be counted (IC 3-12-1-9);
- 3) has a voter's name, initials, a number, or any other symbol which would enable a person to determine who cast the ballot should not be counted (IC 3-12-1-10); or
- 4) contains a straight party vote and a vote for an individual candidate of another party, **who is an independent, or are a write-in candidate** in a race where only one candidate may be elected, the straight party vote **should not be counted for that office** and only those votes cast for individual candidates for the office should be counted. (IC 3-12-1-7)

State law regarding how to count votes in a situation where the voter indicates a straight party vote and individual votes for candidates of a party inconsistent with the straight party vote in multiple candidate at-large races was changed in 2016 and is complex. Contact the Indiana election division for further information. (IC 3-12-1-7(c), (d), and (e))

Disputed ballots must be endorsed by each of the poll clerks and the word(s) "counted" or "not counted" written on the back. (IC 3-12-2-4)

Optical Scan Paper Ballot Card Voting Systems

If the town election board uses an optical scan voting system, ballots are fed through the scanner or tabulator throughout Election Day, including absentee ballots (see note below). Poll workers should be instructed on how to open the voting system, including the printing of a "zero" tape signed by the precinct election officers. At the closing of the polls, the poll workers must print a "totals" tape and organize election materials as required by law. This includes tally tapes, poll lists, spoiled ballots, unused ballots, absentee ballot envelopes, and used ballots that are organized by precinct.

Further, if there are declared write-in candidates, then the precinct election officers must review each ballot and hand tally the votes of only those declared write-in candidates on the list provided to the precinct election officers by the town election board. The *2023 Election Administrator's Manual* or the *2023 Indiana Election Day Handbook* offer more details.

Direct Record Electronic Voting Systems

If the town election board uses a direct record electronic (DRE) voting system, voters use an electronic interface that records and stores their selections on electronic media during Election Day. Absentee ballots cast on a DRE are not delivered to the precinct (see note below). Poll workers should be instructed on how to open the voting system, including the printing of a "zero" tape signed by the precinct election officers. At the closing of the polls, the poll workers must print a "totals" tape and organize election materials as required by law. This includes tally tapes and poll lists. The *2023 Election Administrator's Manual* or the *2023 Indiana Election Day Handbook* offer more details.

Absentee Ballots

Absentee ballots are counted at a central location by absentee ballot counters appointed by the town election board. (IC 3-11.5-5-1)

Lists of absentee voters are provided to the precinct so that the names of these absentee voters may be entered into the pollbook. (IC 3-11.5-4-1; IC 3-11.5-4-8; IC 3-11.5-4-9)

Detailed procedures for processing absentee ballots are contained in the *2023 Indiana Election Day Handbook* or contact the Indiana election division for further information.

Delivery of Election Materials after Polls Close

At the close of the count in the precinct, the inspector will seal all ballots, tally sheets, poll lists, and other election documents in a paper envelope or bag. (IC 3-12-2-8) The inspector and judge of the opposite political party will then deliver it to the town clerk-treasurer. (IC 3-12-2-9)

If voting systems or electronic pollbooks are returned from the polls, the CEB-1C return of voting systems from a precinct or vote center and the CEB-1D certificate of return of electronic pollbooks from precinct or vote center must be completed and filed in accordance with the instructions on those forms.

Finalizing Election Results; Provisional Ballots

Once the inspector and judge have delivered the bag or envelope to the town clerk-treasurer, the town election board is charged with examining and certifying the election results of the town. For towns with more than one precinct, the town election board is responsible for combining the precinct results and reporting the final vote count. The town election board must follow the same procedures of canvassing returns as the county election board.

The town election board must determine the validity of any provisional ballot and add the results of any provisional ballot that is counted to the relevant precinct.

Upon completion of the canvass, including the processing of any provisional ballots, the town election board must prepare a certificate designating:

- 1) the name of each candidate;
- 2) the name of each office;
- 3) the number of votes each candidate received;
- 4) the total number of votes cast; and
- 5) the candidate receiving the highest number of votes for each office to be the winner. (IC 3-10-7-34)

The town election board shall present the certificate to the town clerk-treasurer. Upon request, the town clerk treasurer will issue a certificate of election to each person elected. (IC 3-10-7-34)

However, a certificate of election may not be issued until **noon (local prevailing time), November 24, 2023**, when the period for filing a recount or contest has expired. (IC 3-12-5-16) There is a separate certificate election for each town office as follows: "Certificate of Election to the Office of Town Clerk-Treasurer" (STATE FORM CEB-32) and "Certificate of Election to the Office of Town Council Member" (STATE FORM CEB-33). If the town elects a town judge, the town judge will receive a commission (see discussion below).

Recounts and Contests

A candidate (or a county party chairman) may file a lawsuit to have the votes cast in a town election "re-counted," or to have the election "contested," with the court ordering a special election to be conducted. The state laws concerning recounts and contests are found at Indiana Code 3-12-6 and 3-12-8.

The candidate or chairman is responsible for understanding and complying with these complex statutes and should consult with their own attorney to be properly advised. The town election board may wish to

discuss the question of legal representation with the town attorney early in the election year to see if the town attorney will be available to act for the town election board in any litigation. Recounts and Contests are discussed in more detail in the *2023 Indiana Election Administrator's Manual*.

Oath of Office and Bond

Before beginning service as member of the town council or a town clerk-treasurer, the successful candidate must swear an oath of office and file the oath with the circuit court clerk. (See back of STATE FORM CEB-32 and CEB-33) (IC 5-4-1) Any person qualified to administer an oath, such as a notary public, can swear in a town official. (See list on back of STATE FORM CEB-32 and CEB-33) The oath may be taken and filed at any time after the candidate receives the certificate of election. There is no requirement to wait until January 1, 2024, to swear and file the oath. The oath must be filed with the circuit court clerk no later than **Wednesday, January 31, 2024**.

Successful candidates for town judge do not receive a certificate of election. Instead, they receive a commission signed by the governor. The Indiana Election Division will arrange with the governor's office to obtain commissions for successful candidates for town judge. Therefore, either the circuit court clerk or town clerk-treasurer will need to provide information regarding successful candidates for town judge to the Indiana election division. Town judges must also take and file an oath of office. However, instead of filing the oath of office with the circuit court clerk all judges, including town judges, must file their oath of office with the Indiana Election Division.

A successful candidate should also consult the town clerk-treasurer or town attorney regarding the need to file an official bond (IC 5-4-2). Many towns have "blanket-bonds" which cover all town officials. However, an individual surety bond may be required. This varies from town to town and so the current town officials, or their town attorney, may be the best source of information about this question.

APPENDIX A: AGREEMENT TO PROVIDE ELECTION ADMINISTRATION SERVICES

(SAMPLE)

Note: An agreement is optional. If there is no agreement and the county election board conducts an election for a town in 2023, the costs for conducting the election will be calculated pursuant to state law, namely, IC 3-5-3)

WHEREAS, IC 3-6-5-14 vests with the County Election Board the power and responsibility to conduct all elections and administer election laws with the county except as provided in IC 3-8-5 and IC 3-10-7;

WHEREAS, IC 3-8-5 governs the nomination of candidates for town office in certain towns with a population of less than three thousand five hundred (3,500);

WHEREAS, IC 3-10-7-4 allows the town council in towns with a population less than three thousand five hundred (3,500) to enter into a written agreement with the County Election Board to determine the amount the town will reimburse the county for conducting an election in the town;

WHEREAS, the County Election Board will conduct the election in the Town of _____;

Now, therefore, it is agreed as follows:

The Town of _____ shall pay to the County of _____ for election and registration services for the (specify the primary or municipal or both elections) in the amount \$ _____ dollars. This payment is intended to cover all election and registration services provided by the _____ County Election Board to the Town of _____. Payment shall be made to the _____ County Auditor on or before _____. This agreement covers only the election(s) specified above.

Dated this _____ day of _____ 20_____.

Town Council of the

Town of _____

_____ County Election Board

_____, Chairman

_____, Member

_____ ATTEST: Town Clerk-Treasurer

APPENDIX B: INDIANA DEMOCRATIC PARTY 2023 TOWN CONVENTION RULES OF PROCEDURE

NOTE: Before approving these rules a Democratic Party Town Convention please contact the Indiana Democratic Party to verify if the rules comply with the rules of the Indiana Democratic Party.

Indiana Code 3-8-5-12 requires town conventions to establish rules of procedure necessary for the convention to conduct its business. The Indiana Democratic Party recommends the use of the following Rules of Procedure for Democratic Town Conventions.

RULE 1 The first item of convention business is to determine which individuals are eligible to vote at this convention. To be eligible to vote, an individual must comply with both of the following requirements:

(1) The individual must be a registered voter of this town, according to the list of voters supplied by the county voter registration office.

(2) The individual must sign a statement, under penalties of perjury, stating the following:

(A) The individual is a member of the Democratic Party, and no other party.

(B) The individual either:

(i) voted the Democratic Party ballot at the 2022 primary election and supported a majority of the candidates nominated by the Democratic Party in the 2022 general election; or

(ii) if the individual did not vote the Democratic Party ballot at the 2022 primary election, that the individual intends to vote for a majority of the Democratic Party's nominees at the 2023 municipal election.

RULE 2 The town chair shall determine who is eligible to vote at this convention by comparing the list of registered voters with the signed statement signed by each individual who wishes to vote. The chair shall then announce to the convention whether or not all persons who have signed a statement are eligible to vote at the convention. If the chair determines that everyone who has signed the statement is eligible, the convention shall proceed to the next item of business.

RULE 3 If the town chair determines that one or more persons who have signed statements are not eligible, the chair shall announce the names of those persons to the convention, and shall ask if there is any objection to the chair's ruling. An objection is not required to be seconded. If any person objects to the chair's ruling, the chair shall put the following question to the voters whose eligibility is not in question: "Does John Smith meet the requirements to participate as a Democratic voter in this convention?" The voters shall indicate "YES" or "NO." The secretary of the convention shall count the numbers for both "YES" and "NO"

and report the results to the convention. The chair shall repeat this process for each individual whose eligibility is in dispute.

- RULE 4** After the chair and convention determine who is eligible to vote, the convention shall proceed to the adoption of these rules. The chair must submit copies of these proposed rules to the eligible members of the convention before a vote is taken to adopt the rules. The chair shall ask if there is debate or question regarding the proposed rules. At the conclusion of debate, the chair shall entertain a motion for adoption of these rules, with any amendments agreed to by the convention. If seconded, this motion shall immediately be put to a voice vote, without further debate.
- RULE 5** The convention shall permit nonvoting observers, media representatives, and other interested individuals to attend the convention and observe it in action. However, the chair may restrict the access of any such individual to the area where ballots are being processed or counted.
- RULE 6** Each candidate for nomination by the convention may appoint one (1) individual to be a candidate watcher by notifying the chair of this appointment before nomination and balloting for candidates. The chair shall announce the names of the candidate watchers to the convention before proceeding to the nomination of candidates. A candidate watcher may witness any and all activities of the tellers and the chair in conducting the business of the convention.
- RULE 7** The chair shall keep order at the convention, and may appoint one or more sergeants-at-arms to assist the chair in preserving order. If any individual, whether or not an eligible voter, disrupts or attempts to disrupt the work of the convention, the chair shall first call that individual to order, and warn the individual that future disruption will result in the individual's expulsion from the convention. If an individual continues or resumes the disruptive actions, the chair shall then order the person expelled from the convention, and if the person does not leave the convention promptly and voluntarily, shall call upon the sergeants-at-arms or any available law enforcement officers to remove the person as a trespasser. The chair is authorized on behalf of the Party to file any necessary complaint with the prosecuting attorney of the county to hold this individual responsible for the trespass or the disruption of the convention.
- RULE 8** The third item of convention business shall be the certification of candidates. The chair shall read the names of the candidates who have filed for nomination to each town office for which there is a contest, and the date on which each candidate filed with the circuit court clerk of the county. The chair shall recognize each candidate, in order of filing, to speak to the convention for a total of five minutes. If the candidate is unable or unwilling to speak, the chair may recognize one or more supporters of the candidate to speak, but for no more than five minutes in total.

- RULE 9** In accordance with state law, the chair shall decline to recognize any person for the purpose of nominating a candidate who has not previously filed a declaration of candidacy with the county before the deadline set by statute.
- RULE 10** After the end of the candidate presentations for this office, the chair shall designate two persons to serve as tellers to conduct the election. The secretary of the convention may serve as one of the tellers.
- RULE 11** The chair shall then direct the tellers to distribute one paper ballot to each eligible member of the convention. When each member has voted the ballot, a teller shall collect the ballot. When all members who wish to vote have returned their ballots to the tellers, the tellers shall count the ballots in an area in the convention room designated by the chair (or in another location, subject to the approval of all candidate watchers). Candidate watchers may observe this count, but may not handle ballots.
- RULE 12** The tellers shall provide the chair with a written report specifying the number of votes cast for each candidate. The chair shall then announce the results of the ballot. If a candidate has received a majority vote of those casting a vote for a candidate, the chair shall declare that the candidate has been nominated as the Democratic Party candidate for this office.
- RULE 13** If any ballot results in a tie vote between the candidates receiving the highest number of votes, the chair may cast the deciding vote, or may call for another ballot.
- RULE 14** If no candidate receives a majority of the votes cast for a candidate on the first ballot, then a second ballot is conducted. However, the candidate who received the fewest number of votes on the first ballot is eliminated from further consideration by the convention. If no candidate receives a majority of the votes cast for a candidate on the second ballot, the candidate with the fewest votes on the second ballot is eliminated, beginning with the third ballot, and so forth on each following ballot, until a candidate receives a majority of the votes cast for a candidate.
- RULE 15** If the convention is to nominate a Democratic Party candidate for more than one contested town office, the convention shall conduct the voting in the following order:
(1) Town Clerk-Treasurer.
(2) Town Council Members, with members elected at large followed by members elected from a district or ward.
(3) Town Judge.
- RULE 16** These rules take effect immediately upon approval by the convention and are effective retroactively regarding the procedures used to determine the eligibility of persons to vote at the convention.

ADOPTED, THIS THE _____ DAY OF AUGUST, 2023:

Printed Name

Town Chair
Democratic Party of the Town of _____
_____ County, Indiana

ATTEST:

Printed Name

Town Secretary
Democratic Party of the Town of _____
_____ County, Indiana

APPENDIX C: REPUBLICAN PARTY 2023 TOWN CONVENTION RULES OF PROCEDURE

These rules are adopted under Indiana Code 3-8-5-12 to establish procedures necessary for the town convention to conduct business.

Rule 1. The first item of convention business is to determine which individuals are eligible to vote at this convention. To be eligible to vote, an individual must comply with both of the following requirements:

(1) The individual must be a registered voter of this town no later than 29 days before the date of the town convention according to the list of voters supplied by the county voter registration office.

(2) The individual must sign a statement, under penalties of perjury, stating the following:

(a) The person is a member of the Republican Party and no other Party;

(b) The individual:

i. voted the Republican Party ballot at the 2022 primary election according to the records of the county registration office and supported a majority of the candidates nominated by the Republican Party in the 2022 general election OR;

ii. If the individual did not vote a Republican Party ballot in the 2022 primary election according to the records of the county voter registration office, that the individual intends to vote for a majority of the Republican Party's nominees in the 2023 municipal election.
(REPUBLICAN PARTY FORM IRSC/CA-1)

Rule 2. The town chairman shall determine who is eligible to vote at the convention by comparing the list of registered voters with the signed statement by each individual who wishes to vote. The chairman shall then announce to the convention whether or not all persons who have signed a statement are eligible to vote at the convention. If the chairman determines that everyone who has signed the statement is eligible, the convention shall proceed to the next item of business.

Rule 3. If the town chairman determines that one or more persons who have signed the statements are not eligible, the chairman shall announce the names of those persons to the convention, and ask if there is any objection to the chairman's ruling. An objection is not required to be seconded. If any person objects to the chairman's ruling, the chairman shall put the following question to the voters whose eligibility is not in question: "Does _____ meet the requirements to participate as a Republican voter in this convention?" The voters shall stand to indicate "YES" or "NO". The Secretary of the convention shall count the numbers standing for both "YES" and "NO" and report the results to the convention. The chairman shall repeat this process for each individual whose eligibility is in dispute.

Rule 4. After the chairman and convention make a determination under these rules as to who is eligible to vote, the convention shall proceed to the adoption of these rules. The chairman must submit copies of these proposed rules to the eligible members of the convention before a vote is taken to adopt the rules. The chairman shall ask if there is debate or question regarding the proposed rules. At the conclusion of debate, the chair shall entertain a motion for adoption of these rules, with any amendments agreed to by the convention. If seconded, this motion shall immediately be put to a vote without further debate.

Rule 5. The convention shall permit nonvoting observers, media representatives, and other interested individuals to attend the convention and observe it in action. However, the chair may restrict the access of such individual to the area where ballots are being processed or counted.

Rule 6. Each candidate for nomination by the convention may appoint one (1) individual to be a candidate watcher by notifying the chairman of this appointment before nomination and balloting for candidates. The chairman shall announce the names of the candidate watchers to the convention before proceeding to the nomination of candidates. A candidate watcher may witness any and all activities of the tellers and the chairman in conducting the business of the convention.

Rule 7. The chairman shall keep order at the convention, and may appoint one or more sergeants-at-arms to assist the chair in preserving order. If any individual, whether or not an eligible voter, disrupts or attempts to disrupt the work of the convention, the chairman shall first call that individual to order, and warn the individual that future disruption will result in the individual's expulsion from the convention. If an individual continues or resumes the disruptive actions, the chairman shall then order the person expelled from the convention, and if the person does not leave the convention promptly and voluntarily, shall call upon the sergeant-at arms or any available law enforcement officers to remove the person as a trespasser. The chairman is authorized on behalf of the Party to file any necessary complaint with the prosecuting attorney of the county to hold the individual responsible for the trespass or the disruption of the convention.

Rule 8. The third item of convention business shall be the certification of candidates. The chairman shall read the names of the candidates who have filed for nomination for each town office for which there is a contest, and the date on which each candidate filed with the circuit court clerk of the county. The chairman shall recognize each candidate, in order of filing, to speak to the convention for a total of five minutes. If the candidate is unable or unwilling to speak, the chairman may recognize one or more supporters of the candidate to speak, but for no more than five minutes in total.

Rule 9. In accordance with state law, the chairman shall decline to recognize any person for the purpose of nominating a candidate who has not previously filed a declaration of candidacy with the county clerk before the deadline set by statute.

Rule 10. At the end of the candidate presentations for this office, the chairman shall designate two persons to serve as tellers to conduct the election. The secretary of the convention may serve as one of the tellers.

Rule 11. If the convention is to nominate a Republican Party candidate for more than one contested office, the convention shall conduct the voting in the following order:

- (1) Town-Clerk Treasurer
- (2) Town Judge
- (3) Town Council Members

Rule 12. The chairman shall then direct the tellers to distribute one paper ballot to each eligible member of the convention. When each member has voted a ballot, the ballot must be placed in the ballot box provided by the chairman of the caucus. After all eligible voters have placed their ballots in the ballot box, the tellers shall count the ballots in an area in the convention room designated by the chairman (or in another location, subject to the approval of the candidate watchers). Candidate watchers may observe this count, but may not handle the ballots.

Rule 13. The tellers shall provide the chairman with a written report (tally sheet) specifying the number of votes cast for each candidate. The chairman shall announce the results of the ballot. If a candidate for Town-Clerk Treasurer or Town Judge has received a majority vote (more than 50%) of those casting a vote for a candidate, the chairman shall declare that the candidate has been nominated as the Republican Party candidate for this office. If no candidate receives a majority of the votes cast for a candidate on the first ballot, then a second ballot is conducted. However, the candidate who received the fewest number of votes on the first ballot is eliminated from further consideration by the convention. If no candidate receives a majority of the votes cast for a candidate on the second ballot, the candidate with the fewest number of votes on the second ballot is eliminated, beginning with the third ballot, and so forth on each following ballot, until a candidate receives a majority of more than 50% of the votes cast for a candidate.

Rule 14. If any ballot results in a tie vote between the candidates receiving the highest number of votes, the chairman may cast the deciding vote, or may call for another ballot.

Rule 15. In the case of a contest between candidates for the Republican Party for a district or ward seat, where only one candidate may be elected to the seat, voting for the seat should proceed as described in Rule 13 until a candidate receives a majority of more than 50% of the votes cast for that district or ward. In the case of multiple candidates for town council for multiple districts or wards, the vote for each district or ward may be done on one ballot that separately lists the candidates for each district or ward or on separate ballots for each district or ward. For example, if a town has three (3) district council seats, one (1) ballot could be used for district one (1) and separate ballots could be used for districts two (2) and three (3).

Rule 16. If the town council has at-large seats where more than one person may be elected to the available at-large seats, one (1) ballot would list all the candidates for the at-large seats and the top vote getters for the number of seats up for election would be declared the winners. For example, if there are five (5) candidates for three (3) at-large seats up for election, the top three (3) vote getters will be declared the winners just as you would if you voted on a machine to select three (3) of five (5). In this case, all five (5) candidates would be listed on the ballot with the instruction "Vote for not more than 3 candidates."

Rule 17. These rules take effect immediately upon approval by the convention and are effective retroactively regarding the procedures used to determine the eligibility of persons to vote at the convention.

ADOPTED THIS _____ DAY OF AUGUST, 2023:

Printed Name of the Town Chairman:

Republican Party of the Town of _____

_____ County, Indiana

ATTEST:

Printed Name of the Town Secretary:

Republican Party of the Town of _____

_____ County, Indiana

APPENDIX D: ELECTION FORMS

- CAN-12** **Statement of Economic Interests for Local and School Board Office**
(State Form 55128; R/8-19)
- CAN-15** **Call of Town Convention**
(State Form 46421; R8/6-11)
- CAN-16** **Town Office Declaration of Candidacy by a Democratic, Libertarian, or Republican Party Candidate When No Primary is Conducted in 2023**
(State Form 46422; R24/8-22)
- CAN-17** **Circuit Court Clerk Certification of Town Candidates**
(State Form 46424; R15/8-22)
- CAN-18** **Town Convention Certificate of Nomination**
(State Form 46423; R14/8-22)
- CAN-42** **Declaration of Candidacy for Municipal Primary Nomination in 2023**
(State Form 48870; R6/8-22)
- CAN-43** **Municipal Primary Election Candidate Withdrawal In 2023**
(State Form 48891 (R6/8-22)
- CAN-44** **Petition of Nomination for City or Town Office in 2023**
(State Form 49024; R9/7-22)
- CAN-45** **Consent of Independent or Minor Political Party Candidate Nominated by Petition for a City or Town Office in 2023**
(State Form 49027; R8/8-22)
- CAN-46** **Municipal Election Candidate Withdrawal in 2023**
(State Form 49041; R8/8-22)
- CAN-51** **Declaration of Intent to be a Write-In Candidate for City or Town Office in 2023**
(State Form 49043; R7/8-22)
- CEB-1A** **Certificate of Delivery of Voting Systems to Precinct or Vote Center**
(State Form 47202; R5/7-19)
- CEB-1B** **Certificate of Return of Precinct or Vote Center Materials by Inspector and Judge**
(State Form 56792; 7-19)
- CEB-1C** **Certificate of Return of Voting Systems from Precinct or Vote Center**
(State Form 53025; 12-21)

- CEB-1D** **Certificate of Return of Electronic Poll Books from Precinct or Vote Center**
(State Form 53026; 12-21)

- CEB-34** **Apportionment of Municipal Primary Costs in Counties Using Precincts**
(State Form 54704); R3/10-22)

- CEB-35** **Apportionment of Municipal General Election Costs in Counties Using Precincts**
(State Form 51845); R3/10-22)

- CEB-38** **Apportionment of Municipal Primary Costs in Counties Using Vote Centers**
(State Form 56606; R/10-22)

- CEB-39** **Apportionment of Municipal General Election Costs in Counties Using Vote Centers**
(State Form 56607; R2/10-22)



**STATEMENT OF ECONOMIC INTERESTS
FOR LOCAL AND SCHOOL BOARD OFFICES**

(CAN-12)

State Form 55128 (R / 8-19)
Indiana Election Division (IC 3-8-9)

INSTRUCTIONS: This statement must be filed with a candidate's: (1) declaration of candidacy for nomination at a primary or town party convention; (2) certificate of nomination by a Libertarian Party convention; (3) petition of nomination as a school board candidate; (4) petition of nomination as a minor party or independent candidate; (5) declaration of intent to be a write-in candidate; or (6) certificate of candidate selection to fill an early or late vacancy on a general or municipal election ballot. This statement must also be filed no later than noon 60 days after an individual assumes a vacant local office. **NOTE:** A candidate who files a petition of nomination for an office in a county that has a separate voter registration board from the circuit court clerk's office must file this statement with the petition of nomination after the petition has been certified by the voter registration board and when it is presented for filing with the office described in IC 3-8-2-6.

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 was _____ .
- (3) The name of my employer and the nature of its business was _____ .
- (4) The name of the employer of my spouse and the nature of its business was _____ .
- (5) If I owned a sole proprietorship, the name of the sole proprietorship and the nature of its business was _____ .
- (6) If I operated a professional practice, the name of the professional practice and the nature of its business was _____ .
- (7) If I was a member of a partnership, the name of the partnership and the nature of its business was _____ .
- (8) If my spouse was a member of a partnership, the name of the partnership and the nature of its business was _____ .
- (9) If I was a member of a limited liability company, the name of the limited liability company and the nature of its business was _____ .
- (10) If my spouse was a member of a limited liability company, the name of the limited liability company and the nature of its business was _____ .
- (11) If I was an officer or a director of a corporation (other than a church), the name of the corporation and the nature of its business was _____ .
- (12) If my spouse was an officer or a director of a corporation (other than a church), the name of the corporation and the nature of its business was _____ .

COMPLETE THE AFFIRMATION ON REVERSE SIDE OF THIS FORM.



CALL OF TOWN CONVENTION

State Form 46421 (R8/6-11)
Indiana Election Commission (IC 3-8-5-10)

(CAN-15)

INSTRUCTIONS: The chairman of the town committee of the Democratic, Libertarian, or Republican Party must issue a call for a town convention, when required by state law. The chairman must file a copy of the notice of the call with the circuit court clerk of the county containing the greatest percentage of the population of the town. The chairman must also post the notice for at least three (3) days in three (3) prominent public places in the town. The notice must state the time, place, and purpose of the convention.

TO THE _____ COUNTY CIRCUIT COURT CLERK:

In accordance with Indiana Code 3-8-5-10, I certify the following:

I am the duly elected chairman of the town committee of the *(check one)* Democratic Libertarian Republican Party.

I have posted the following call for a town convention at least three (3) days before the convention is to be conducted, and in the following three (3) prominent places in the town:

1. Town clerk-treasurer's office;
- 2.
- 3.

The notice reads as follows:

**NOTICE OF *(check one)* DEMOCRATIC LIBERTARIAN REPUBLICAN
PARTY CONVENTION**

As the duly elected chairman of the town committee of the Democratic Libertarian Republican Party, I call a town convention of the party. **The convention will be held at _____ a.m./p.m., on August _____, 20____ at the following location: _____,** which is located within the town (or if not in the town, is at the county seat or the nearest available location within the county). This convention must be held no later than August 21, 20____. The purpose of the convention is to select nominees for all town offices to be elected at the next town election for which more than one (1) declaration of candidacy has been filed by candidates of this political party namely:

List of Offices

DATED, THIS _____ DAY OF AUGUST, 20_____:

Signature	Printed Name
-----------	--------------

(check one) DEMOCRATIC LIBERTARIAN REPUBLICAN TOWN CHAIRMAN



**TOWN OFFICE DECLARATION OF CANDIDACY BY A
DEMOCRATIC, LIBERTARIAN, OR REPUBLICAN PARTY CANDIDATE
WHEN NO TOWN PRIMARY IS CONDUCTED IN 2023**

(CAN-16)

State Form 46422 (R24 / 8-22)
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 not earlier than **January 4, 2023** and not later than **NOON, August 1, 2023** 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-45 and CAN-44 forms in 2023. A write-in candidate for town office must use the CAN-51 form in 2023.

STATE OF INDIANA)
)
COUNTY OF _____)

GENERAL INFORMATION

I, _____, the undersigned, certify the following:
Name of Candidate

(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)** Democratic Party Libertarian Party OR Republican Party

(3) *(Skip paragraph 3 if a Libertarian Party candidate.)* **If I am a candidate of the Democratic or Republican Party, 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 elections 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.

RESIDENCY INFORMATION

(6) My complete residence address is:
_____, IN (amend if other state) _____
Complete residence address must be included City ZIP Code

(7) My mailing address is:
Write address if mailing address is different from residence address; write "SAME" if both addresses are identical
_____, IN (amend if other state) _____
Mailing address City ZIP Code

CANDIDATE NAME INFORMATION

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

(Include any Nickname and/or Suffix, such as 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. (IC 3-8-2-7(c))

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. A candidate may not use a title or degree as a designation or a designation that implies a title or degree. Nicknames are required to be printed on the ballot using parentheses. EXAMPLE: John R. (Jack) Doe



CIRCUIT COURT CLERK CERTIFICATION OF TOWN CANDIDATES IN 2023

(CAN-17)

State Form 46424 (R15 / 8-22)
Indiana Election Division (IC 3-8-5-10.5(e))

INSTRUCTIONS: The Circuit Court Clerk must release this list to the public and certify this list to the appropriate Town Clerk-Treasurer **IMMEDIATELY** after the **NOON, August 1, 2023**, deadline for filing declarations of candidacy for Democratic, Libertarian, and Republican Party nominations to town offices. **Please Note:** This form is **NOT** used when a town's election is conducted by the county election board.

TOWN OFFICE CANDIDATE LIST

TO THE CLERK-TREASURER OF THE TOWN OF _____:

I, the _____ County Circuit Court Clerk (or Lake or Porter county election director) certify under IC 3-8-5-10.5 that on this the _____ day of August, 20____, the following candidates have filed declarations of candidacy for nominations for the Democratic, Libertarian, and Republican Parties to a town elected office:

Candidate's Name	Contested? (See Note)	Candidate's Mailing Address	Town, Zip Code	Political Party	Office Sought

(ATTACH ADDITIONAL LIST IF NECESSARY)

NOTE:

If an asterisk "*" appears by the name of a candidate above, that candidate is automatically the nominee of the candidate's party for election to the town office since no other candidate of that political party filed a declaration of candidacy to be nominated for that office.

If an asterisk "*" **DOES NOT** appear by the name of a candidate above, the political party must hold a town convention to choose the party's nominee for that office since more than one candidate of that political party has filed a declaration of candidacy for the same town office.

This list **DOES NOT** include independent candidates or candidates of other political parties who have filed in this office.

I have posted a copy of this list in a prominent place in the Circuit Court Clerk's office and have forwarded to you, as Town Clerk-Treasurer, a copy of these declarations of candidacy.

Name of Circuit Court Clerk (or Lake or Porter County Election Director)

_____ County Circuit Court Clerk (or Lake or Porter County Election Director)



TOWN CONVENTION CERTIFICATE OF NOMINATION IN 2023

(CAN-18)

State Form 46423 (R14 / 8-22)

Indiana Election Division (IC 3-8-5-13; IC 3-8-5-14)

INSTRUCTIONS: This form is to be used to certify candidates of the Democratic Party, Libertarian Party, or Republican Party who are nominated by a town convention to the circuit court clerk of the county having the greatest percentage of population of the town. After receiving this certification, the circuit court clerk (or Lake County or Porter County Election Director) must forward a copy of this certificate to the appropriate town clerk-treasurer.

**TO THE _____ COUNTY CIRCUIT COURT CLERK
(or LAKE OR PORTER COUNTY ELECTION DIRECTOR):**

The undersigned certify all of the following:

(1) A convention of the (**check one**) Democratic Party Libertarian Party **OR** Republican Party was duly held in the town on the _____ day of August, 20__, for the purpose of nominating candidates of the party for the election to be held on November _____, 20__.

(2) At the convention the following candidates were nominated for the respective offices and the residence address of each candidate is as follows:

Candidate Name	Residence Address	Office Sought

(3) If the town has council districts, each candidate for town council resides in the district for which the person is a candidate.

(4) Each candidate is a registered voter of the town and legally qualified to hold the office for which the person is a candidate.

(5) The title of the party that the candidates represent is the (**check one**):

Democratic Libertarian **OR** Republican Party.

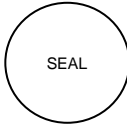

(6) The candidate's name, as requested on the CAN-16, should be printed on the ballot.

PLEASE COMPLETE REVERSE OF FORM

CERTIFICATION OF PRESIDING OFFICER AND SECRETARY OF TOWN CONVENTION

We, the undersigned, swear or affirm under the penalties for perjury that the candidate named above was nominated at the town convention of the **(check one)** Democratic Libertarian OR Republican Party.

CERTIFIED THIS THE _____ DAY OF _____, 2023:

1. Signature of Town Party Chairman		Printed Name
2. Residence address of Town Party Chairman (<i>number and street, city, state, and ZIP code</i>)		
Subscribed and sworn to before me this _____ day of _____, 2023, _____ <i>Notary Public or Other Official Administering Oath according to IC 33-42-9-7</i> County of Residence: _____		 My Commission expires: _____ <i>applies only to Notary Public</i>
3. Signature of Town Party Secretary		Printed Name
4. Residence address of Town Party Secretary (<i>number and street, city, state, and ZIP code</i>)		
Subscribed and sworn to before me this _____ day of _____, 2023, _____ <i>Notary Public or Other Official Administering Oath according to IC 33-42-9-7</i> County of Residence: _____		 My Commission expires: _____ <i>applies only to Notary Public</i>



DECLARATION OF CANDIDACY FOR MUNICIPAL PRIMARY NOMINATION IN 2023 (CAN-42)

State Form 48870 (R6 / 8-22)
Indiana Election Division (IC 3-8-2-4, IC 3-8-2-7)

INSTRUCTIONS: This form is used by an individual who is seeking the Democratic or Republican party nomination to an elected office in a municipal primary election. A declaration of candidacy must be filed not earlier than January 4, 2023 and not later than **NOON, February 3, 2023**. Please print or type all information on this form except all signatures. **SEE IMPORTANT INFORMATION ON BACK OF FORM.** All candidates seeking a primary nomination for a LOCAL office (other than city or town judge) must also file the CAN-12 form WITH this form. A candidate for city and town judge must attach to this form a receipt showing the statement of economic interest form prescribed by the Commission on Judicial Qualifications was filed.

STATE OF INDIANA)
)
COUNTY OF _____)

GENERAL INFORMATION

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

(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 request that my name be placed on the official primary ballot of the **(check one)** Democratic Party or Republican Party
with which I am affiliated to be voted on at the primary election to be held on May 2, 2023, for the office of
_____, District _____ (if any).
Name of Office

(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 two primary elections 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 two most recent primary elections in Indiana in which I voted were the primaries 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) *(This paragraph does not apply to a candidate for federal office.)* 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.

RESIDENCY INFORMATION

(5) My complete residence address is:
_____, IN _____
Complete residence address must be included City ZIP Code

(6) My mailing address is:
Write address if mailing address is different from residence address; write "SAME" if both addresses are identical
_____, IN _____
Mailing address City ZIP Code

CANDIDATE NAME INFORMATION

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

(Include any Nickname and/or Suffix, such as 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. (IC 3-8-2-7(c))

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. A candidate may not use a title or degree as a designation or a designation that implies a title or degree. Nicknames are required to be printed on the ballot using parentheses. EXAMPLE: John R. (Jack) Doe

↓ PLEASE COMPLETE REVERSE OF FORM ↓

CANDIDATE CERTIFICATION

- (7) By initialing, I acknowledge that I have attached a copy of the applicable statement of economic interest statement, file stamped by the office required to receive the statement, 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 the Indiana Campaign Finance Act (IC 3-9) regarding campaign finance and the reporting of campaign finance contributions and expenditures and I agree to comply with IC 3-9. **(initial here)** _____
- (11) I have been a candidate for state, state legislative, or local office in a previous primary, municipal, special, or general election: **(check one)** Yes No *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: **(check one)** Yes No
- (13) *(This paragraph only applies to a candidate for a local office, including judicial offices and prosecuting attorney, 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.

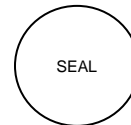
_____/_____/_____(_____)_____
Signature Date Signed (MM/DD/YYYY) Telephone (Day) Telephone (Evening)

OPTIONAL INFORMATION:

Candidate's email: _____ Campaign website: _____

STATE OF _____)
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 2023.



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: _____

CAMPAIGN FINANCE NOTICE

A candidate's committee must file a pre-primary campaign finance report no later than **NOON, Friday, April 14, 2023**, 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 8, 2023 and ending April 30, 2023**, 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 20, 2023**, 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 14, 2023 and ending November 5, 2023**, 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 PRIMARY ELECTION CANDIDATE WITHDRAWAL IN 2023

(CAN-43)

State Form 48891 (R6 / 8-22)
Indiana Election Division (IC 3-8-2-20)

INSTRUCTIONS: This form is used by a candidate for nomination who wishes to remove the candidate's name from the primary election ballot. This withdrawal must be received by the official with whom the Declaration of Candidacy was filed not later than **NOON, February 10, 2023**. A candidate who has moved out of the election district, has been convicted of a felony or violating any other law that would prohibit the person from remaining a candidate, is on active duty in the U.S. Armed forces or subject to the Hatch Act or Little Hatch Act, and would violate federal law by remaining a candidate, or is a nonjudicial employee of a court who would violate the Indiana Code of Judicial Conduct by remaining a candidate may withdraw at any time.

CANDIDATE WITHDRAWAL

To the Clerk of _____ Circuit Court or the Lake, Porter, or Tippecanoe County Board of Elections and Registration:

(1) I, _____, the undersigned, withdraw
Insert Candidate Name on previously filed Candidacy Documentation

as a candidate of the **(check one)** Democratic Party or the Republican Party for: **(check one)**

nomination to the office of _____, District _____ (if any)

to be voted on at the primary election to be held on May 2, 2023.

(2) My residence address is:

_____, IN _____
Complete residence address must be included 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/YYYY) Telephone Number

STATE OF _____)

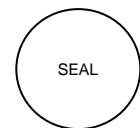
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 2023.

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: _____



County # 1 Voter Registration Office Certification		County #2 Voter Registration Office Certification, if applicable	
County:	Number of Valid Signatures:	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 _____, 2023, at _____, Indiana.		Witness my/our hand and seal this _____ day of _____, 2023, at _____, Indiana.	
COUNTY SEAL HERE	COUNTY SEAL HERE		
Signature 1	<input type="checkbox"/> Clerk of the Circuit Court or <input type="checkbox"/> Member of the Board of Registration (D)	Signature 1	<input type="checkbox"/> Clerk of the Circuit Court or <input type="checkbox"/> Member of the Board of Registration (D)
Signature 2	<input type="checkbox"/> Member of the Board of Registration (R)	Signature 2	<input type="checkbox"/> Member of the Board of Registration (R)

Affidavit of Assistance Provided to Petitioner(s)	
I affirm under the penalties for perjury that I assisted the following petitioner(s), due to disability, in writing the petitioner's signature, printed name, and residence address on this petition:	
Names of Petitioner Assisted by me: _____	DATE ASSISTANCE PROVIDED (month, day, year) _____, 20____
ASSISTER'S SIGNATURE _____	ASSISTER'S ADDRESS (number and street, city, state, and ZIP code) _____
Names of Petitioner Assisted by me: _____	DATE ASSISTANCE PROVIDED (month, day, year) _____, 20____
ASSISTER'S SIGNATURE _____	ASSISTER'S ADDRESS (number and street, city, state, and ZIP code) _____
Names of Petitioner Assisted by me: _____	DATE ASSISTANCE PROVIDED (month, day, year) _____, 20____
ASSISTER'S SIGNATURE _____	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 2023**

(CAN-45)

State Form 49027 (R8 / 8-22)

Indiana Election Division (IC 3-8-5-17; IC 3-8-6-3; IC 3-8-6-12; IC 3-10-2-15; IC 3-10-6-12)

INSTRUCTIONS: This consent must be filed than **noon, July 17, 2023** (the deadline for filing the CAN-44 petition of nomination form certified by the county voter registration office) by an independent candidate or a candidate of a political party nominated by petition by **NOON, July 17, 2023**. **This form is not used by Democratic, Libertarian, or Republican Party candidates. SEE IMPORTANT INFORMATION ON BACK OF FORM.** All candidates seeking a primary nomination for a LOCAL office (other than city or town judge) must also file the CAN-12 form WITH this form. A candidate for city and town judge must attach to this form a receipt showing the statement of economic interest form prescribed by the Commission on Judicial Qualifications was filed.

STATE OF INDIANA)
)
COUNTY OF _____)

GENERAL INFORMATION

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

(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 candidate for the office of _____, District _____ (if any)

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 7, 2023, 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.) (check one)** I am **OR** am not 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.

RESIDENCY INFORMATION

(6) My complete residence address is:

_____, IN (amend if other state) _____
Complete residence address must be included City ZIP Code

(7) My mailing address is:

Write address if mailing address is different from residence address; write "SAME" if both addresses are identical

_____, IN (amend if other state) _____
Mailing address City ZIP Code

CANDIDATE NAME INFORMATION

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

(Include any Nickname and/or Suffix, such as 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. (IC 3-8-2-7(c))

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. A candidate may not use a title or degree as a designation or a designation that implies a title or degree. Nicknames are required to be printed on the ballot using parentheses. EXAMPLE: John R. (Jack) Doe

PLEASE COMPLETE REVERSE OF FORM

CANDIDATE CERTIFICATION

- (8) By initialing, I acknowledge that I have attached a copy of the applicable statement of economic interest statement, file stamped by the office required to receive the statement, 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 the Indiana Campaign Finance Act (IC 3-9) regarding campaign finance and the reporting of campaign finance contributions and expenditures and I agree to comply with IC 3-9. **(initial here)** _____
- (12) I have been a candidate for state, state legislative, or local office in a previous primary, municipal, special, or general election: **(check one)** Yes No *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: **(check one)** Yes No
- (14) *(This paragraph only 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/YYYY) _____ Telephone (Day) _____ Telephone (Evening) _____

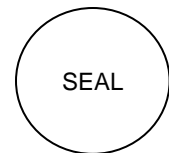
OPTIONAL INFORMATION:

Candidate's email: _____ Campaign website: _____

STATE OF _____)
 COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 2023.

Notary Public or Other Official Administering Oath under IC 33-42-9-7



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 7, 2023**, 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 20, 2023**, 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 14, 2023 and ending at 6:00 am, local prevailing time, on November 5, 2023**, 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 calendar 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 2023

(CAN-46)

State Form 49041 (R8 / 8-22)

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: Except as otherwise provided by law, this form must be filed with the appropriate circuit court clerk by NOON, July 17, 2023.

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 2023 may withdraw by filing this statement by **NOON, August 1, 2023.**

EXCEPTION: For Candidates Nominated by Small Town Political Party Convention: A candidate who files a declaration of candidacy for a town office in a town with a population of less than 3,500 may withdraw by filing this statement by NOON, August 1, 2023. 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.

CANDIDATE WITHDRAWAL

To the Clerk of _____ Circuit Court or the Lake, Porter, or Tippecanoe County Board of Elections and Registration:

(1) I, _____, the undersigned, withdraw
Insert Candidate Name on previously filed Candidacy Documentation

as a candidate of the _____ Party or as an independent candidate for nomination to the office of _____, District _____ (if any)
Name of Office

to be voted on at the general election to be held on November 7, 2023.

(2) My residence address is:

_____, IN _____
Complete residence address must be included City 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/YYYY) Telephone Number

STATE OF _____)
 COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 2023.

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: _____



DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE FOR A CITY OR TOWN OFFICE IN 2023

(CAN-51)

State Form 49043 (R7 / 8-22)
Indiana Election Division (IC 3-8-2-2.5; IC 3-8-2-4(b))

INSTRUCTIONS: A declaration of intent to be a write-in candidate in the municipal election must be filed **no earlier than January 4, 2023 and not later than NOON, July 3, 2023**. Please print or type all information on this form except all signatures. **All candidates seeking election to a city or town office except for a candidate for city or town judge must file the CAN-12 statement of economic interests WITH this form. Candidates for city or town judge must file the statement of economic interests with the Commission on Judicial Qualifications and provide a file-stamped copy with this filing. SEE IMPORTANT INFORMATION ON BACK OF FORM.**

STATE OF INDIANA)
)
COUNTY OF _____)

GENERAL INFORMATION

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

(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 (*check one box and enter name of any applicable party*)
 an independent candidate (*not affiliated with any party*); **OR**
 affiliated with a party **OTHER THAN** the Democratic Party, Libertarian Party, or Republican Party, namely the
_____ Party.

(3) I declare my intention to be a write-in candidate for the office of _____, District _____ (*if any*)
Name of Office
in the (*check one box*) City or the Town of _____ to be voted on at the municipal election
to be held on November 7, 2023.

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

RESIDENCY INFORMATION

(5) My complete residence address is:

Complete residence address must be included City IN ZIP Code

(6) My mailing address is:

Write address if mailing address is different from residence address; write "SAME" if both addresses are identical

Mailing address City IN ZIP Code

CANDIDATE NAME INFORMATION

I request that my name appear in the following manner:

(Include any Nickname and/or Suffix, such as 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. (IC 3-8-2-7(c))

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. A candidate may not use a title or degree as a designation or a designation that implies a title or degree. Nicknames are required to be printed on the ballot using parentheses.

EXAMPLE: John R. (Jack) Doe

↓ PLEASE COMPLETE REVERSE OF FORM ↓

CANDIDATE CERTIFICATION

(7) By initialing, I acknowledge that I have attached a copy of the applicable statement of economic interest statement, file stamped by the office required to receive the statement, 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, state legislative, or local office in a previous primary, municipal, special, or general election: **(check one)** Yes No *(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 (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 _____, 2023.



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: _____

CAMPAIGN FINANCE NOTICE

A candidate's committee must file its first campaign finance report no later than **NOON, Monday, July 24, 2023**, 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 20, 2023**, 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 14, 2023 and ending November 5, 2023**, 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.



**CERTIFICATION OF DELIVERY OF VOTING SYSTEMS
TO PRECINCT OR VOTE CENTER**

(CEB-1A)

State Form 47202 (R5 / 7-19)
Indiana Election Division (IC 3-11-3-10)

_____ **COUNTY, STATE OF INDIANA**

NAME OF PRECINCT POLLING LOCATION OR VOTE CENTER:

ADDRESS OF PRECINCT POLLING LOCATION OR VOTE CENTER:

**CERTIFICATION OF DELIVERY OF VOTING SYSTEMS
TO PRECINCT OR VOTE CENTER**

INSTRUCTIONS: All voting systems to be available in a precinct or vote center shall be delivered to the polls for a precinct or to a vote center. The voting systems may be delivered by: (1) The county election board; (2) bipartisan teams designated by the county election board of at least two individuals affiliated with different major political parties; or (3) a commercial delivery company, operating under a contract with the county election board. If teams of individuals or a commercial delivery entity are used to deliver the voting systems, this certificate must be completed. Immediately upon completion of this certificate, the certificate shall be filed with the county election board.

On the _____ day of _____, 20____,

We, the undersigned, certify that in the Precinct or Vote Center named above, the voting systems listed below and delivered by the teams of individuals or the commercial delivery entity:

1. Remained in the custody and control of each individual during the period beginning when the voting systems were received from the county election board and ending when the voting systems were delivered to the location of the polling place or vote center;
2. No individual, other than a team member or an individual acting on behalf of the commercial delivery entity, had access to any voting system in our custody; and
3. An individual documented receipt of the following voting systems at the polling location or vote center when the voting systems were delivered.

(INSERT OR ATTACH LIST OF VOTING SYSTEMS.)

NAME OF PRECINCT LOCATION OR VOTE CENTER:

SO CERTIFIED, THIS _____ DAY OF _____, 20__:

Signature of Bipartisan Team Member

Printed Name and Political Party Affiliation of Bipartisan Team Member

Signature of Bipartisan Team Member

Printed Name and Political Party Affiliation of Bipartisan Team Member

OR

Signature of Agent of Commercial Delivery Entity

Printed Name of Agent and of Commercial Delivery Entity

CERTIFICATION OF RECEIPT OF VOTING SYSTEMS

I, the undersigned, certify that I received the voting systems listed in this Certificate on the date set forth below from the bipartisan team members or the agent of the above named commercial delivery entity:

SO CERTIFIED, THIS _____ DAY OF _____, 20__:

Signature of Individual

Printed Name of Individual



**CERTIFICATION OF RETURN OF PRECINCT OR VOTE CENTER
ELECTION MATERIALS BY INSPECTOR AND JUDGE**

(CEB-1B)

State Form 56792 (7-19)

Indiana Election Division (IC 3-12-2-7; 3-12-3-10; 3-12-3.5-4)

**CERTIFICATION OF RETURN OF
PRECINCT OR VOTE CENTER ELECTION MATERIALS
BY INSPECTOR AND JUDGE**

INSTRUCTIONS: All election documents, supplies, and materials must be returned to the county election board after the close of the polls by the inspector and the judge of the opposite political party from the inspector or the persons performing those responsibilities in a vote center.

NOTE: An inspector or judge is not entitled to compensation for election day services unless this certificate is completed by the inspector or judge.

On the _____ day of _____, 20____,

In Precinct or Vote Center _____

CERTIFICATION OF INSPECTOR

As inspector of this precinct, or the person performing the responsibilities of an inspector at a vote center, I certify that immediately upon the close of the polls (*and the tabulation of the vote in my precinct or vote center, if applicable*), I complied with IC 3-12-2-7, IC 3-12-3-10, or IC 3-12-3.5-4 by delivering the required election material to the county election board (*accompanied by the judge of the opposite party*). If optical scan ballots were cast and counted in this precinct, I swear (*or affirm*) that I complied with the requirements of IC 3-12-3-10(d).

Signature of Inspector

Printed Name of Inspector

CERTIFICATION OF JUDGE

As the judge of the opposite political party from the inspector of this precinct, or the person performing those responsibilities at a vote center, I certify that immediately upon the close of the polls and the tabulation of the vote in my precinct or vote center, I complied with IC 3-12-2-7, IC 3-12-3-10, or IC 3-12-3.5-4 by delivering the required election material to the county election board (*accompanied by the inspector*).

Signature of Judge

Printed Name of Judge



**CERTIFICATION OF RETURN OF VOTING SYSTEMS
FROM PRECINCT OR VOTE CENTER**

(CEB-1C)

State Form 53025 (12-21)
INDIANA ELECTION DIVISION (IC 3-12-3-2.2; IC 3-12-3.5-4.5)

_____ **COUNTY, STATE OF INDIANA**

NAME OF PRECINCT POLLING LOCATION OR VOTE CENTER:

ADDRESS OF PRECINCT POLLING LOCATION OR VOTE CENTER:

**CERTIFICATION OF RETURN OF VOTING SYSTEMS
FROM PRECINCT OR VOTE CENTER**

INSTRUCTIONS: All voting systems delivered to the polls for a precinct or to a vote center shall be returned to a secure location designated by the county election board. The voting systems may be returned by: (1) The county election board; (2) bipartisan teams designated by the county election board of at least two individuals affiliated with different major political parties; or (3) a commercial delivery company, operating under a contract with the county election board. If teams of individuals or a commercial delivery entity are used to return the voting systems, this certificate must be completed. Immediately upon completion of this certificate, the certificate shall be filed with the county election board.

On the _____ day of _____, 20____,

We, the undersigned, certify that in the Precinct or Vote Center named above, the voting systems listed below and returned by the teams of individuals or the commercial delivery entity:

1. Remained in the custody and control of each individual during the period beginning when the voting systems were received at the polls and ending when the voting systems were returned to the location designated for storage by the county election board under IC 3-11-15-46;
2. No individual, other than a team member or an individual acting on behalf of the commercial delivery entity, had access to any voting system in our custody; and
3. An individual documented receipt of the following voting systems at the polling location or vote center when the voting systems were received.

(INSERT OR ATTACH LIST OF VOTING SYSTEMS)

NAME OF PRECINCT LOCATION OR VOTE CENTER:

SO CERTIFIED, THIS _____ DAY OF _____, 20__:

Signature of Bipartisan Team Member

Printed Name and Political Party Affiliation of Bipartisan Team Member

Signature of Bipartisan Team Member

Printed Name and Political Party Affiliation of Bipartisan Team Member

OR

Signature of Agent of Commercial Delivery Entity

Printed Name of Agent and of Commercial Delivery Entity

CERTIFICATION OF RECEIPT OF VOTING SYSTEMS

I, the undersigned, certify that I received the voting systems listed in this Certificate on the date set forth below from the bipartisan team members or the agent of the above-named commercial delivery entity:

SO CERTIFIED, THIS _____ DAY OF _____, 20__:

Signature of Individual Authorized to Act for County Election Board

Printed Name of Individual



**CERTIFICATION OF RETURN OF ELECTRONIC POLL BOOKS
FROM PRECINCT OR VOTE CENTER**

(CEB-1D)

State Form 53021 (12-21)
INDIANA ELECTION DIVISION (IC 3-12-3-2.2; IC 3-12-3.5-4.5)

_____ **COUNTY, STATE OF INDIANA**

NAME OF PRECINCT POLLING LOCATION OR VOTE CENTER:

ADDRESS OF PRECINCT POLLING LOCATION OR VOTE CENTER:

**CERTIFICATION OF RETURN OF ELECTRONIC POLL BOOKS
FROM PRECINCT OR VOTE CENTER**

INSTRUCTIONS: All electronic poll books delivered to the polls for a precinct or to a vote center shall be returned to the county election board with the other election material from that precinct or vote center (other than voting systems). The electronic poll books shall be returned by the inspector and judge of the opposite political party from the inspector to the location designated by the county election board. Immediately upon completion of this certificate, the certificate shall be filed with the county election board.

On the _____ day of _____, 20____,

We, the undersigned, certify that in the Precinct or Vote Center named above, the electronic poll books listed below and returned by the inspector and judge of the opposite political party from the inspector (or the individuals designated under the county vote center plan to perform the functions of those precinct election officers):

1. Remained in the custody and control of each individual during the period beginning when the electronic poll books were removed from the polls by these individuals and ending when the electronic poll books were returned to the location designated by the county election board;
2. No individual, other than the undersigned precinct election officers, had access to any electronic poll book in our custody; and
3. An individual documented receipt of the following electronic poll books at the location designated by the county election board when the electronic poll books were received.

(INSERT OR ATTACH LIST OF ELECTRONIC POLL BOOKS)

NAME OF PRECINCT LOCATION OR VOTE CENTER:

SO CERTIFIED, THIS _____ DAY OF _____, 20__ :

Signature of Inspector (or person acting as Inspector in vote center)

Printed Name, Title, and Political Party Affiliation

Signature of Judge of Opposite Political Party (or person acting as this Judge in vote center)

Printed Name, Title, and Political Party Affiliation

CERTIFICATION OF RECEIPT OF ELECTRONIC POLL BOOKS

I, the undersigned, certify that I received the electronic poll books listed in this Certificate on the date set forth below from the bipartisan team members identified above:

SO CERTIFIED, THIS _____ DAY OF _____, 20__ :

Signature of Individual Authorized to Act for County Election Board

Printed Name of Individual



APPORTIONMENT OF MUNICIPAL PRIMARY COSTS IN COUNTIES USING PRECINCTS

State Form 54704 (R3 / 10-22)
Indiana Election Division (IC 3-5-3-7; IC 3-5-3-8; IC 3-5-3-9; IC 3-5-3-10)

(CEB-34)

INSTRUCTIONS: (1) Complete a separate copy of this form for each city or town in which a municipal primary was conducted on May 2, 2023 by the county election board (except those which had signed an agreement with the county to pay a fixed amount for the county to conduct the primary). (2) Determine the total number of votes cast in the municipal primary in all cities and towns (except those which signed an agreement with the county). (3) Determine votes cast in each city or town as a percentage of the total municipal primary votes cast. Example: The Town of Smallville had 100 votes cast in the primary; a total of 1000 votes were cast in all cities and towns. Therefore, Smallville had 10% of the votes cast in the primary. (4) Determine the "Direct Expenses" to be charged to the city or town. "Direct Expenses" are those which were incurred for a specific city or town's election. Example: The county paid \$3,000 to a printer for municipal primary ballots for the City of Hoosierville. This is a "Direct Expense" that should be billed to Hoosierville. (5) Determine the "Other Expenses" are the expenses incurred beginning **February 1, 2023 and ending May 3, 2023** for items that were not incurred just for a specific city or town. Example: The county pays \$2,000 in compensation to absentee voter board members, who serve voters of every city and town. The county must cover 25% of these "Other Expenses" and apportion the remaining 75% of the "Other Expenses" among the cities and towns, based on the percentage of the city or town's votes cast in the municipal primary. See above example after (3). (6) **Forward the completed form to the county auditor and request that the auditor complete the certification below and forward the form to the appropriate city or town.** (7) The county auditor must certify the amount of the expenses due to the city or town clerk or clerk-treasurer no later than **June 1, 2023**. The city council or town council must appropriate funds to reimburse the county for the city's or the town's chargeable expenses no later than December 31, 2023.

1. DIRECT EXPENSE CHARGEABLE TO CITY OR TOWN OF _____ :

Precinct Board:		
Per Diem - Inspectors	\$ _____	1
- Judges	_____	2
- Poll Clerk and Assistant Clerks	_____	3
- Sheriffs	_____	4
Meals	_____	5
Rental of Polling Places	_____	6
Other Precinct Board Expenses	_____	7
Ballots (Sample, Official, and Absentee)	_____	8
Precinct Box Supplies	_____	9
Advertising	_____	10
Breakage and Loss of Equipment (not reimbursed)	_____	11
Postage - Absentee Ballots	_____	12
Other	_____	13
	_____	14
	0.00	
	Subsection 1 Total	

2. OTHER EXPENSES ALLOCATED TO CITIES AND TOWNS IN PROPORTION TO TOTAL VOTES CAST AT MAY 2023 MUNICIPAL PRIMARY ELECTION

Items Chargeable Only to Cities and Towns, during the period set forth in (5) in the Instructions, but not identifiable to a specific city or town.

Chargeable 25% to County and 75% to cities and towns.

Enter TOTAL of both county and municipal share of these expenses on lines 15 through 28:

Compensation	- Absentee Voter Boards	_____	15
	- County Election Board	_____	16
	- County Election Board Assistants	_____	17
Hauling and Handling Equipment		_____	18
Mechanics for Voting Systems		_____	19
County Voter Registration Office - Preparing Voter Lists		_____	20
Supplies, Voter Lists (paper, photocopies, etc.)		_____	21
Rental of Extra Office Equipment		_____	22
Voting Equipment (privacy booths, for example)		_____	23
Clerical Personnel		_____	24
Supplies - such as Voter registration applications and transfers		_____	25
Equipment Repair		_____	26
Other		_____	27
		0.00	28
	Subsection 2 Total		

29	0.00
30	0.00
31	
32	
33	#DIV/0!
34	#DIV/0!
35	\$

Deduct County Share (1/4 x Line 28) from subsection 2 subtotal
 Remainder - Subsection 2 total (Subtract line 29 from line 28)
 Total Votes cast in all cities and towns in 2023 municipal primary election (except towns with a fixed cost agreement)
 Total Votes cast in this city or town in the 2023 municipal primary election
 Ratio to be apportioned (Line 32 / Line 31) for City or Town
 Amount Apportioned to City or Town (Line 30 x 33)
TOTAL AMOUNT DUE FROM APPLICABLE CITY OR TOWN (Add lines 14 + 34)

Itemized pursuant to IC 3-5-3-10, and forwarded to the County Auditor:

THIS, THE _____ DAY OF _____, 2023.

 Circuit Court Clerk and Secretary, County Election Board

CERTIFICATION OF COUNTY AUDITOR

I hereby certify that the above were allowed expenses in accordance with IC 3-5-3-7 and that this certification has been forwarded to the appropriate city or town clerk or clerk-treasurer for the required city or town appropriation.

THIS, THE _____ DAY OF _____, 2023.

 County Auditor



APPORTIONMENT OF MUNICIPAL GENERAL ELECTION COSTS IN COUNTIES USING PRECINCTS

State Form 51845 (R3 / 10-22)
Indiana Election Division (IC 3-5-3-7; IC 3-5-3-8; IC 3-5-3-9; IC 3-5-3-10)

(CEB-35)

INSTRUCTIONS: (1) Complete a separate copy of this form for each city or town in which a municipal election was conducted on November 7, 2023 by the county election board (except those which had signed an agreement with the county to pay a fixed amount for the county to conduct the election). (2) Determine the total number of votes cast in the election in all cities and towns (except those which signed an agreement with the county). (3) Determine votes cast in each city or town as a percentage of the total municipal election votes cast. *Example: The Town of Smallville had 100 votes cast in the election; a total of 1000 votes were cast in all cities and towns. Therefore, Smallville had 10% of the votes cast in the November 2023 election.* (4) Determine the "Direct Expenses" to be charged to the city or town. "Direct Expenses" are those which were incurred for a specific city or town's election. *Example: The county paid \$3,000 to a printer for municipal election ballots for the City of Hoosierville. This is a "Direct Expense" that should be billed to Hoosierville.* (5) Determine the "Other Expenses" to be charged to the city or town. "Other Expenses" are the expenses incurred beginning May 3, 2023 and ending November 8, 2023 for items that were not incurred just for a specific city or town. *Example: The county pays \$2,000 in compensation to absentee voter board members, who serve voters of every city and town. The county must cover 25% of these "Other Expenses" and apportion the remaining 75% of the "Other Expenses" among the cities and towns, based on the percentage of the city or town's votes cast in the municipal election. See above example after (3).* (6) Forward the completed form to the county auditor and request that the auditor complete the certification below and forward the form to the appropriate city or town. (7) The county auditor must certify the amount of the expenses due to the city or town clerk or clerk-treasurer no later than December 7, 2023. The city council or town council must appropriate funds to reimburse the county for the city's or town's chargeable expenses no later than December 31, 2023.

1. DIRECT EXPENSE CHARGEABLE TO CITY OR TOWN OF _____ :

Precinct Board:

Per Diem - Inspectors	_____	1
- Judges	_____	2
- Poll Clerk and Assistant Clerks	_____	3
- Sheriffs	_____	4
Meals	_____	5
Rental of Polling Places	_____	6
Other Precinct Board Expenses	_____	7
Ballots (Sample, Official, and Absentee)	_____	8
Precinct Box Supplies	_____	9
Advertising	_____	10
Breakage and Loss of Equipment (not reimbursed)	_____	11
Postage - Absentee Ballots	_____	12
Other	_____	13
	_____	14
	0.00	

Subsection 1 Total

2. OTHER EXPENSES ALLOCATED TO CITIES AND TOWNS IN PROPORTION TO TOTAL VOTES CAST AT NOVEMBER 2023 MUNICIPAL ELECTION

Items Chargeable Only to Cities and Towns, during the period set forth in (5) in the Instructions, but not identifiable to a specific city or town.

Chargeable 25% to County and 75% to cities and towns.

Enter TOTAL of both county and municipal share of these expenses on lines 15 through 28:

Compensation	_____	15
- Absentee Voter Boards	_____	16
- County Election Board	_____	17
- County Election Board Assistants	_____	18
Hauling and Handling Equipment	_____	19
Mechanics for Voting Systems	_____	20
County Voter Registration Office - Preparing Voter Lists	_____	21
Supplies, Voter Lists (paper, photocopies, etc.)	_____	22
Rental of Extra Office Equipment	_____	23
Voting Equipment (privacy booths, for example)	_____	24
Clerical Personnel	_____	25
Supplies - such as Voter registration applications and transfers	_____	26
Equipment Repair	_____	27
Other	_____	28
	0.00	

Subsection 2 Total

29	0.00
30	0.00
31	
32	
33	#DIV/0!
34	#DIV/0!
35	#DIV/0!
	\$

Deduct County Share (1/4 x Line 28) from subsection 2 subtotal
 Remainder - Subsection 2 total (Subtract line 29 from line 28)
 Total Votes cast in all cities and towns in 2023 municipal election (except towns with a fixed cost agreement)
 Total Votes cast in this city or town in the 2023 municipal election
 Ratio to be apportioned (Line 32 / Line 31) for City or Town
 Amount Apportioned to City or Town (Line 30 x 33)
TOTAL AMOUNT DUE FROM APPLICABLE CITY OR TOWN (Add lines 14 + 34)

Itemized pursuant to IC 3-5-3-10, and forwarded to the County Auditor:

THIS, THE _____ DAY OF _____, 2023.

 Circuit Court Clerk and Secretary, County Election Board

CERTIFICATION OF COUNTY AUDITOR

I hereby certify that the above were allowed expenses in accordance with IC 3-5-3-7 and that this certification has been forwarded to the appropriate city or town clerk or clerk-treasurer for the required city or town appropriation.

THIS, THE _____ DAY OF _____, 2023.

 County Auditor

Total Votes cast in all cities and towns in 2023 municipal primary election (except towns with a fixed cost agreement)
 Total Votes cast in this city or town in the 2023 municipal primary election
 Ratio to be apportioned (Line 28 / Line 27) for City or Town
TOTAL AMOUNT DUE FROM APPLICABLE CITY OR TOWN (Multiply Line 29 by Line 26)

27
 28
 29
 30

 #DIV/0!
 #DIV/0!
 \$ _____

Itemized pursuant to IC 3-5-3-10, and forwarded to the County Auditor:

THIS, THE _____ DAY OF _____, 2023.

 Circuit Court Clerk and Secretary, County Election Board

CERTIFICATION OF COUNTY AUDITOR

I hereby certify that the above were allowed expenses in accordance with IC 3-5-3-7 and that this certification has been forwarded to the appropriate city or town clerk or clerk-treasurer for the required city or town appropriation.

THIS, THE _____ DAY OF _____, 2023.

 County Auditor

Total Votes cast in all cities and towns in 2023 municipal election (except towns with a fixed cost agreement)

Total Votes cast in this city or town in the 2023 municipal election

Ratio to be apportioned (Line 28 / Line 27) for City or Town

TOTAL AMOUNT DUE FROM APPLICABLE CITY OR TOWN (Multiply Line 29 by Line 26)

27
28
29
30

\$ _____
#DIV/0!
#DIV/0!

Itemized pursuant to IC 3-5-3-10, and forwarded to the County Auditor:

THIS, THE _____ DAY OF _____, 2023.

Circuit Court Clerk and Secretary, County Election Board

CERTIFICATION OF COUNTY AUDITOR

I hereby certify that the above were allowed expenses in accordance with IC 3-5-3-7 and that this certification has been forwarded to the appropriate city or town clerk or clerk-treasurer for the required city or town appropriation.

THIS, THE _____ DAY OF _____, 2023.

County Auditor