

# **2024**

# ***Indiana***

# ***Candidate Guide***



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### **Important Note About Using the 2024 Indiana Candidate Guide**

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

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

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

Consult the online version of the Indiana Code and the 2024 print edition of the Indiana Election Code to check for changes or updates to the election statutes. Become familiar with the laws governing your candidacy and the office you seek. The current version of the Indiana Code is available on the Internet at <http://iga.in.gov/legislative/laws/current/ic/>

The information in this *Guide* reflects Indiana law as of July 1, 2023. However, since election laws may be changed each year, **consult with your personal attorney** to make certain you know and understand the most current version of the law.

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

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

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

Indiana Township Association  
P.O. Box 611  
Fishers, IN 46038  
(317) 813-3240  
[www.ita-in.org](http://www.ita-in.org)

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

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

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# FEDERAL & STATE RESOURCES

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

## **Foreign Influence & Cyber Security Information**

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

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

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

### **Report Suspicious Activity**

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

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

8825 Nelson B Klein Pkwy

Indianapolis, IN 46250

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

(317) 595-4000

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

# BALLOT ACCESS, GENERALLY

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

The two major political parties are required by Indiana law to hold a primary election on May 7, 2024, where candidates for federal, state legislative, and local offices are nominated for November's general election. Voters must select either a Democratic or Republican ballot in the May primary election. In rare cases, a county may be conducting a special election on the same date as the primary election, and a separate "non-partisan" ballot may be offered to vote on a public question.

However, some small towns (those with a population of less than 3,500 persons) with offices on the ballot in 2024 do not hold a Democratic or Republican primary election in May unless the town council passes an ordinance to conduct a primary election. If no such ordinance has been passed, then the Democratic, Libertarian, and Republican parties may hold a town convention to nominate their candidates if there is competition within the party between candidates seeking the party's nomination to the same office. (IC 3-8-5-2; IC 3-8-5-10)

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

Democratic or Republican candidates participating in the U.S. presidential primary or seeking nomination in the 2024 primary election for U.S. Senator or Governor must also collect at least 500 signatures of registered voters in each of Indiana's nine Congressional district for a minimum amount totaling 4,500 statewide. The petition signatures are first reviewed and certified by county voter registration officials. Certified petitions are then filed with the Indiana Election Division before or at the same time the declaration of candidacy (For the primary election, the CAN-2 for U.S. Senator, CAN-25 for governor and CAN-8 for president) and, for all gubernatorial candidates, a receipt showing the candidate's statement of economic interests was filed with the state's Inspector General, is filed.

Republican Party precinct committeemen will be on the primary election ballot in 2024; Democratic Party precinct committeemen will be on the primary election ballot in 2026. Both major political parties will have another party office, state convention delegate, on the primary ballot in 2024. Please consult the rules of the political party for qualifications on running for these offices.

In 2024, major party candidates for statewide office – Lieutenant Governor and Attorney General – are nominated at their party's convention and will not appear on the primary election ballot held in May.

If a minor party received at least two percent (2%), but less than ten percent (10%) of the vote cast for Indiana Secretary of State at the last election held for the office, the party may nominate candidates for the general election by conducting a state, county, or municipal convention. (IC 3-8-4-10; IC 3-8-5-17; IC 3-10-6-12) The Libertarian Party falls into this category of "minor party" based on the 2022 election results for Indiana Secretary of State.

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

Although other minor parties (other than the Libertarian Party) may hold conventions to nominate candidates, these nominations are not recognized in Indiana for purposes of winning a place on the general election ballot. A minor party (other than the Libertarian Party), or independent candidate in Indiana is nominated for placement on the general election ballot by petition of nomination. The candidate must collect signatures of registered voters in the election district that total at least 2% of the total votes cast in the 2022 Secretary of State's race in the election district the candidate wishes to represent to have their name printed on the ballot. (CAN-19 Petition of Nomination for Federal, State, State Legislative, or Certain Local Offices; CAN-20 Local Office Petition of Nomination in 2024 General Election)

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

**EXCEPTION:** Candidates for President and Vice President of the United States or Governor and Lt. Governor are elected as a ticket. An independent candidate for President may include their running mate for Vice President on the same petition of nomination. An independent candidate for Governor must include their running mate for Lt. Governor on the same petition of nomination (IC 3-8-1-9.5; IC 3-8-6-4)

If no Democratic or Republican party candidate filed to run for an office in the May primary election, the ballot vacancy may be filled after the date of the primary election but before noon (prevailing local time), July 3, 2024. A candidate may also withdraw from the ballot for any reason not later than noon (prevailing local time), July 15, 2024, and may only withdraw after the July 15 deadline if the candidate is disqualified for a reason like death, a move out of the election district, or upon conviction of a felony. Information about filling ballot vacancies can be found in later chapters of this *Guide*.

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

A person may not be a write-in candidate during a primary election or for a party office, such as precinct committeeman or state convention delegate. (IC 3-8-2-2.5) Votes for write-in candidates are only counted in the general election if the write-in candidate filed a declaration of intent to be a write-in candidate before the election not later than the deadline set by state law. **A write-in candidate's name is never printed on the general election ballot.**

On November 5, 2024, the general election will be held, and voters will decide who is elected to serve their respective term of office. This ballot may include Democratic, Independent, Libertarian, Republican, or other third party or write-in candidates. Local public questions may also appear.

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

## IMPORTANT VOTER REGISTRATION INFORMATION

Candidates sometimes provide voter registration applications to potential voters. If the candidate accepts possession of a completed state registration application, the candidate is responsible for completing the Certified Statement of Acceptance on the application. If the candidate accepts possession of a completed state or federal registration application, the candidate is responsible for ensuring that the completed application is received by the appropriate county voter registration office NOT LATER THAN noon the earlier of ten (10) days after acceptance or THE REGISTRATION DEADLINE for the PRIMARY ELECTION (close of business on April 8, 2024) or the GENERAL ELECTION (close of business on October 7, 2024). A candidate who recklessly fails to file the completed applications is subject to penalties under federal and state law.

## IMPORTANT ABSENTEE BALLOT APPLICATION INFORMATION

Candidates or their campaigns sometimes provide absentee ballot applications to vote-by-mail to voters. If the candidate accepts possession of a completed absentee application, the individual who takes possession of the document is responsible for providing a date the application was received by the individual. This individual is responsible for ensuring that the completed application is received by the appropriate county election board office NOT LATER THAN the earlier of ten (10) days after acceptance or THE ABSENTEE APPLICATION DEADLINE for the PRIMARY ELECTION (11:59 p.m. on April 25, 2024 for absentee by mail voting; Noon, May 6, 2024 for absentee by travel board voting; both local prevailing time) and GENERAL ELECTION (11:59 p.m. on October 24, 2024 for absentee by mail voting; Noon, November 4, 2024 for absentee by travel board voting; both local prevailing time). An individual who recklessly fails to file the completed applications is subject to penalties under federal and state law. (IC 3-11-4-2)

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

Additionally, any person sending an absentee ballot application to an individual must print on the envelope that contains the absentee ballot application, using at least 16-point font size, underlined, and clearly legible print (IC 3-11-4-2):

(Name of person sending the absentee ballot application) has sent you the enclosed application. This is unsolicited and is not sent by a state or local election official.

## IMPORTANT CANDIDATE FILING DEADLINE INFORMATION

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



# CANDIDATE QUALIFICATIONS, GENERALLY

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

## Registered Voter

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

## Felony Convictions

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

## Residency

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

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

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

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

## Specific Office Qualifications

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

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

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

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

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

### **Sore Loser Law**

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

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

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

### **Holding More Than One Lucrative “Office”**

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

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

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

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

State statutes and Attorney General opinions can shed light on this question in some cases. Indiana Code 5-4-1-1(c) and IC 5-6-4-3 provide that the position of an appointed deputy of an officer of a political subdivision or of a judicial circuit (for example, a deputy county auditor, a deputy mayor, or a deputy circuit court clerk) is not considered to be a “lucrative office.” Likewise, a county attorney, state convention delegate, precinct election officer, an absentee ballot counter, a provisional ballot counter, and a notary public are not considered a lucrative officeholder (IC 36-2-2-30; IC 36-2-3-10; IC 3-6-6-37(c); IC 3-11.7-3-8; IC 33-42-12-1)



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

## **Prohibition on Government Employment for Some Officeholders**

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

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

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

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

## **Federal Hatch Act and "Little Hatch Act"**

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

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

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

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



# CANDIDATE FILINGS

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## Primary Election

To seek nomination in the May 7, 2024, primary election, a candidate must belong to the Democratic or Republican Party. This is determined by 1) the political party ballot requested by the candidate at the two (2) most recent primary elections in Indiana the candidate voted, or 2) the candidate files a certification from their county chair affirming their membership in that political party. The declaration of candidacy for primary nomination (CAN-2) requires the candidate to affirm their party affiliation and attach the certification, if required.

Note: This law does not mean the candidate must have voted in the two (2) most chronologically recent primary elections and requested a Democratic or Republican ballot; instead, the person's vote history must demonstrate that the last two (2) primary elections *in which the person voted* must align with the party the candidate seeks to affiliate in the primary election. For example, if a candidate pulled a Republican Party primary ballot in 2019, did not vote in the 2020 and 2022 primary election, and requested a Republican Party primary ballot in 2023, then this candidate meets the requirements set forth in state law to file a declaration of candidacy (CAN-2) for the Republican Party primary without attaching the chair's certification.

Alternatively, if a candidate requested a Democratic Party primary ballot in 2022 and a Republican Party primary ballot in 2023, then this candidate would not meet the requirements set forth in state law to file a declaration of candidacy for primary nomination (CAN-2) in the Democratic Party primary in 2024 and would need to attach the chair's certification with their filing. Failure to attach the chair's certification does not result in the filing being rejected, but it may be challenged by a voter of the election district or a county chair.

Democratic or Republican candidates seeking nomination in the 2024 primary election for **U.S. President** must collect at least 500 signatures of registered voters in each of Indiana's nine Congressional districts for a minimum amount totaling 4,500 statewide. The petition signatures are first reviewed and certified by county voter registration officials. Certified petitions are then filed with the Indiana Election Division before or at the same time the candidate's consent (CAN-7) is filed.

Democratic or Republican candidates seeking nomination in the 2024 primary election for **U.S. Senator** must collect at least 500 signatures of registered voters in each of Indiana's nine Congressional districts for a minimum amount totaling 4,500 statewide. The petition signatures are first reviewed and certified by county voter registration officials. Certified petitions are then filed with the Indiana Election Division before or at the same time the declaration of candidacy (CAN-2) is filed.

Democratic or Republican candidates seeking nomination in the 2024 primary election for **Governor** must collect at least 500 signatures of registered voters in each of Indiana's nine Congressional districts for a minimum amount totaling 4,500 statewide. The petition signatures are first reviewed and certified by county voter registration officials. Certified petitions are then filed with the Indiana Election Division before or at the same time the declaration of candidacy (CAN-2) is filed along with a receipt showing their statement of economic interests was filed with the state's Inspector General.

Candidates for **state, state legislative, or local office** also must file a financial disclosure statement before a declaration of candidacy may be accepted. Please refer to the *Guide* for information on which form is required of the office and where to file the document. Precinct committeemen and state convention delegates are exempt from the financial disclosure requirement as the positions are party offices. Candidates for federal office should consult the rules of the U.S. House and U.S. Senate.

## General Election

The general election ballot may include Democrats, Republicans, Libertarians, Independent, and minor party candidates, non-partisan school board candidates, and other constitutional, public, or judicial retention questions. Some of the Democratic and Republican candidates will have been nominated during the primary election, while others will be nominated at convention or selected to fill ballot vacancies.

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

Like those candidates running in the primary election, state, state legislative, and local candidates filing for November's general election are required to file financial disclosure statements. Candidates for federal office should consult the rules of the U.S. House and U.S. Senate.

## Candidate Forms

### General Information

Several candidate-related election forms approved for use in 2024 are noted in the Appendix of this *Guide*, though are subject to change. The Election Division will release election related forms to each circuit court clerk not later than the annual conference (next scheduled to be held December 11-13, 2023) and will publish these forms (and other forms) on the Election Division's website at <https://www.in.gov/sos/elections/candidate-information/>. These forms will then be available from county election board offices. However, please allow time for the circuit court clerk to arrange for the printing and delivery of copies of these forms following the December distribution date. This *Candidate Guide* along with the candidate forms will also be available from the Indiana Election Division's office and Division's website at [www.in.gov/sos/elections](http://www.in.gov/sos/elections).

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

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

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

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

In a political party primary election, individuals may run for federal, state, or local office and also run for precinct committeeman or state convention delegate. A separate declaration of candidacy (CAN-37) for each party office must be filed in addition to the declaration of candidacy (CAN-2) for elected office.

For example, in 2024, the Republican Party will hold party office elections for precinct committeeman and state convention delegate; the Democratic Party will hold party office elections for state convention delegate only. (In 2026, the reverse will be true.) This means a Republican Party candidate may run for County Auditor, Precinct Committeeman, and State Convention Delegate, and would file separate declarations of candidacy for County Auditor (CAN-2), Precinct Committeeman (CAN-37), and State Convention Delegate (CAN-37).

**The Indiana Election Division or county election board cannot accept a late candidate filing.** Any candidate form, including those filed for the primary election, party conventions, or to fill ballot vacancies, **MUST** be rejected if it is presented after the deadline. (IC 3-5-4-1.9) Hand delivery remains the best option to ensure the form is timely received. While a candidate form may be mailed, it will be considered late if the county election board or Indiana Election Division receives

the form after the deadline, regardless of when the envelope may be postmarked.

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

### **Filing Deadlines Falling on a Holiday and Weekend**

Sometimes a candidate filing deadline falls on a day when an office is closed, due to inclement weather or another emergency, holiday, or weekend. In these instances, the deadline to file a candidacy document rolls over to noon, the next day the office is open. (IC 3-5-4-1.5) However, this filing extension only applies to filings with the government. This does not apply to political party actions such as filling a ballot vacancy. If the thirty (30) day deadline to fill a ballot vacancy ends on a Saturday, the political party must hold the caucus by that Saturday date. The candidacy document, on the other hand, that may need to be filed not later than noon on a Saturday, would roll-over to noon, Monday or the next day the government office is open.

Please consult the current version of the *Indiana Election Calendar: Election Administrator's Edition* for details on when state offices may be closed. Please contact your county election board to determine the dates the local office may be closed.

### **Petition of Nomination**

To qualify for the May primary election in 2024, Democratic and Republican candidates for U.S. President (CAN-8), U.S. Senator (CAN-4), and governor (CAN-25) must collect at least 500 certified signatures of registered voters in each of Indiana's nine Congressional districts, for a minimum number of 4,500 signatures statewide. The CAN-8, CAN-4, and CAN-25 petitions for the major party primary candidates are first filed with the county voter registration official for certification. Which county voter registration office to submit the petition form to is determined by the residency of the voter(s) on the petition, as only the county voter registration official of the county where the person is registered may certify the petition signature. (IC 3-8-2-9; IC 3-8-3-3)

Once certified, petitions are then filed with the Indiana Election Division. Major party candidates for U.S. President will also file the candidate's consent form (CAN-7). Major party U.S. Senate candidates will also file a declaration of candidacy (CAN-2). Major party gubernatorial candidates will also file a declaration of candidacy (CAN-2) a receipt showing the statement of economic interests was timely filed with the Inspector General.

Gaining access to the ballot as an independent or minor party candidate for local office has two distinct steps. The first is to gather signatures of registered voters within the election district totaling at least 2% of the total votes cast for all candidates in the 2024 Secretary of State's election within the precincts making up the election district. If this applies to the office you are seeking, please contact your county election board for assistance with computing this number.

The CAN-19 (petition of nomination for federal, state, state legislative, and judicial offices) and CAN-21 (petition of nomination for other local offices) petitions must be filed with the county voter registration official not later than the deadline set forth in state law. (IC 3-8-6-10)

An independent or minor party candidate running for federal, statewide, state legislative, or judicial office must then file the certified petitions (CAN-19), the candidate's signed consent (CAN-20), and statement of economic interests not later than the filing deadline set forth in state law.

An independent or minor party candidate running for other local offices must then file the certified petitions (CAN-21), the candidate's signed consent (CAN-20), and statement of economic interests (CAN-12) not later than the filing deadline set forth in state law.

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

The county voter registration official must review and certify the signatures as set forth in IC 3-5-6. Petition signatures must

be “wet.” In other words, photocopies of signatures, electronic signatures, digital signatures, or digitized signatures will not be accepted. (IC 3-5-4-1.7(b)) Candidates may pick up the certified petitions from the county voter registration office, but the candidate should make arrangements with the office to do so.

Anyone may circulate a petition of nomination to gather signatures. However, the individual circulating a petition must complete petition carrier certification on every petition form before submitting for certification. If any portion of the affidavit is missing, then the county voter registration may not process the petition but must attempt to contact the petition carrier to request that he or she complete the affidavit before the filing deadline. If the affidavit is not completed on or before the filing deadline to certify petitions, then the petition must be rejected.

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

### **Write-in Candidates**

A write-in candidate must file the CAN-3 and the applicable statement of economic interests not later than noon, July 3, 2024. **A write-in candidate’s ballot name is never printed on the ballot.** Instead, the county election board provides a write-in line for a voter to mark and enter the name of the write-in candidate on their ballot. The county election board will review the cast ballots to tabulate the results for only those candidates that filed the CAN-3. See IC 3-12-1-1.7 and IC 3-12-4-4(b) for details on tabulating the results for write-in candidates.

Note: In a federal election year like 2024, counties **must** include a write-in line for all federal offices (U.S. President, U.S. Senate, U.S. House of Representatives), even if no candidate filed a CAN-3 with the Indiana Election Division. (IC 3-11-2-6(e))

### **Statement of Economic Interests**

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

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

- **Federal office candidates:** Contact the Clerk of the U.S. House or Secretary of the U.S. Senate for details on its financial disclosure requirements.
- **Statewide candidates:** Contact the Office of Inspector General or visit <http://www.in.gov/ig/2331.htm> to download the financial disclosure statement.
- **State legislative candidates:** statement of economic interest forms are available through the Clerk of the House or Secretary of the Senate or visit <http://www.in.gov/iga> to search for and download the proper form.
- **Judicial candidates (including town judge):** Contact the Indiana Commission on Judicial Qualifications or visit <https://www.in.gov/judiciary/jud-qual/2357.htm> for instructions on filling the statement of economic interest form with their office.
- **Local government and school board candidates:** File the CAN-12 statement of economic interests, which is available at the office of the Indiana Election Division or its website, and through the county clerk or election board.

**NOTE:** An email from the inspector general for candidates seeking nomination for statewide office at a Democratic, Libertarian, or Republican Party state convention or an email from the judicial qualifications commission for Libertarian Party candidates seeking nomination for judicial office at a state convention, is sufficient documentation that the required economic interest statement has been filed by the candidate. (IC 3-8-7-8)

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

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

### **Who May File a Candidacy Document**

A candidate or a representative of a candidate; or, in the event of ballot vacancy or elected office vacancy, the chair of the caucus or a representative of the chair of the caucus, may file any candidacy document with the county election board, county voter registration official, or the Indiana Election Division.

The candidacy document needs to be completed and, if applicable, notarized since a notary cannot notarize a signature unless the individual is present and signs the document before them. Candidacy documents, including petitions of nomination, must be original and received not later than the stated deadline. See below information for when a candidate filing must be rejected for related information.

### **When a Candidate Filing MUST Be Rejected**

- 1) **The Secretary of State or a circuit court clerk must determine whether a sufficient number of signatures have been obtained to meet the requirements to nominate a minor party or independent candidate for federal office, state office, or local office, respectively, by petition. Additionally, the circuit court clerk is required to determine whether there are sufficient signatures on a school board candidate's petition.** If the Secretary of State or clerk determines, based on the certification of the signatures by the county voter registration office, that the petition does not have enough signatures to nominate the candidate(s) on the petition, the Secretary of State or county circuit court clerk must deny certification to the petitioner(s). A challenge to this denial can then be brought before the Indiana Election Commission (for federal, state, state legislative, or judicial offices) or the county election board (for local offices) by a registered voter in the election district by filing. (Form CAN-1) (IC 3-8-1-2; IC 3-8-6-12; IC 3-8-2.5-6)
- 2) **A county voter registration office must determine whether petition carrier laws have been complied with before certifying petitions.** A law that applies to all candidate petitions, as well as petitions to place a public question on the ballot, requires that the petition carrier must also complete a signed affirmation, under penalties of perjury, that the individual has no reason to believe that any signer on the page is ineligible to sign the petition; and below the affirmation include printed information that identifies the petition carrier (name, address, and date of birth) (IC 3-8-2-7). This requirement applies to the candidate whenever the candidate personally circulates petitions. A signature page that does not comply with these requirements must be received for filing and retained as other election materials are retained and the county voter registration office shall not make a determination regarding the validity of the signatures on the signature page.
- 3) **The county voter registration office shall also notify the petition carrier and allow the petition carrier to make certain additions and corrections to the information to be provided by the petition carrier on the signature page.** If the final date and hour for filing a petition with the county voter registration office has not passed, a petition carrier may sign the affirmation or add identification information required to be provided by the petition carrier. However, if the final date and hour for filing a petition with the county voter registration office has passed, a petition carrier may not sign the affirmation or add identification information required to be provided by the petition carrier or add or correct information supplied by or requested from a person who signs the petition as a petitioner. Please see the current version of the *Indiana Voter Registration Guidebook* for more information.

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

- 4) **A clerk must reject a candidate filing that is required to be filed with the Secretary of State or Election Division to be effective (such as a CAN-2 declaration of candidacy for circuit, superior, probate, and small claims court judge or prosecuting attorney).** Alternatively, the Secretary of State or Election Division must reject a candidate filing that is required to be filed with the circuit court clerk. (IC 3-5-4-1.2)
- 5) **The Secretary of State, Indiana Election Division, or circuit court clerk must reject candidate documents offered after the filing deadline.** (IC 3-5-4-1.9) This includes candidate documents used to fill a ballot (candidate) vacancy and elected office vacancies. If any notice, declaration, or certification required to fill a ballot vacancy are offered to be filed with the circuit court clerk or the Indiana Election Division after the deadline to file that document then the certificate used to fill the ballot vacancy may not be accepted by the circuit court clerk and Indiana Election Division. (IC 3-13-1-21)
- 6) **The Secretary of State, Indiana Election Division, or the circuit court clerk must reject a declaration of candidacy, petition of nomination, declaration of intent to be a write-in candidate, or certificate of candidate selection that does not also include a statement of economic interests.** Local candidates are required to file the applicable statement of economic interests at the time of filing. Minor party and independent candidates are advised to review the rules on when the applicable statement of economic interests is to be filed in counties with a separate Board of Registration. (IC 3-8-1-33)
- 7) **Filings tendered on a candidate form not currently approved for use by the Indiana Election Division must be rejected.** (IC 3-5-4-8) In addition to Forms Orders signed by the co-directors of the Indiana Election Division, county election officials have access to a Master Forms List that includes which version of the form is considered current and whether any previous version of a form is “grandfathered” and may continue to be presented for filing. Current versions of state forms can be found on [in.gov/sos/elections](http://in.gov/sos/elections).
- 8) **The Secretary of State, Indiana Election Division or circuit court clerk may not receive a Certificate of Candidate Selection to fill a ballot vacancy if the related Call of Caucus or Meeting or Declaration of Candidacy to fill a Ballot Vacancy was not filed at all, or not timely filed, with the Secretary of State, Indiana Election Division or circuit court clerk.** (IC 3-13-1-21)

## **Candidate Names and Nicknames**

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

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

Most candidate forms and certification of nominations that place a candidate on the ballot now require candidates to specify how the candidate’s ballot name should be printed on the ballot using specific name designations the candidate wants to use, as permitted under IC 3-5-7-5. The ballot name line on these forms has separate fields for the candidate to enter allowable designations so that the candidate can indicate which name, nickname, or initial is the candidate’s first name, middle name, and surname as it should appear on the ballot.

NOTE: By filing the candidacy document, the candidate consents for the name of their voter registration record to be changed to match their ballot name. (IC 3-5-7-6)



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

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

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

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

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

The following are examples of acceptable candidate name designations:

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

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

A nickname used by a candidate on the ballot must:

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

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

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

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

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

## Key Candidate Filing Dates in 2024

Below are many of the key dates for candidate filing in 2024, though it is not an exhaustive list. Please consult the current edition of the *Indiana Election Calendar: Election Administrator's Edition* for more information. Where your important legal rights are concerned, please seek the advice of a personal attorney.

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

January 10, 2024	First day of candidate filing
January 30, 2024	Last day for Democratic and Republican party candidates for President of the United State to submit petition signatures to county voter registration officials for certification
February 6, 2024	Last day for Democratic and Republican party candidates for U.S. Senator and Governor to submit petition signatures to county voter registration officials for certification
February 9, 2024	Last day to file declaration of candidacy to run in the primary election
February 16, 2024	Deadline to withdraw from the primary election (except for presidential candidates)
February 16, 2024	Deadline to open candidate's campaign finance committee, for candidates filing a declaration of candidacy for the primary election and running for offices paying more than \$5,000 in a calendar year
February 16, 2024	Deadline for filing candidate challenges against a primary election candidate
February 22, 2024	Deadline for Democratic and Republican party presidential candidates to withdraw from the primary election
May 7, 2024	Primary Election Day
May 21, 2024	First day for candidates for School Board to file to run in the general election
June 20, 2024	Last day for candidates for School Board to file to run in the general election
July 3, 2024	Deadline for Democratic, Libertarian, Republican parties to fill ballot vacancies
July 3, 2024	Deadline for party chairs to file ballot vacancy paperwork
July 15, 2024	Deadline for minor party and independent candidates to file declaration and certified petitions of nomination
July 15, 2024	Deadline for Democratic, Republican, and Libertarian party candidates nominated at a state convention to be certified to the Indiana Election Division.
July 15, 2024	General election candidate withdrawal
August 1, 2024	Deadline to file a declaration or withdraw a declaration of candidacy for nomination by a Democratic, Libertarian, or Republican Party town convention in a town having a population of less than 3,500

August 9, 2024	Deadline for filing candidate challenges against a write-in candidate in the general election
August 23, 2024	Last day for filing candidate challenges against a candidate for state or state legislative office, a Libertarian candidate, a candidate nominated by petition, a candidate that filled an early ballot vacancy under IC 3-13-1 for the general election, and a school board candidate in the general election
September 4, 2024	Last day for filing candidate challenges against a candidate for a “small town” office in the general election where no primary election is conducted
October 22, 2024	Last day for filing candidate challenges against a general election candidate that filled a late ballot vacancy under IC 3-13-2
November 5, 2024	General Election Day

## Key Candidate Filing Forms

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

CAN-1	Candidate Filing Challenge
CAN-2	Declaration of Candidacy for Primary Nomination in 2024
CAN-3	Declaration of Intent to be a Write-In Candidate in 2024
CAN-4	Petition for Primary Ballot Placement as a Candidate for U.S. Senator in 2024
CAN-7	Request for Presidential Primary Ballot Placement in 2024
CAN-8	Indiana Petition for Presidential Primary Ballot Placement in 2024
CAN-10	2024 Primary Election Candidate Withdrawal
CAN-12	Statement of Economic Interest for Local and School Board Offices <i>(Note: Federal &amp; State candidates should refer to above materials on where to find the statement of economic interests specific to their office sought) (Note: Town Judge candidates should refer to above materials on where to find the statement of economic interests specific to the office sought)</i>
CAN-16	“Small” Town Office Declaration of Candidacy by a Democratic, Libertarian, or Republican Party candidate when No “Small” Town Primary is Conducted in 2024
CAN-19	Petition of Nomination for Federal, State, or State Legislative Office in 2024
CAN-20	Consent of Independent or Minor Political Party Candidate Nominated by Petition for Election in 2024
CAN-21	Local Office Petition of Nomination in 2024 General Election
CAN-24	2024 General Election Candidate Withdrawal
CAN-25	Petition for Primary Ballot Placement as a Candidate for Governor in 2024
CAN-26	Declaration of Intent to be a School Board Write-In Candidate in 2024
CAN-31	Declaration of Candidacy and Written Consent to Fill a Ballot Vacancy in 2024
CAN-34	Petition of Nomination for School Board Office Elected in 2024
CAN-37	Declaration of Candidacy for Precinct Committeeman or State Convention Delegate in 2024
CAN-41	Allen County/Vanderburgh County Superior Court Judge/Vanderburgh Circuit Court Judge Declaration of Candidacy in 2024

NOTE: Candidates are required to comply with the Indiana Campaign Finance Act. (IC 3-9, generally) These forms can be found in the current version of the *Indiana Campaign Finance Manual* or online at [campaignfinance.in.gov](http://campaignfinance.in.gov). Candidates for federal office (U.S. President, U.S. Senate, and U.S. House) are advised to review campaign finance requirements with the Federal Election Commission ([www.fec.gov](http://www.fec.gov)).

## Where to File

The following outline summarizes where major political party candidates (Democratic and Republican) file their declarations of candidacy. (CAN-2 for candidates to be nominated in a primary election in a general election year like 2024 or CAN-42 in a city or town primary in a municipal election year like 2027)

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

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

Note: The deadline to withdraw a declaration of candidacy is noon (prevailing local time), eighty-one (81) days before the primary election. (IC 3-8-2-20) However, presidential candidates can withdraw as late as noon (Eastern Time), seventy-five (75) days before the primary election. (IC 3-8-3-6.5) Once nominated, the deadline for a candidate to withdraw for any reason is noon (prevailing local time), July 15, 2024. (IC 3-8-7-28, IC 3-5-4-1.5) The deadline for a candidate nominated by petition or for a write-in candidate to withdraw for any reason is also noon (prevailing local time), July 15, 2024. (IC 3-8-2-2.7; IC 3-8-6-13.5)

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

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

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

### **Filing with the Indiana Election Division and Other State Agencies**

Candidate for federal, statewide, state legislative, or judicial offices including the office of prosecuting attorney file their declaration of candidacy with the Indiana Election Division or the Indiana Secretary of State. Financial disclosure statements must be filed with the appropriate office, and a copy or receipt of its filing must be presented at the time of filing the declaration of candidacy.

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

The Indiana Department of Administration has instituted security measures throughout the capitol complex. These measures include weapons restrictions inside government center buildings and designated visitor entrances to the statehouse. Every visitor will be required to pass through metal detectors or be scanned with a metal detecting wand and all bags and packages will be x-rayed and may be subject to further inspection.

The **Indiana Election Division** is located on the second floor of the Indiana Government Center South (IGCS) Building, 302 West Washington Street, Indianapolis, Indiana. The IGCS building is located directly west of the State House on West Washington Street. The public entrance to the IGCS building is located off Senate Avenue. After going through security, turn right and take the elevator up to the second floor. Exit right off the elevator and room E204 is located on the left. The Election Division is open from 8:00 a.m. until 5:00 p.m. each business day. You can reach the Division by calling (317) 232-3939 or 1-800-622-4941 or sending an email to [elections@iec.in.gov](mailto:elections@iec.in.gov).

The office of the **Clerk of the Indiana House of Representatives** and the **Secretary of the Indiana Senate** are located in the State House. People with mobility disabilities will enter the State House through the lower level, west doors, from Senate Avenue (Bicentennial Plaza). All other visitors must enter using the upper-level east doors, from Capitol Avenue and Market Street.

After taking the elevator or stairs to the third floor (one floor above street level), the House Chambers will be on the east side of the building and the Senate Chambers on the west. The Clerk of the House's office is adjacent to the House chamber, and can be accessed through the House offices after going up one flight of stairs to Level 3-A. The Secretary of the Senate's office is adjacent to the Senate chamber. The Clerk's office and Secretary's office are open from 8:30 a.m. until 4:30 p.m. You can reach their offices by calling (317) 232-9600 for the House, and (317) 232-9400 for the Senate.

The **Office of the Inspector General** is located at 315 West Ohio Street, Room 104, Indianapolis, Indiana. This office is open from 8:00 a.m. until 4:30 p.m., and the office number is 1-800-457-8283.

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

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

### **Filing with the County Election Board**

Candidates for circuit court clerk, county offices, township offices, town offices, school board offices, precinct committeeman or state convention delegate file their declaration of candidacy with the appropriate county election board. Candidates for local and school board office must file a Statement of Economic Interest (CAN-12) at the time of filing. Candidates for precinct committeeman or state convention delegate do not need to file a CAN-12 statement of economic interest form.



# CANDIDATE CHALLENGES & DISQUALIFICATIONS

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

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

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

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

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

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

The Indiana Election Commission and county election boards will make every effort to notify candidates and other interested parties as promptly as possible when a challenge has been filed. However, due to the short period of time between the close of candidate filing and the printing of absentee ballots, the Commission or board may need to rely on informal methods such as telephone calls to give the best possible notice to these individuals. If a candidate appears before the Commission and does not file a written objection concerning notice before the end of that meeting, any objection to notice is waived. (IC 3-8-2-18)

Except as described above for notice requirements, the Commission conducts its proceedings concerning candidate challenges in accordance with the State Administrative Orders and Procedures Act. (IC 4-21.5)

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

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

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

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

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

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

A different law (IC 3-8-8, generally) applies concerning the removal of a candidate for a statewide or state legislative office from the November general election ballot, meaning this statute does not apply to challenges filed against May primary election candidates. Those challenges follow the procedures found in IC 3-8-2-14 and IC 3-8-2-18. **This statute does NOT apply to candidates running for local office that file with the county election board.**

A registered voter of the relevant election district may challenge the qualifications of a candidate to remove the candidate from November's general election ballot. The challenge must:

- 1) be filed with the Election Division not later than 74-days before the general election;
- 2) be a sworn statement questioning the qualifications of the candidate; and
- 3) set forth the facts known by the challenger concerning this question.

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

A candidate may not be challenged under this procedure if:

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

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

If, at noon, Indianapolis time, sixty (60) days before the election, any challenge that is pending before the Commission or the Court of Appeals is dismissed and the name of the challenged candidate may not be removed from the general election ballot, and another individual may not be named to replace the challenged candidate on the ballot, and all votes cast for the challenged candidate must be counted and reported under the name of the challenged candidate. (IC 3-8-8)

This law also places a time limit on candidate withdrawal for reasons other than disqualification or moving outside the election district that the candidate seeks to represent. (IC 3-8-7-28(b); IC 3-8-7-28(c); IC 3-8-8-7) If a candidate attempts to withdraw as a candidate later than noon (prevailing local time), sixty (60) days before the general election for any other reason, the candidate may not be removed from the ballot or replaced by another individual on the ballot. All votes cast for a candidate who attempts to withdraw later than noon (prevailing local time), sixty (60) days before the general election are counted and reported under the name of the candidate.



If a candidate who attempted to withdraw later than noon (prevailing local time), sixty (60) days before the general election: (1) receives the most votes at the general election; and (2) is determined to be disqualified as a candidate, a vacancy in the office occurs. The resulting vacancy shall be filled as if an eligible candidate of the same political party as the disqualified candidate had been elected, and in the manner otherwise provide by law (a caucus of precinct committeemen under IC 3-13-5 for a state legislative candidate, for example). (IC 3-8-8-8)

## **Disqualification of a Candidate or Officeholder**

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

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

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

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

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

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

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

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

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



# CANDIDATE (BALLOT) VACANCIES

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

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

## Democratic & Republican Party Ballot Vacancies

Candidate (ballot) vacancies for U.S. Senate and statewide offices are filled by the state committee of the political party. (IC 3-13-1-3) If a candidate vacancy exists for U.S. House or state legislative candidates, the state chairman of a political party calls a caucus of the precinct committeemen within the district. For judicial offices, the office of prosecuting attorney, county offices, township offices, or town offices, the county chairman calls a caucus of the precinct committeemen within the district or may make a direct appointment, if applicable.

### **No Candidate Filed for Democratic or Republican Party Primary**

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

The deadline for the Democratic or Republican Party to conduct a political party caucus or to make a direct appointment to fill a vacancy existing on the general election ballot resulting from a vacancy on the primary election ballot is noon, Wednesday, July 3, 2024. (IC 3-13-1-2; IC 3-13-1-7) **Certificate of candidate selection and the candidate's statement economic interest (if applicable) must be filed not later than noon, prevailing local time Wednesday, July 3, 2024.** (IC 3-13-1-2; IC 3-13-1-7; IC 3-13-1-15)

### **Filling Federal, State, or Local Office Ballot Vacancy by Caucus**

If a chairman calls a meeting of the state committee or a caucus of eligible precinct committeemen to fill a ballot vacancy, the chairman must use the notice of caucus form (CAN-30) prescribed by the Indiana Election Division. Instructions are included on the form. A CAN-30 is available from the Election Division's office and each circuit court clerk's office.

The CAN-30 notice must be sent by first class mail to members of the state committee or eligible precinct committeemen, whichever members are required by law to fill the ballot vacancy, not later than ten (10) days before the caucus. A copy of the notice must also be filed with either the circuit court clerk (local office) or with the Indiana Election Division (federal, statewide, or state legislative office, prosecuting attorney, or judge). If the CAN-30 is offered to be filed with the clerk's office or Election Division after the deadline prescribed by law, then the CAN-30 must be rejected. (IC 3-5-4-1.9)

A person who wishes to be selected by the caucus to fill a ballot vacancy for a federal, statewide, state legislative office, judicial office, or the office of prosecuting attorney must file a declaration of candidacy (CAN-31) form with **both** the caucus chairman (or state committee chair for U.S. Senator, statewide offices, or state legislative offices) **and** the Election Division. Additionally, candidates for statewide, state legislative, or judicial office, including prosecuting attorney, must file the applicable economic interest statement. (IC 3-13-1-14)

A person who wishes to be selected by the caucus to fill a ballot vacancy for local office such as circuit court clerk, county offices, township offices, or town offices must file a declaration of candidacy (CAN-31) form with **both** the caucus chairman **and** the county election board. (IC 3-13-1-10.5) A candidate for local office does not file the statement of economic interests (CAN-12) with the CAN-31; instead, the CAN-12 is filed at the time the certificate of candidate selection (CAN-29) is filed with the county clerk.

The CAN-31 form is available from the Election Division's office and each circuit court clerk's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections). If a candidate offers to file the CAN-31 form with the Indiana Election Division or the county clerk after the deadline prescribed by law, then the CAN-31 form must be rejected. (IC 3-5-4-1.9)

After the political party fills this vacancy, the chairman must file a written certificate of candidate selection with the Election Division if the nomination is for a federal office (CAN-27), a state legislative office (CAN-28), a judicial office (CAN-29), or an office of prosecuting attorney (CAN-29). If the certificate of candidate selection is presented after the deadline prescribed by state law, then the form must be rejected. (IC 3-5-4-1.9)

For local offices, the chairman must file a certificate of candidate selection with the circuit court clerk (CAN-29). The CAN-12 statement of economic interests must be filed not later than the filing of the CAN-29. If either form is presented after the deadline prescribed by state law, then the form must be rejected. (IC 3-5-4-1.9; IC 3-13-1-14(2); IC 3-13-1-21)

The deadline to hold a caucus to fill a ballot vacancy where no Democratic or Republican candidate ran in the May primary election is noon, July 3, 2024. Likewise, the deadline for the candidate selection paperwork (and statement of economic interests) to be filed is noon, July 3, 2024.

The CAN-29 form is available from the Election Division's office or each circuit court clerk's office. The CAN-27 and CAN-28 are available from the Election Division's office.

### **Filling An Early Ballot Vacancy for LOCAL OFFICE by Direct Appointment**

There are several circumstances when a county chair (or central committee) can fill a local office ballot vacancy, including ballot vacancies for a judicial offices or prosecuting attorney, by direct appointment (IC 3-13-1-3; IC 3-13-1-4; IC 3-13-1-5; IC 3-13-1-6; IC 3-13-1-8; IC 3-13-1-12; IC 3-13-1-13):

- 1) A county committee can adopt a resolution to delegate filling a local office candidate (ballot) vacancy to the county chairman (or to the chairman, vice-chairman, secretary, and treasurer of the county committee), by direct appointment, without conducting a caucus where more than two (2) precinct committeemen are eligible to participate.
- 2) If fewer than two (2) precinct committeemen are eligible to participate in a caucus, then the candidacy may be filled by direct appointment by the county chairman.
- 3) A quorum is not present at a caucus called by the chairman.

For option 1 above, state law does not specify requirements concerning the text of a resolution (or motion to record in the meeting minutes) that county party must adopt in order to authorize the county chair or a caucus comprised of the chairman, vice chairman, secretary, and treasurer of the county committee to make a direct appointment to fill a local candidate (ballot) vacancy.

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

The Certificate of Candidate Selection (CAN-29) sets forth the three scenarios to fill a ballot vacancy. The chair will need to mark which option is applicable:

- Box (1A) is to be marked if the ballot vacancy was filled by direct appointment because fewer than two (2) eligible precinct committeemen were eligible to participate in a caucus.

- Box (1B) is marked if the ballot vacancy was filled by a caucus of eligible precinct committeemen, or a quorum of eligible precinct committeeman was not present.
- Box (1C) is marked if the ballot vacancy was filled by direct appointment because the County Committee authorized the chair or central committee to fill ballot vacancies by direct appointment.

If Box (1C) is marked (that is, the party organization gave the chair or central committee permission to fill a ballot vacancy by direct appointment) then a copy of the meeting minutes or resolution adopted by the county party authorizing the county chair or county central committee must be attached to the certification. (IC 3-13-1-6(b)(2)) Note: This requirement to file a resolution does not apply if Box (1A) or Box (1B) is marked on the CAN-29.

If a ballot vacancy is filled by direct appointment, then the chair must file the selected candidate's CAN-31 declaration of candidacy, statement of economic interests, and CAN-29 Certificate of Candidate Selection by the prescribed deadline. Additionally, if Box (1C) is marked on the CAN-29 form, then a copy of the meeting minutes or resolution giving the chair or central committee the authority to fill a ballot vacancy must be attached to every CAN-29 form filed. If these forms are presented after the deadline or the wrong version of the form is used, then the county clerk must reject the filing.

The deadline to fill a ballot vacancy where no Democratic or Republican candidate ran in the May primary election by direct appointment as outlined above is noon, July 3, 2024. Likewise, the deadline for the candidate selection documents (CAN-31, CAN-29, statement of economic interests, and, if applicable, resolution or meeting minutes to fill by direct appointment) to be filed is noon, July 3, 2024.

NOTE: Ballot vacancies in state legislative offices (that is, Indiana Senate and Indiana House) CANNOT be filled by direct appointment. Further, county chairs or county party central committees do not have the authority to fill a ballot vacancy for state legislative offices. Only the state party chair, or his designee, may call a caucus to fill a state legislative ballot vacancy.

**Other Types of Democratic or Republican Party EARLY Ballot Vacancies**

Sometimes a candidate nominated at the Democratic or Republican Party primary, state convention, or by a caucus or direct appointment to fill a ballot vacancy withdraws, passes away, or is disqualified from appearing on the November ballot. If a ballot vacancy arises for any reason that leaves a major political party without a candidate for the office and it occurs before the thirtieth day before a general, special, or municipal election, then it is considered an "early" ballot vacancy. (IC 3-13-1-1)

No political party is ever required to fill a ballot vacancy, even if an individual wishes to run as a candidate for the vacant nomination. A candidate nominated at the primary election, state convention, or selected to fill an early ballot vacancy can withdraw for any reason up to noon, July 15. After noon, July 15, a candidate may only withdraw for the following limited reasons: death, moved out of the election district, removal from the ballot due to a court order, a felony conviction, successful challenge of a candidate nominated by a party convention, or removal by a court, the Indiana Election Commission, or a county election board. (IC 3-13-1-7)

However, a candidate can withdraw at any time if their candidacy violates the Hatch Act or the Judicial Rule. (IC 3-8-7-28(b))

Additionally, if a Democratic, Libertarian, or Republican candidate is disqualified at a challenge hearing, then the political party can fill the ballot vacancy. (IC 3-13-1-7)

The CAN-24 withdrawal form is filed with the office where the candidacy documents were originally filed, either the Indiana Election Division or the county clerk's office. The political party has thirty (30) days from the date the CAN-24 was filed to fill the ballot vacancy. However, there will be no CAN-24 filed in the case of a candidate's death or disqualification through a candidate challenge hearing or court proceeding. If a candidate passes away, the party has thirty (30) days from the date of the candidate's death to fill the ballot vacancy; if removed from the November ballot through a challenge hearing, the party has thirty (30) days from the date the candidate was removed from the ballot.

Except for the deadline to file the candidate selection documents, the requirements discussed above for filling a ballot vacancy where no candidate ran in the primary election apply to an “early” ballot vacancy covered under this section of the *Guide*. The deadline to file candidate selection paperwork (and if applicable, the direct appointment paperwork packet outlined above) is noon, three days (excluding Saturdays and Sundays) after the ballot vacancy is filled. Documents presented after the deadline date must be rejected. (IC 3-13-1-15(d))

If the political party fills the vacancy not later than five (5) days before the November election, then the county election board must reprint the ballots or reprogram the voting system. A new public test must be conducted. Posting notice pursuant to the Open Door law is required; however, public notice published in the newspaper is not. If the vacancy is filled within five (5) days of the general election, then the county election may reprint the ballot, if desired. (IC 3-11-3-29.5)

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

NOTE: In “small” towns (that is, a population less than 3,500 as of the 2020 Census) that do not conduct a primary election, the candidate filing deadline for Democratic, Libertarian, and Republican candidates is noon, August 1 AND the deadline for a candidate for “small” town office to withdraw is noon, August 1. If the political party does not have a candidate run in the town nominating convention by the noon August 1 deadline, then no ballot vacancy may be filled. However, if a town nominating convention is required to be held, a candidate nominated at the convention has up to noon, three days after the convention to withdraw using the CAN-24 form. In this instance, the political party can fill the ballot vacancy.

#### **Democratic or Republican Party LATE Ballot Vacancies**

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

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

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

The CAN-35 form is used for “late” ballot vacancies and is filed with the office where the candidacy documents were originally filed, either the Indiana Election Division or the county clerk’s office. The political party has until Election Day to fill a “late” ballot vacancy.

In most cases, the state or county chairman of the political party of the county in which the greatest percentage of the population of the election district resides fills the candidate vacancy by direct appointment. (IC 3-13-2) The same general procedures apply regarding the filing of a certificate of candidate selection in these cases. (IC 3-13-2-8) However, the forms used for a “late” ballot vacancy for a local office include the CAN-31 and CAN-12 forms. For federal, statewide, and state legislative late ballot vacancies, only the applicable statement of economic interest form or receipt needs to be filed with certification. The political party must file the candidate selection documents not later than noon, three (3) days excluding Saturdays or Sundays (or Election Day, whichever comes first) after the appointment is made. (IC 3-13-2-8(c))

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

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

## **Libertarian Party Ballot Vacancies**

If a candidate vacancy exists following a Libertarian Party state or county convention, the party's state committee may fill the vacancy. **The Libertarian Party must fill a vacancy existing on the general election ballot resulting from a vacancy for an office nominated by that party at a state or county convention by Wednesday, July 3, 2024.** (IC 3-13-1-20)

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

Once the Libertarian Party fills a vacancy for federal, statewide, state legislative, or judicial offices including the office of prosecuting attorney, the state chair and secretary must file a certificate of nomination (CAN-33) with the Election Division. **The Party must file the certificate not later than noon, Wednesday, July 3, 2024.** (IC 3-13-1-20)

Once the Libertarian Party fills a vacancy for the office of circuit court clerk, county offices, township offices, or town offices, the county chair and secretary must file a certificate of nomination (CAN-32) and the candidate's Statement of Economic Interest for Local and School Board Offices (CAN-12) with the county election board. **The Party must file the certificate no later than noon, Wednesday, July 3, 2024.** (IC 3-13-1-20)

A candidate nominated at a Libertarian Party convention, or through the procedures to fill a ballot vacancy, can withdraw for any reason up to noon, July 15. After noon, July 15, a candidate may only withdraw for the following limited reasons: death, moved out of the election district, removal from the ballot due to a court order, or a felony conviction. However, a candidate can withdraw at any time if their candidacy violates the Hatch Act or the Judicial Rule. (IC 3-8-7-28(b)) Additionally, if a Libertarian Party candidate is disqualified at a challenge hearing or in a court proceeding, then the political party can fill the ballot vacancy. (IC 3-13-1-7)

For an early ballot vacancy (that is, a ballot vacancy that occurs at least thirty-one days before the general, municipal, or special election) the CAN-24 withdrawal form is filed with the office the candidacy documents were originally filed, either the Indiana Election Division or the county clerk's office. The political party has thirty (30) days from the date the CAN-24 was filed to fill the ballot vacancy. However, there will be no CAN-24 filed in the case of a candidate's death or disqualification through a candidate challenge hearing. If a candidate passes away, the party has thirty (30) days from the date of the candidate's passing to fill the ballot vacancy; if removed from the November ballot through a challenge hearing, the party has thirty (30) days from the date the candidate was removed from the ballot.

The certificate of candidate selection and candidate's statement of economic interest must be filed not later than noon, three (3) days (excluding Saturdays and Sundays or Election Day, whichever comes first) after the selection of the candidate. (IC 3-13-1-20) Special procedures apply to late ballot vacancies occurring within the final 30 days before the election and to statewide or state legislative candidates. (IC 3-13-2-12; IC 3-8-8)

NOTE: In "small" towns (that is, a population less than 3,500 as of the 2020 Census) that do not conduct a primary election, the candidate filing deadline for Democratic, Republican, and Libertarian candidates is noon, August 1 AND the deadline for a candidate for "small" town office to withdraw is noon, August 1. If the political party does not have a candidate file to run in the town nominating convention by the noon, August 1 deadline, then no ballot vacancy may be filled. However, if a town nominating convention is required to be held, a candidate nominated at the convention has up to noon, three days after the convention to withdraw using the CAN-24 form. In this instance, the political party can fill the ballot vacancy.

## Other Minor Party Candidate Vacancies

A candidate for federal, statewide, or state legislative office who does not affiliate with the Democratic Party, the Libertarian Party, or the Republican Party can withdraw for any reason until noon, July 15. After noon, July 15, a candidate may only withdraw for the following limited reasons: death, moved out of the election district, removal from the ballot due to a court order, or a felony conviction. However, a candidate can withdraw at any time if their candidacy violates the Hatch Act or the Judicial Rule. (IC 3-8-7-28(b))

However, only minor party candidates are entitled to fill a ballot vacancy by the state chairman of the candidate's political party. The chairman can fill this vacancy at any time after a petition of nomination has been circulated or filed for certification by a county voter registration office by filing a statement with the Election Division. (IC 3-8-6-17) (CAN-40, CAN-20)

This statement must include the following:

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

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

**The state or county chairman must file the statement not later than noon, Wednesday, July 3, 2024.** After that date it is not possible for a minor party to fill a ballot vacancy. The CAN-40 and CAN-20 are available from the Election Division's office or each circuit court clerk's office. (IC 3-8-6-17) The forms can also be found on the Election Division's website: [in.gov/sos/elections](http://in.gov/sos/elections).

**Independent candidates are not permitted to fill a ballot vacancy if a candidate withdraws, as an Independent candidate is not affiliated with any political party.**

A similar procedure applies to filling candidate vacancies for individuals nominated by petition for "**small**" town offices with a population of less than 3,500. The town chairman of the party must file a certificate of candidate selection (CAN-29) along with a candidate completed CAN-31, with the county election board not later than 12:00 noon, prevailing local time, Wednesday, August 28, 2024. (IC 3-13-1-18)

## Independent and Write-In Candidate Vacancies

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

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

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



# CAMPAIGN FINANCE INFORMATION

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

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

## **UNITED STATES SENATOR**

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

## **UNITED STATES REPRESENTATIVE**

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

## **GOVERNOR, LIEUTENANT GOVERNOR, AND ATTORNEY GENERAL**

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

## **STATE LEGISLATIVE OFFICES**

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

## **JUDICIAL OFFICE**

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

## **CIRCUIT COURT CLERK AND COUNTY OFFICES**

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

## **TOWNSHIP OFFICES**

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

## **SCHOOL BOARD OFFICES**

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

## **CITY OFFICES**

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

**TOWN OFFICES**

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

**PRECINCT COMMITTEEMAN AND STATE CONVENTION DELEGATE**

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

# CAMPAIGN RELATED VIOLATIONS AND ENFORCEMENT

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

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

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

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

- 1) Using a government employer's property to solicit contributions or advocate the election or defeat of a candidate or public question at any time, or to distribute campaign materials on government's real property during normal business hours. Class A misdemeanor for first offense. (IC 3-14-1-17)
- 2) Conspiring with a person to encourage an individual to submit a false registration application or to vote illegally. (IC 3-14-2-1)
- 3) Paying or accepting payment for applying for or casting an absentee ballot. (IC 3-14-2-1)
- 4) Paying or accepting payment for registering to vote or voting. (IC 3-14-2-1)
- 5) Paying or offering to pay an individual any property based on the number of signatures obtained to place a candidate or public question on a ballot. This does not prohibit payment for gathering signatures not based, either directly or indirectly, on the number of signatures obtained to place a candidate or public question on a ballot. (IC 3-14-2-1)
- 6) Paying or offering to pay an individual any property based on the number of absentee ballot applications or voter registration applications obtained by the individual. This does not prohibit payment for gathering absentee ballot applications or voter registration applications not based, either directly or indirectly, on the number of applications obtained. (IC 3-14-2-1)
- 7) Soliciting a person known to be ineligible to vote to complete or submit an absentee ballot application. (IC 3-14-2-2.5)
- 8) Signing another person's name to an absentee ballot application that contains a false statement. (IC 3-14-2-3)
- 9) Signing another person's name to an absentee ballot application without writing on it the person's own name and address as an attesting witness. (IC 3-14-2-3)
- 10) Knowingly making a false statement regarding one's name, residence, or voter identification number when signing a poll book or making an oral affirmation to a poll worker. (IC 3-14-2-11)
- 11) Hiring or soliciting a person to go into a precinct for the purpose of voting when the person hired or solicited is not a voter of the precinct. (IC 3-14-2-13)
- 12) Receiving from a voter a ballot prepared for voting, except by an inspector, county election board member, absentee voter board member, a member of the voter's household, an individual designated as the attorney in fact for the voter, a family member of the voter listed in IC 3-6-6-7(a)(4), or an employee of the United States Postal Service or a bonded courier company when delivering an envelope containing an absentee ballot. (IC 3-14-2-16)
- 13) Delivering an absentee ballot to an election official that is not the ballot cast by the voter. (IC 3-14-2-16)

- 14) Interfering with a watcher. (IC 3-14-3-3)
- 15) Obstructing, interfering, or injuring an election officer or a voter in the exercise of the election officer's or voter's rights or duties or because the officer or voter has exercised the officer's or voter's rights or duties. (IC 3-14-3-4)
- 16) Failing to receive the vote of a legal voter. (IC 3-14-3-9)
- 17) Interfering with the secrecy of voting. (IC 3-14-3-11)
- 18) Inducing or persuading a voter to vote for a candidate, while acting as a precinct election officer or absentee voter board member. (IC 3-14-3-17)
- 19) Inducing or procuring a person to apply for or cast an absentee ballot or vote or refrain from voting for or against a candidate or public question at an election, caucus, an appointment of a candidate by a political party chair or central committee officers, or at a political convention by giving, offering, or promising money or other property. (IC 3-14-3-19)
- 20) Receiving, accepting, requesting or soliciting money or other property to induce a voter to apply for or cast an absentee ballot or to vote or refrain from voting for or against a candidate or public question. (IC 3-14-3-20)
- 21) Conspiring to obtain property an individual would be entitled to receive as compensation for serving as an elected official by securing false or fraudulent absentee ballot applications or voter registration applications and to transport fraudulent voter registration applications or absentee ballot applications by private or commercial carrier operating entirely within Indiana. (IC 3-14-3-20.5)
- 22) Intimidating, threatening, or coercing another person for: voting or attempting to vote, urging or aiding another individual to vote or attempt to vote, or exercising any power or duty related to registration or voting. (IC 3-14-3-21.5)

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

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

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

# FEDERAL OFFICES

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## President and Vice President of the United States

### A. Qualifications

**Article 2, Section 1, Clause 5 of the United States Constitution provides that:**

“No person except a natural-born citizen . . . shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years and been fourteen years a resident within the United States.”

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

A candidate or a representative of the candidate may submit a declaration of candidacy and petition for primary ballot placement in person or by mail, and the declaration and petition are considered filed as of the **DAY AND TIME THEY ARE FILED** in the office of the Indiana Election Division. “Filing” occurs when the Election Division receives an original document and records the date and time the Division receives the document. (IC 3-5-2-24.5) A candidate may not submit a declaration or petition of nomination by facsimile transmission or electronic mail. (IC 3-5-4-1.7)

#### 1. Declaration of Candidacy

Democratic and Republican Party candidates for the office of President will be placed on the ballot for a presidential preference vote at the primary election to be held on Tuesday, May 7, 2024. (IC 3-10-1-3)

A candidate or a representative of the candidate for the nomination of President of the United States by the Democratic or Republican Party must file a declaration of candidacy with the Election Division. (IC 3-8-3-1)

The declaration of candidacy form (CAN-7) is available from the Election Division’s office and can be downloaded from the Division’s website at [in.gov/sos/elections](http://in.gov/sos/elections).

#### 2. Petition of Nomination

The declaration of candidacy must be accompanied by at least one certified petition for purposes of filing, but for primary ballot placement, certified petitions signed by at least 4,500 registered voters of the state, including at least 500 registered voters from each of Indiana’s 9 congressional districts, must be filed by the deadline. (IC 3-8-3-2)

Each petition must request that the candidate’s name be placed on the ballot at the primary election and must contain the following: (a) signature of each petitioner, (b) name of each petitioner printed legibly, and (c) residence mailing address of each petitioner. (IC 3-8-3-2) However, another individual may provide assistance to a person with a disability in completing their form, including signing the individual’s name. The individual providing assistance must complete the affidavit of assistance found on the petition form. (IC 3-8-3-2(c))

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

The petition for primary ballot placement form (CAN-8) is available from the Election Division’s office and can be downloaded from the Division’s website at [in.gov/sos/elections](http://in.gov/sos/elections).

The county voter registration office in each county where a petitioner is registered must certify whether each petitioner is a registered voter in that county at the time the petition is processed. (IC 3-8-3-3) This certification must accompany and be

a part of the petition. If a county is a part of more than one congressional district, the certificate must indicate the number of petitioners from that county who reside in each congressional district. (IC 3-8-3-3)

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

**A candidate or candidate's representative may submit a petition for primary ballot placement for certification to the county voter registration office not earlier than Wednesday, January 10, 2024, and not later than 12:00 noon, local prevailing time, on Tuesday, January 30, 2024. (IC 3-8-3-4)**

Candidates or political party members may wish to contact county voter registration offices to coordinate the processing of the petitions. Some county offices prefer to process all petitions for a candidate at the same time, while others are willing to process partial submissions. The candidate or candidate's representative may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-7 form) with the Election Division to be placed on the primary election ballot. (IC 3-8-3-4)

### **3. Filing Requirements and Deadlines**

The declaration of candidacy and certified petitions must be filed with the Election Division **not earlier than Wednesday, January 10, 2024**, and not later than 12:00 (noon), Indianapolis time, on **Friday, February 9, 2024**. (IC 3-8-3-1; IC 3-8-3-5) **A declaration of candidacy or certified petition presented after February 9, 2024, at 12:00 p.m. or noon (ET) will not be accepted for filing.**

### **4. Candidate Withdrawal Requirements**

#### **Primary Election Candidate Withdrawal**

A candidate for President of the United States who filed with the Election Division a declaration of candidacy for the primary election may file written notice of candidate withdrawal with the Election Division certifying that the individual no longer wishes to be a candidate. **A candidate or candidate's representative must file this notice with the Election Division not later than 12:00 p.m. or noon (ET), Thursday, February 22, 2024. (IC 3-8-3-7.5)** Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the primary election. (IC 3-8-2-21) Notice of candidate withdrawal presented **after February 22, 2024, at 12:00 p.m. or noon (ET) will not be accepted for filing.**

The primary election candidate withdrawal form (CAN-10) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

**NOTE:** Individuals are selected to serve as national convention delegates at the state conventions of the Democratic and Republican parties. Candidates for presidential electors and alternate electors are nominated at the Democratic and Republican state conventions or in another manner provided by state political party rules. (IC 3-8-4-2) The names of candidates for national convention delegate or presidential elector or alternate elector do not appear on the ballot.

#### **General Election Candidate Withdrawal or Other Vacancy**

If the nominee of the Democratic Party or the Republican Party for President of the United States or Vice President of the United States ceases to be a candidate before the nominee's ticket is officially certified, then that fact and the name and state of residence of the nominee's successor must be certified to the Election Division in the same manner as the original nominee. The name of the successor nominee shall be printed on all ballots. If the nominee ceases to be a candidate after the nominee's ticket has been officially certified, then that fact and the name and state of residence of the nominee's successor, shall be certified to the Election Division in the same manner as the original nominee. However, the ballots must reflect the original nominee's name. Any vote cast in the election for the original nominee is considered a vote cast for the successor. (IC 3-10-4-6)

## **C. Libertarian Party Candidates**

### **1. Filing Requirements**

Libertarian Party presidential candidates are not placed on the May primary election ballot for a presidential preference vote.

The Libertarian Party will nominate candidates for the office of President of the United States and Vice President of the United States at the Party's national convention. Candidates for this office should contact the Libertarian Party's state committee for information concerning any candidate filing requirements.

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

**NOTE:** Individuals are selected to serve as national convention delegates at the state convention of the Libertarian Party. Candidates for presidential electors must be nominated at the Libertarian state convention or in another manner provided by state political party rules. (IC 3-8-4-2) The names of candidates for national convention delegate or presidential elector do not appear on the ballot.

### **2. General Election Candidate Withdrawal or Other Vacancy**

If the nominee of the Libertarian Party for President of the United States or Vice President of the United States ceases to be a candidate before the nominee's ticket is officially certified, then that fact and the name and state of residence of the nominee's successor must be certified to the election division in the same manner as the original nominee. The name of the successor nominee shall be printed on all ballots. If the nominee ceases to be a candidate after the nominee's ticket has been officially certified, then that fact and the name and state of residence of the nominee's successor, shall be certified to the Election Division in the same manner as the original nominee. However, the ballots must reflect the original nominee's name. Any vote cast in the election for the original nominee is considered a vote cast for the successor. (IC 3-10-4-6)

## **D. Minor Party and Independent Candidates**

### **1. Filing Requirements**

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

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

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

The written consent form (CAN-20) and petition of nomination form (CAN-19) are available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

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

**EXAMPLE:** A candidate for the office of President of the United States must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2022 general election for the entire state or 36,943.

A chart listing the 2% ballot access requirement for each county is included under the 2022 Vote for Secretary of State tab of this *Guide*.

While it may be possible for candidates of the same minor political party seeking an office that serves the entire state or a congressional or legislative district, or the same political subdivision to be nominated on the same petition, only one independent candidate for an office may be nominated by the same petition of nomination. **EXCEPTION:** Candidates for President and Vice President of the United States are elected as a ticket. An independent candidate for President may include their running mate for Vice President on the same petition of nomination. (IC 3-8-6-4)

**The first day a candidate for the office of President of the United States and Vice President of the United States may submit the petition of nomination to the county voter registration office for certification is Wednesday, January 10, 2024, and the DEADLINE for filing is 12:00 noon, prevailing local time, Monday, July 1, 2024. (IC 3-8-6-10; IC 3-8-6-12) (Deadline date moves from noon, June 30, 2024, to noon, July 1, 2024, due to June 30, 2024, being on a weekend)**

For candidates for the office of President or Vice President of the United States, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20) must be filed with the Election Division. The **DEADLINE** for filing the certified petition of nomination (CAN-19), accompanied by the written consent form (CAN-20) with the Election Division is 12:00 p.m. or noon (ET), Monday, July 15, 2024. (IC 3-8-6-10; IC 3-8-6-12)

The county voter registration office must file the certified petitions of nomination with the Election Division. However, the candidate or candidate's representative may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-20 with the Election Division) to be placed on the general election ballot. (IC 3-8-6-10)

## **2. Nominating Petition Requirements**

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

The petition of nomination (CAN-19) must also include the name and address of each person pledged to be the candidate's presidential or alternate presidential elector. The petition includes space to certify up to eleven (11) electors, the total to be chosen by Indiana voters at the general election. The candidate is only required to sign the elector certification section on one of the CAN-19 forms. (IC 3-8-6-5; IC 3-10-4-5)

For a petition of nomination to be considered valid, the county voter registration office in the county where the individual signing the petition is registered must certify whether each person who signs the petition is a registered voter at the residence listed in the petition at the time the county processes the petition and in the election district the candidate seeks to represent. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-19 form.) (IC 3-8-6-8; IC 3-8-6-10; IC 3-8-6-11)

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



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

### **3. Political Party Names**

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

### **4. General Election Candidate Withdrawal or Other Vacancy**

If the nominee of a minor political party for President of the United States or Vice President of the United States ceases to be a candidate before the nominee's ticket is officially certified, then that fact and the name and state of residence of the nominee's successor must be certified to the Election Division in the same manner as the original nominee. The name of the successor nominee shall be printed on all ballots. If the nominee ceases to be a candidate after the nominee's ticket has been officially certified, then that fact and the name and state of residence of the nominee's successor, shall be certified to the election division in the same manner as the original nominee. However, the ballots must reflect the original nominee's name. Any vote cast in the election for the original nominee is considered a vote cast for the successor. (IC 3-10-4-6; IC 3-8-6-17)

If a petition of nomination is submitted for an independent candidate for President of the United States and Vice President of the United States, and that candidate ceases to be a candidate, another candidate may not be substituted on the petition of nomination. (IC 3-8-6-17(e))

## **E. Write-in Candidates**

### **1. Filing Requirements**

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

A person who desires to be a write-in candidate for the office of President of the United States or Vice President of the United States in the general election must file a declaration of intent to be a write-in candidate (CAN-3) with the Election Division. (IC 3-8-2-2.5)

The person must include with their CAN-3 form a list the names of the write-in candidate's presidential elector and alternate presidential elector candidates and may only provide up to eleven (11) elector candidates. The person must also provide all names of those pledged to be the write-in candidate's alternate presidential elector. (IC 3-8-2-2.5; IC 3-10-4-5)

The CAN-3 form is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

**The first day a write-in candidate may file the CAN-3 form with the Election Division is Wednesday, January 10, 2024, and the DEADLINE for filing is 12:00 p.m. or noon (ET), Wednesday, July 3, 2024. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5; IC 3-11-2-11.5)**

### **2. Candidate Withdrawal Requirements**

The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for the office of President or Vice President of the United States to file a written notice of candidate withdrawal with the Election Division is 12:00 p.m. or noon (ET), on Monday, July 15, 2024. (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon

will not be accepted for filing.

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### **3. Political Party Affiliation**

If a write-in candidate for President of the United States or Vice President of the United States claims affiliation with a political party: (1) that already has ballot access, (2) of a candidate who has previously filed a petition of nomination under IC 3-8-6, or (3) whose name would result in voter confusion due to its similarity with the name of the political party in (1) or (2), then a registered voter of the election district may question the validity of the filing under IC 3-8-1-2. The Indiana Election Commission shall determine the validity of the questioned filing.

If the Commission determines that the candidate's stated party affiliation would result in voter confusion due to its similarity with another party's name, and the candidate declines to amend the declaration to remove this confusion, then the Commission shall deny the filing. (IC 3-8-2-12.5)

# United States Senator

## A. Qualifications

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

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

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

A candidate or candidate’s representative may submit a declaration of candidacy and petition for primary ballot placement in person or by mail, and the declaration and petition are considered filed as of the **DAY AND TIME THEY ARE FILED** in the office of the Indiana Election Division. “Filing” occurs when the Election Division receives an original document and records the date and time the Division receives it. (IC 3-5-2-24.5) A candidate or candidate’s representative may not submit a declaration or petition of nomination by facsimile transmission or electronic mail. (IC 3-5-4-1.7; IC 3-8-2-11)

Candidates for the office of U.S. Senator from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 7, 2024. (IC 3-10-1-3)

### 1. Declaration of Candidacy

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

The declaration of candidacy form (CAN-2) is available from the Election Division’s office and can be downloaded from the Division’s website at [in.gov/sos/elections](http://in.gov/sos/elections).

### 2. Petition of Nomination

The declaration of candidacy must be accompanied by at least one certified petition for purposes of filing, but for primary ballot placement, certified petitions signed by at least 4,500 registered voters of the state, including at least 500 registered voters from each of Indiana’s nine (9) congressional districts must be filed by the deadline. (IC 3-8-2-8 and IC 3-8-2-9)

Each petition must request that the candidate’s name be placed on the ballot at the primary election and must contain the following: (a) signature of each petitioner, (b) name of each petitioner printed legibly, and (c) residence mailing address of each petitioner. (IC 3-8-2-8 and IC 3-8-2-9) However, another individual may provide assistance to a person with a disability in completing their form, including signing the individual’s name. The individual providing assistance must complete the affidavit of assistance found on the petition form. (IC 3-8-2-8(c))

The petition for primary ballot placement form (CAN-4) is available from the Election Division’s office and can be downloaded from the Division’s website at [in.gov/sos/elections](http://in.gov/sos/elections).

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

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

**A candidate or candidate's representative may submit a petition for primary ballot placement to the county voter registration office not earlier than Wednesday, January 10, 2024, and not later than 12:00 noon, local prevailing time, on Tuesday, February 6, 2024. (IC 3-8-2-8; IC 3-8-2-10)**

The candidate or candidate's representative may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-2 form) with the Election Division to be placed on the primary election ballot. (IC 3-8-2-10)

### **3. Filing Requirements and Deadlines**

The declaration of candidacy and certified petitions for Democratic or Republican U.S. Senate candidates must be filed with the Election Division **not earlier than Wednesday, January 10, 2024**, and not later than 12:00 p.m. or noon (ET), on **Friday, February 9, 2024**. (IC 3-8-2-4, IC 3-8-2-5 and IC 3-8-2-8) **A declaration of candidacy or certified petition presented after February 9, 2024, at 12:00 p.m. or noon (ET) will not be received for filing. (IC 3-5-4-1.9)**

### **4. Political Party Affiliation**

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

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

Note: This law does not mean the candidate must have voted in the two (2) most chronologically recent primary elections and requested a Democratic or Republican ballot; instead, the person's vote history must demonstrate that the last two (2) primary elections in which the person voted must align with the party the candidate seeks to affiliate in the primary election. For example, if a candidate pulled a Republican Party primary ballot in 2019, did not vote in the 2020 and 2022 primary election, and requested a Republican Party primary ballot in 2023, then this candidate meets the requirements set forth in state law to file a declaration of candidacy (CAN-2) for the Republican Party primary without the chair's certification.

Alternatively, if a candidate requested a Democratic Party primary ballot in 2022 and a Republican Party primary ballot in 2023, then this candidate would not meet the requirements set forth in state law to file a declaration of candidacy for primary nomination (CAN-2) in the Democratic Party primary in 2024 and would need to attach the chair's certification with their filing. Failure to attach the chair's certification does not result in the filing being rejected, but it may be challenged by a voter of the election district or a county chair.

### **5. Candidate Withdrawal Requirements**

#### **Primary Election Candidate Withdrawal**

A candidate for U.S. Senator, who filed with the Election Division a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the Election Division certifying that the individual no longer wishes to be a candidate. This notice must be filed with the Election Division **not later than 12:00 p.m. or noon (ET), Friday, February 16, 2024**. (IC 3-8-2-20) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the primary election (IC 3-8-2-21). **Notice of candidate withdrawal offered for filing after February 16, 2024, at 12:00 p.m. or noon (ET) will not be accepted for filing. (IC 3-5-4-1.9)**

The primary election candidate withdrawal form (CAN-10) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

#### **General Election Candidate Withdrawal**

After the primary, if the nominee for U.S. Senator desires to withdraw from the ballot for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. This notice must be filed with the Election Division **not later than 12:00 p.m. or noon (ET), on Monday, July 15, 2024**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be received for filing. (IC 3-5-4-1.9)**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## C. Libertarian Party Candidates

### 1. Filing Requirements

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

The Libertarian Party will nominate candidates for the office of U.S. Senator at the Party's state convention. Candidates for this office should contact the Libertarian Party's state committee for information concerning any candidate filing requirements.

Libertarian Party candidates for the office of U.S. Senator are **not** required to file declarations of candidacy with the Election Division. Instead, the Libertarian Party state chair and secretary must certify the Party's nominees to the Election Division not later than **12:00 p.m. or noon (ET), July 15, 2024**.

Following a state convention, the chairperson and secretary of the convention or the state chairperson and secretary of the Libertarian Party, or their representative, shall file a certificate of nomination (CAN-23) with the Election Division not later than 12:00 p.m. or noon (ET), **July 15, 2024**.

### 2. General Election Candidate Withdrawal

If a nominee for U.S. Senator wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 p.m. or noon (ET), on Friday, July 15, 2024**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be received for filing. (IC 3-5-4-1.9)**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## D. Minor Party and Independent Candidates

### 1. Filing Requirements

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

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

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

The written consent form (CAN-20) and petition of nomination form (CAN-19) are available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

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

(IC 3-8-6-3) Signatures on any petition of nomination must be those of registered voters of the state who reside in the district the candidate seeks to represent. (IC 3-8-6-2)

**EXAMPLE:** A minor party or independent candidate for the office of U.S. Senator must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2022 general election for the entire state or 36,943.

The **first day** a minor party or independent candidate for the office of U.S. Senator or their representative may submit the petition of nomination to the county voter registration office for certification is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing the petition for review by county voter registration officials is **12:00 noon, prevailing local time, Monday, July 1, 2024**. (IC 3-8-6-12, 3-5-4-1.5) (*Deadline date moves from noon, June 30, 2024, to noon, July 1, 2024, due to June 30, 2024, being on a weekend*)

For minor party or independent candidates for the office of U.S. Senator, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20) must be filed with the Election Division.

The **DEADLINE** for filing the certified petition of nomination forms (CAN-19), accompanied by the written consent form (CAN-20) with the Election Division is **12:00 p.m. or noon (ET), Monday, July 15, 2024**. (IC 3-8-6-10; IC 3-8-6-12) The county voter registration office must file the certified petitions of nomination with the Election Division. However, the candidate for the office of U.S. Senator may request that the county voter registration office return the original petitions to the candidate so that the candidate or their representative may file the certified petitions (along with the CAN-20) with the Election Division to be placed on the general election ballot. (IC 3-8-6-10)

## 2. Nominating Petition Requirements

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

For a petition of nomination to be considered valid, the county voter registration office in the county where the individual signing the petition is registered must certify whether each person who signs the petition is a registered voter at the residence listed in the petition at the time the county processes the petition and in the election district the candidate seeks to represent. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-19 form.) (IC 3-8-6-10; IC 3-8-6-11)

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

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

## 3. Political Party Names

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

#### 4. General Election Candidate Withdrawal

The **DEADLINE** for a person nominated by petition for the office of U.S. Senator who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the Election Division is than **12:00 p.m. or noon (ET), on Monday, July 15, 2024.** (IC 3-8-7-28) Upon receipt of this notice, the Election Division will not certify the individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing. (IC 3-5-4-1.9)**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

#### E. Write-in Candidates

##### 1. Filing Requirements

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

A person who desires to be a write-in candidate for the office of United States Senator in the general election on Tuesday, November 7, 2024, must file a declaration of intent to be a write-in candidate (CAN 3) with the Election Division. (IC 3-8-2-2.5) The CAN-3 is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

The **first day** a write-in candidate may file the CAN-3 with the Election Division is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing is **12:00 p.m. or noon (ET), Wednesday, July 3, 2024.** (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5)

##### 2. Candidate Withdrawal Requirements

The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for the office of United States Representative to file a written notice of candidate withdrawal with the Election Division is **12:00 p.m. or noon (ET), on Monday, July 15, 2024.** (IC 3-8-7-28; IC 3-8-2-2.7) Upon receipt of this notice, the Election Division will not certify the individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon will not be accepted for filing. (IC 3-5-4-1.9)**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

##### 3. Political Party Affiliation

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

If a write-in candidate claims affiliation with a political party: (1) that already has ballot access, (2) of a candidate who has previously filed a petition of nomination under IC 3-8-6, or (3) whose name would result in voter confusion due to its similarity with the name of the political party in (1) or (2), then a registered voter of the election district may question the validity of the filing under IC 3-8-1-2. The Indiana Election Commission shall determine the validity of the questioned filing.

If the Commission determines that the candidate's stated party affiliation would result in voter confusion due to its similarity with another party's name, and the candidate declines to amend the declaration to remove this confusion, then the Commission shall deny the filing. (IC 3-8-2-12.5)

# United States Representative

## A. Qualifications

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

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

**NOTE:** There is no requirement that a candidate for United States Representative must reside within the **district** the candidate seeks to represent or be an inhabitant of Indiana until the date of the November 2024 general election.

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

### 1. Filing Requirements

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

Candidates for the office of United States Representative from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 7, 2024. (IC 3-10-1-3)

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

The **first day** to submit a declaration of candidacy to the Election Division is **Wednesday, January 10, 2024**, and the **DEADLINE** to file is **12:00 p.m. or noon (ET), Friday, February 9, 2024**. (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy presented after February 9, 2024, at 12:00 p.m. or noon (ET) will not be accepted for filing.**

The declaration of candidacy form (CAN-2) is available from the Election Division’s office and can be downloaded from the Division’s website at [in.gov/sos/elections](http://in.gov/sos/elections).

### 2. Political Party Affiliation

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

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

Note: This law does not mean the candidate must have voted in the two (2) most chronologically recent primary elections and requested a Democratic or Republican ballot; instead, the person’s vote history must demonstrate that the last two (2) primary elections in which the person voted must align with the party the candidate seeks to affiliate in the primary election. For example, if a candidate pulled a Republican Party primary ballot in 2019, did not vote in the 2020 and 2022 primary election, and requested a Republican Party primary ballot in 2023, then this candidate meets the requirements set forth in state law to file a declaration of candidacy (CAN-2) for the Republican Party primary without the chair’s certification.

Alternatively, if a candidate requested a Democratic Party primary ballot in 2022 and a Republican Party primary ballot in 2023, then this candidate would not meet the requirements set forth in state law to file a declaration of candidacy for primary nomination (CAN-2) in the Democratic Party primary in 2024 and would need to attach the chair’s certification with their filing. Failure to attach the chair’s certification does not result in the filing being rejected, but it may be challenged by a voter of the precinct within the election district or a county chair.



### 3. Candidate Withdrawal Requirements

#### Primary Election Candidate Withdrawal

A Democratic or Republican candidate for United States Representative who filed with the Election Division a declaration of candidacy for the primary election may file written notice of candidate withdrawal with the Election Division certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the Election Division is **12:00 p.m. or noon (ET), Friday, February 16, 2024**. (IC 3-8-2-20) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the primary election. (IC 3-8-2-21) **Notice of candidate withdrawal presented after February 16, 2024, at 12:00 noon, Indianapolis time, will not be accepted for filing. (IC 3-5-4-1.9)**

The primary election candidate withdrawal form (CAN-10) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

#### General Election Candidate Withdrawal

After the primary, if a nominee for United States Representative wishes to withdraw from the ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 p.m. or noon (ET), on Monday, July 15, 2024**. (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing. (IC 3-5-4-1.9)**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### C. Libertarian Party Candidates

#### 1. Filing Requirements

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

The Libertarian Party will nominate candidates for the office of United States Representative at the Party's state convention. Candidates for this office should contact the Libertarian Party's state committee for information concerning any candidate filing requirements.

Libertarian Party candidates for the office of United States Representative are **not** required to file declarations of candidacy with the Election Division. Instead, the Libertarian Party state chair and secretary must certify the Party's nominees to the Election Division not later than **12:00 p.m. or noon (ET), Monday, July 15, 2024**. (IC 3-8-7-8, 3-5-4-1.5)

Following a state convention, the chairperson and secretary of the convention or the state chairperson and secretary of the Libertarian Party shall file a certificate of nomination (CAN-23) with the Election Division not later than **12:00 pm or noon (ET), Monday, July 15, 2024**.

#### 2. Candidate Withdrawal Requirements

If a nominee for United States Representative wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 p.m. or noon (ET), on Monday, July 15, 2024**. (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing. (IC 3-5-4-1.9)**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## D. Minor Party and Independent Candidates

### 1. Filing Requirements

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

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

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

The written consent (CAN-20) and petition of nomination (CAN-19) are available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

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

**EXAMPLE:** A minor party or independent candidate for the office of United States Representative, 2<sup>nd</sup> Congressional District, must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2022 general election in the precincts that make up the 2<sup>nd</sup> Congressional District.

The Indiana Election Division should be contacted to determine the minimum threshold signature requirement for a Congressional District. A chart listing the 2% ballot access requirement for each county is included under the *2022 Vote for Secretary of State* tab of this *Guide*, though not all counties are wholly contained in the same Congressional district, which will require careful review of precinct election results.

The Indiana Election Division will certify the minimum number of signatures required to run as a minor party or independent candidate for U.S. Representative to the Indiana Secretary of State, and the Secretary will determine whether enough valid signatures are certified for the candidate to be placed on the general election ballot.

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

The **first day** a candidate for the office of United States Representative may submit the petition of nomination to the county voter registration office for certification is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing the petition for review by county voter registration officials is **12:00 noon, prevailing local time, Monday, July 1, 2024**. (IC 3-8-6-12, 3-5-4-1.5) (*Deadline date moves from noon, June 30, 2024, to noon, July 1, 2024, due to June 30, 2024, being on a weekend*)

For candidates for the office of United States Representative, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20) must be filed with the Election Division.

The **DEADLINE** for filing the petition of nomination (CAN-19), accompanied by the written consent form (CAN-20) with the Election Division is **12:00 p.m. noon (ET), Monday, July 15, 2024**. (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5) The county voter registration office must file the certified petitions of nomination with the Election Division. However, the candidate for the office of United States Representative may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-20) with the Election Division to

be placed on the general election ballot. (IC 3-8-6-10)

## 2. Nominating Petition Requirements

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

For a petition of nomination to be considered valid, the county voter registration office in the county where the individual signing the petition is registered must certify whether each person who signs the petition is a registered voter at the residence listed in the petition at the time the county processes the petition and in the election district the candidate seeks to represent. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-19.) (IC 3-8-6-10; IC 3-8-6-11)

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

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

## 3. Political Party Names

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

## 4. Candidate Withdrawal Requirements

The **DEADLINE** for a person nominated by petition for the office of United States Representative who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the Election Division is than **12:00 p.m. noon (ET), on Monday, July 15, 2024**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon will not be accepted for filing.**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## E. Write-in Candidates

### 1. Filing Requirements

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

A person who desires to be a write-in candidate for the office of United States Representative in the general election on Tuesday, November 5, 2024, must file a declaration of intent to be a write-in candidate (CAN-3) with the Election Division. (IC 3-8-2-2.5)

The CAN-3 form is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

The **first day** a write-in candidate may file the CAN-3 form with the Election Division is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing is **12:00 p.m. or noon (ET), Wednesday, July 3, 2024**. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5; IC 3-11-2-11.5)

## **2. Candidate Withdrawal Requirements**

The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for the office of United States Representative to file a written notice of candidate withdrawal with the Election Division is **12:00 p.m. or noon (ET), on Monday, July 15, 2024**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon will not be accepted for filing.**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## **3. Political Party Affiliation**

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

If a write-in candidate claims affiliation with a political party: (1) that already has ballot access, (2) of a candidate who has previously filed a petition of nomination under IC 3-8-6, or (3) whose name would result in voter confusion due to its similarity with the name of the political party in (1) or (2), then a registered voter of the election district may question the validity of the filing under IC 3-8-1-2. The Indiana Election Commission shall determine the validity of the questioned filing.

If the Commission determines that the candidate's stated party affiliation would result in voter confusion due to its similarity with another party's name, and the candidate declines to amend the declaration to remove this confusion, then the Commission shall deny the filing. (IC 3-8-2-12.5)

# STATEWIDE OFFICES

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## Governor & Lieutenant Governor

### A. Qualifications for Governor and Lieutenant Governor

#### IC 3-8-1-9 provides that:

"A candidate for the office of governor or lieutenant governor:

- (1) must have been a United States citizen for at least five (5) years before the election;
- (2) must have resided in the state for at least five (5) years before the election;
- (3) must be thirty (30) years old upon taking office; and
- (4) may not hold any other office of the United States or of this state upon taking office;

as provided in Article 5, Sections 7 and 8 of the Constitution of the State of Indiana."

#### IC 3-8-1-1 provides that:

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

- (1) A state office; . . .

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

#### IC 3-8-1-5 provides that:

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

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

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

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

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

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

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

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

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

## **B. Statement of Economic Interest**

Candidates for statewide offices are required to file a statement of economic interest. (IC 3-8-1-33) **Candidates for these offices must file a statement of economic interest: (1) before a candidate for Governor files for placement on the primary election ballot; (2) before a certificate of nomination is filed following the state convention of the Democratic, Libertarian, or Republican party; (3) before a petition of nomination is filed for an independent or minor party candidate; (4) before a declaration of intent to be a write-in candidate is filed; or (5) before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2.**

A candidate for governor or lieutenant governor must file a statement of economic interest with the Office of the Inspector General. (IC 4-2-6-8)

A candidate will receive a Certificate of Filing from the Indiana Inspector General. If the candidate submits a statement online, the candidate will receive an email confirmation of filing. The candidate must supply a copy or photocopy of this certificate or email confirmation to the Election Division before the Division can accept a candidate’s filing. The candidate may also file a paper copy of the statement, file stamped by the Office of the Inspector General. (IC 3-8-2-11)

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

**NOTE:** An email from the inspector general for candidates seeking nomination for statewide office at a Democratic, Libertarian, or Republican Party state convention or an email from the judicial qualifications commission for Libertarian Party candidates seeking nomination for judicial office at a state convention, is sufficient documentation that the required economic interest statement has been filed by the candidate. (IC 3-8-7-8)

## **C. Democratic and Republican Party Candidates for Governor Nominated at the Primary Election**

A candidate for governor may submit a declaration of candidacy and petition of nomination in person or by mail and **they are considered filed as of the DAY AND TIME THEY ARE FILED in the office of the Indiana Election Division. “Filing” occurs when the Election Division records the date and time that the document was received. (IC 3-5-2-24.5) A declaration or petition of nomination may not be submitted by facsimile transmission or electronic mail. (IC 3-5-4-1.7)**

Candidates for the office of Governor from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 7, 2024. (IC 3-10-1-3)

### **1. Declaration of Candidacy**

A candidate for the nomination of Governor by the Democratic or Republican Party must file a declaration of candidacy with the Election Division. (IC 3-8-2-5) The form may be filed by the candidate or candidate’s representative.

The declaration of candidacy form (CAN-2) is available from the Election Division’s office and can be downloaded from the Division’s website at [in.gov/sos/elections](http://in.gov/sos/elections).

### **2. Petition of Nomination**

The declaration of candidacy must be accompanied by at least one certified petition for primary ballot placement. In all, a Democratic or Republican candidate for governor or their representative must file certified petitions signed by at least 4,500 registered voters of the state, including at least 500 registered voters from each of Indiana’s nine (9) congressional districts. (IC 3-8-2-8; IC 3-8-2-9)

Each petition must request that the candidate's name be placed on the ballot at the primary election and must contain the following: (a) signature of each petitioner, (b) name of each petitioner printed legibly, and (c) residence mailing address of each petitioner. (IC 3-8-2-8; IC 3-8-2-9) However, another individual may provide assistance to a person with a disability in completing their form, including signing the individual's name. The individual providing assistance must complete the affidavit of assistance found on the petition form. (IC 3-8-2-8(c))

The petition for primary ballot placement form (CAN-25) and a declaration of candidacy form (CAN-2) are available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

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

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

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

**A candidate for governor or their representative may submit a petition for primary ballot placement to the county voter registration office not earlier than Wednesday, January 10, 2024, and not later than 12:00 noon, local prevailing time, on Tuesday, February 6, 2024. (IC 3-8-2-8 and IC 3-8-2-10)**

The candidate may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-2 form) with the Election Division to be placed on the primary election ballot. (IC 3-8-2-10)

### **3. Filing Requirements and Deadlines**

The declaration of candidacy, certified petitions, and receipt showing the statement of economic interests was timely filed must be filed with the Election Division **not earlier than Wednesday, January 10, 2024, and not later than 12:00 p.m. or noon (ET), on Friday, February 9, 2024.** (IC 3-8-2-4; IC 3-8-2-5; IC 3-8-2-8) **A declaration of candidacy or certified petition filed after February 9, 2024, at 12:00 p.m. or noon (ET) will not be accepted for filing.**

### **4. Political Party Affiliation**

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

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

Note: This law does not mean the candidate must have voted in the two (2) most chronologically recent primary elections and requested a Democratic or Republican ballot; instead, the person's vote history must demonstrate that the last two (2) primary elections in which the person voted must align with the party the candidate seeks to affiliate in the primary election. For example, if a candidate pulled a Republican Party primary ballot in 2019, did not vote in the 2020 and 2022 primary election, and requested a Republican Party primary ballot in 2023, then this candidate meets the requirements set forth in state law to file a declaration of candidacy (CAN-2) for the Republican Party primary without the chair's certification.

Alternatively, if a candidate requested a Democratic Party primary ballot in 2022 and a Republican Party primary ballot in 2023, then this candidate would not meet the requirements set forth in state law to file a declaration of candidacy for primary nomination (CAN-2) in the Democratic Party primary in 2024 and would need to attach the chair's certification with their filing. Failure to attach the chair's certification does not result in the filing being rejected, but it may be challenged by a voter of the election district or a county chair.

## 5. Candidate Withdrawal Requirements

### Primary Election Candidate Withdrawal

A candidate for governor, who filed with the Election Division a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the Election Division certifying that the individual no longer wishes to be a candidate. This notice must be filed with the Election Division **not later than 12:00 p.m. or noon (ET), Friday, February 16, 2024.** (IC 3-8-2-20) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the primary election (IC 3-8-2-21). **Notice of candidate withdrawal filed after February 16, 2024, at 12:00 p.m. or noon (ET) will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The primary election candidate withdrawal form (CAN-10) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### General Election Candidate Withdrawal

After the primary, if the nominee for governor desires to withdraw from the ballot for the general election, the nominee or their representative must file a written notice of candidate withdrawal with the Election Division. This notice must be filed with the Election Division **not later than 12:00 p.m. or noon (ET), on Monday, July 15, 2024.** (IC 3-8-7-28) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## D. Democratic and Republican Party Candidates for Lieutenant Governor

### 1. Filing Requirements

Candidates for the office of lieutenant governor from the Democratic or Republican Party will be nominated at their respective state conventions. (IC 3-8-4-2) A person wishing to become a candidate for the nomination to this office from the Democratic or Republican parties should contact their respective party's state headquarters concerning requirements for becoming a candidate.

Following a state convention, the chairman or the secretary of the state convention or the state chairman and state secretary of the political party holding the state convention, or their representative, shall file with the Secretary of State a certificate of nomination (CAN-23) and a receipt showing the statement of economic interests was timely filed no later than **12:00 p.m. or noon (ET), Monday, July 15, 2024.**

### 2. Candidate Withdrawal Requirements

After the state convention, if a nominee for lieutenant governor desires to withdraw from the ticket for the general election, the nominee or their representative must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** for filing this notice with the Election Division is **12:00 p.m. or noon (ET), Monday, July 15, 2024.** (IC 3-8-7-28) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**



The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## E. Libertarian Party Candidates

### 1. Filing Requirements

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

Following a state convention, the chairman or the secretary of the state convention or the state chairman and state secretary of the political party holding the state convention, or their representative, shall file with the Secretary of State a certificate of nomination (CAN-23) and a receipt showing the statement of economic interests was timely filed not later than **12:00 p.m. or noon (ET), July 15, 2024**.

### 2. Candidate Withdrawal Requirements

If a nominee for a statewide office wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 p.m. or noon (ET), on Monday, July 15, 2024**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## F. Minor Party and Independent Candidates

### 1. Filing Requirements

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

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

The petition of a candidate for governor who files a petition of nomination to be placed on the general election ballot must include the name of a candidate for lieutenant governor. (IC 3-8-1-9.5)

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

The written consent (CAN-20) and petition of nomination (CAN-19) are available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

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

**EXAMPLE:** A minor party or independent candidate for the office of Secretary of State must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2022 general election for the entire state or 36,943.

While it may be possible for candidates of the same minor political party seeking an office that serves the entire state or a congressional or legislative district, or the same political subdivision to be nominated on the same petition, only one independent candidate for an office may be nominated by the same petition of nomination. (IC 3-8-6-4) **EXCEPTION:** Candidates for Governor and Lt. Governor are elected as a ticket. An independent candidate for Governor must include their running mate for Lt. Governor on the same petition of nomination (IC 3-8-1-9.5; 3-8-6-4)

The **first day** a minor party or independent candidate for governor and lieutenant governor may submit the petition of nomination to the county voter registration office for certification is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing for filing the petition for certification at the county level is **12:00 noon, prevailing local time, Monday, July 1, 2024**. (IC 3-8-6-10; IC 3-5-4-1.5) (*Deadline date moves from noon, June 30, 2024, to noon, July 1, 2024, due to June 30, 2024, being on a weekend*)

Once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20) and receipt of filing of the statement of economic interest (as required under IC 3-8-1-33), must be filed with the Election Division. The **DEADLINE** for filing the petition of nomination (CAN-19), accompanied by the written consent form (CAN-20) with the Election Division is **12:00 p.m. or noon (ET), Monday, July 15, 2024**. (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5)

The county voter registration office must file the certified petitions of nomination with the Election Division. However, the candidate for a statewide office may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-20) with the Election Division to be placed on the general election ballot. (IC 3-8-6-10)

## **2. Nominating Petition Requirements**

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

For a petition of nomination to be considered valid, the county voter registration office in the county where the individual signing the petition is registered must certify whether each person who signs the petition is a registered voter at the residence listed in the petition at the time the county processes the petition and in the election district the candidate seeks to represent. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-19.) (IC 3-8-6-10; IC 3-8-6-11)

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

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

### 3. Political Party Names

A candidate may not submit a petition of nomination requesting ballot placement for a political party whose name would result in voter confusion due to its similarity with another party's name. If the candidate declines to amend the petition to remove this confusion, the petition may be challenged, and the Indiana Election Commission shall deny the petition if the Commission finds that the name is confusing. (IC 3-8-6-5.5)

### 4. Candidate Withdrawal Requirements

The **DEADLINE** for a person nominated by petition for a statewide office who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the Election Division is than **12:00 p.m. or noon (ET), on Monday, July 15, 2024.** (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## G. Write-in Candidates

### 1. Filing Requirements

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

A person who desires to be a write-in candidate for a statewide office in the general election on Tuesday, November 5, 2024, must file a declaration of intent to be a write-in candidate (CAN-3) with the Election Division. (IC 3-8-2-2.5)

The declaration of intent to be a write-in candidate for governor must include the name of a candidate for lieutenant governor. (IC 3-8-1-9.5)

The CAN-3 form is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

The **first day** a write-in candidate may file the CAN-3 form along with a receipt showing the timely filing of the statement of economic interests with the Election Division is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing is **12:00 p.m. or noon (ET), Wednesday, July 3, 2024.** (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5; IC 3-11-2-11.5)

### 2. Candidate Withdrawal Requirements

The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for a statewide office to file a written notice of candidate withdrawal with the Election Division is **12:00 noon, Indianapolis time, on Monday, July 15, 2024.** (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon, Indianapolis time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### 3. Political Party Affiliation

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

If a write-in candidate claims affiliation with a political party: (1) that already has ballot access, (2) of a candidate who has previously filed a petition of nomination under IC 3-8-6, or (3) whose name would result in voter confusion due to its similarity

with the name of the political party in (1) or (2), then a registered voter of the election district may question the validity of the filing under IC 3-8-1-2. The Indiana Election Commission shall determine the validity of the questioned filing. If the Commission determines that the candidate's stated party affiliation would result in voter confusion due to its similarity with another party's name, and the candidate declines to amend the declaration to remove this confusion, then the Commission shall deny the filing. (IC 3-8-2-12.5)

# Attorney General

## A. Qualifications

### IC 3-8-1-10 provides that:

"A candidate for the office of **attorney general** must:

- (1) have resided in Indiana for at least two (2) years before the election; and
- (2) have been admitted to the practice of law in Indiana for at least five (5) years upon taking office."

### IC 3-8-1-1 provides that:

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

- (1) A state office; . . .

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

### IC 3-8-1-5 provides that:

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

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

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

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

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

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

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

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

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

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

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

## B. Statement of Economic Interest

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

A candidate for attorney general must file a statement of economic interest with the Office of the Inspector General. (IC 4-2-6-8)

A candidate will receive a Certificate of Filing from the Ethics Commission. If the candidate submits a statement online, the candidate will receive an email confirmation of filing. The candidate must supply a copy or photocopy of this certificate or email confirmation to the Election Division before the Division can accept a candidate's filing. The candidate may also file a paper copy of the statement, file stamped by the Office of the Inspector General. (IC 3-8-2-11)

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

**NOTE:** An email from the inspector general for candidates seeking nomination for statewide office at a Democratic, Libertarian, or Republican Party state convention or an email from the judicial qualifications commission for Libertarian Party candidates seeking nomination for judicial office at a state convention, is sufficient documentation that the required economic interest statement has been filed by the candidate. (IC 3-8-7-8)

## C. Democratic and Republican Party Candidates

### 1. Filing Requirements

Candidates for the office of attorney general from the Democratic or Republican Party will be nominated at their respective state conventions. (IC 3-8-4-2) A person wishing to become a candidate for the nomination to this office from the Democratic or Republican parties should contact their respective party's state headquarters concerning requirements for becoming a candidate.

Following a state convention, the chairman or the secretary of the state convention or the state chairman and state secretary of the political party holding the state convention, or their representative, shall file with the Secretary of State a certificate of nomination (CAN-23) and a receipt showing the timely filing of the statement of economic interests not later than **12:00 p.m. or noon (ET), Monday, July 15, 2024.**

### 2. Candidate Withdrawal Requirements

After the state convention, if a nominee for statewide office desires to withdraw from the ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** for filing this notice with the Election Division is **12:00 p.m. or noon (ET), Monday, July 15, 2024.** (IC 3-8-7-28) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.** (IC 3-8-7-28; IC 3-8-7-29)

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## D. Libertarian Party Candidates

### 1. Filing Requirements

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

Following a state convention, the chairman or the secretary of the state convention or the state chairman and state secretary of the political party holding the state convention, or their representative, shall file with the Secretary of State a certificate of nomination (CAN-23) and receipt showing the timely filing of the statement of economic interests not later than **12:00 p.m. or noon (ET), July 15, 2024.**

## **2. Candidate Withdrawal Requirements**

If a nominee for a statewide office wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 p.m. or noon (ET), on Monday, July 15, 2024.** (IC 3-8-7-28, IC 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## **E. Minor Party and Independent Candidates**

### **1. Filing Requirements**

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

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

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

The written consent (CAN-20) and petition of nomination (CAN-19) are available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

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

**EXAMPLE:** A minor party or independent candidate for the office of Secretary of State must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2022 general election for the entire state or 36,943.

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

The **first day** a minor party or independent candidate for a statewide office may submit the petition of nomination to the county voter registration office for certification is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing the petition for certification at the county level is **12:00 noon, prevailing local time, Monday, July 1, 2024.** (IC 3-8-6-10; IC 3-

5-4-1.5) (*Deadline date moves from noon, June 30, 2024, to noon, July 1, 2024, due to June 30, 2024, being on a weekend*)

For a candidate for a statewide office, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20) and receipt of filing of the statement of economic interest (as required under IC 3-8-1-33), must be filed with the Election Division. The **DEADLINE** for filing the petition of nomination (CAN-19), accompanied by the written consent form (CAN-20) and receipt showing the timely filing of the statement of economic interests with the Election Division is **12:00 p.m. or noon (ET), Monday, July 15, 2024.** (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5)

## **2. Nominating Petition Requirements**

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

For a petition of nomination to be considered valid, the county voter registration office in the county where the individual signing the petition is registered must certify whether each person who signs the petition is a registered voter at the residence listed in the petition at the time the county processes the petition and in the election district the candidate seeks to represent. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-19) (IC 3-8-6-10; IC 3-8-6-11)

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

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

## **3. Political Party Names**

A candidate may not submit a petition of nomination requesting ballot placement for a political party whose name would result in voter confusion due to its similarity with another party's name. If the candidate declines to amend the petition to remove this confusion, the petition may be challenged, and the Indiana Election Commission shall deny the petition if the Commission finds that the name is confusing. (IC 3-8-6-5.5)

## **4. Candidate Withdrawal Requirements**

The **DEADLINE** for a person nominated by petition for a statewide office who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the Election Division is than **12:00 p.m. or noon (ET), on Monday, July 15, 2024.** (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).



## F. Write-in Candidates

### 1. Filing Requirements

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

A person who desires to be a write-in candidate for a statewide office in the general election on Tuesday, November 5, 2024, must file a declaration of intent to be a write-in candidate (CAN-3 form) with the Election Division. (IC 3-8-2-2.5)

The CAN-3 form is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

The **first day** a write-in candidate may file the CAN-3 form along with the receipt showing the timely filing of the statement of economic interests with the Election Division is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing is **12:00 p.m. or noon (ET), Wednesday, July 3, 2024**. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5; IC 3-11-2-11.5)

### 2. Candidate Withdrawal Requirements

The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for a statewide office to file a written notice of candidate withdrawal with the Election Division is **12:00 p.m. or noon (ET), on Monday, July 15, 2024**. (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### 3. Political Party Affiliation

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

If a write-in candidate claims affiliation with a political party: (1) that already has ballot access, (2) of a candidate who has previously filed a petition of nomination under IC 3-8-6, or (3) whose name would result in voter confusion due to its similarity with the name of the political party in (1) or (2), then a registered voter of the election district may question the validity of the filing under IC 3-8-1-2. The Indiana Election Commission shall determine the validity of the questioned filing.

If the Commission determines that the candidate's stated party affiliation would result in voter confusion due to its similarity with another party's name, and the candidate declines to amend the declaration to remove this confusion, then the Commission shall deny the filing. (IC 3-8-2-12.5)



# STATE LEGISLATIVE OFFICES

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## Indiana State Senator

### A. Qualifications

IC 3-8-1-13 provides that:

"A candidate for the office of senator in the General Assembly must:

- (1) Be a United States citizen at the time of election;
- (2) Have resided in the state for at least two (2) years and in the senate district for at least one (1) year before the election; and
- (3) Be at least twenty-five (25) years old upon taking office;

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

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

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

- (2) A legislative office; . . .

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

**IC 3-8-1-5 provides that:**

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

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

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

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

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

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

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

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

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

## Indiana State Representative

### IC 3-8-1-14 provides that:

"A candidate for the office of representative in the General Assembly must:

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

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

### IC 3-8-1-1 provides that:

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

- (2) A legislative office; . . .

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

### IC 3-8-1-5 provides that:

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

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

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

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

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

- (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
- (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
- (3) in a:
  - (A) jury trial, a jury publicly announces a verdict against the person for a felony;
  - (B) bench trial, the court publicly announces a verdict against the person for a felony; or
  - (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
- (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
- (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;
- (6) the person is subject to:
  - (A) 5 U.S.C. 1502 (the Little Hatch Act); or
  - (B) 5 U.S.C. 7321-7326 (the Hatch Act);and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or
- (7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

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

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

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

## **B. Statement of Economic Interest**

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

### **1. Indiana State Senator**

A candidate for state senator must file a statement of economic interest with the Principal Secretary of the Indiana State Senate. (IC 2-2.2-2-2)

The Statement covers the economic activity for the previous year. Therefore, state senate candidates running for office in 2024 must file a statement of economic interest covering their economic activity for 2023.

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

The office hours for the Principal Secretary's office are 8:30 a.m. - 4:45 p.m., Monday through Friday. The first date a state senate candidate may file a statement of economic interest is January 8, 2024. The statement of economic interest form is available from the Indiana State Senate and is published at <https://iga.in.gov/information/economic-interest-statements/>

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

### **2. Indiana State Representative**

A candidate for state representative must file a statement of economic interest with the Principal Clerk of the Indiana House of Representatives. (IC 2-2.2-2-2)

The Statement covers the economic activity for the previous year. Therefore, state representative candidates running for office in 2024 must file a statement of economic interest covering their economic activity for 2023.

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

The office hours for the Principal Clerk's office are 8:00 a.m. – 5:00 p.m., Monday through Friday. The first date a state representative candidate may file a statement of economic interest is January 8, 2024. The statement of economic interest form is available from the Indiana House of Representatives and is published online at <https://iga.in.gov/information/economic-interest-statements/>

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

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

### **1. Filing Requirements**

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

Candidates for a state legislative office from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 7, 2024.

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

The **first day** to submit a declaration of candidacy (CAN-2) along with the receipt showing the timely filing of the statement of economic interests to the Election Division is **Wednesday, January 10, 2024**, and the **DEADLINE** to file is **12:00 p.m. or noon (ET), Friday, February 9, 2024**. (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy (CAN-2) presented after February 9, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing.**

The declaration of candidacy form (CAN-2) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## 2. Political Party Affiliation

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

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

Note: This law does not mean the candidate must have voted in the two (2) most chronologically recent primary elections and requested a Democratic or Republican ballot; instead, the person's vote history must demonstrate that the last two (2) primary elections in which the person voted must align with the party the candidate seeks to affiliate in the primary election. For example, if a candidate pulled a Republican Party primary ballot in 2019, did not vote in the 2020 and 2022 primary election, and requested a Republican Party primary ballot in 2023, then this candidate meets the requirements set forth in state law to file a declaration of candidacy (CAN-2) for the Republican Party primary without the chair's certification.

Alternatively, if a candidate requested a Democratic Party primary ballot in 2022 and a Republican Party primary ballot in 2023, then this candidate would not meet the requirements set forth in state law to file a declaration of candidacy for primary nomination (CAN-2) in the Democratic Party primary in 2024 and would need to attach the chair's certification with their filing. Failure to attach the chair's certification does not result in the filing being rejected, but it may be challenged by a voter of the election district or a county chair.

## 3. Candidate Withdrawal Requirements

### Primary Election Candidate Withdrawal

A candidate for a state legislative office who filed with the Election Division a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the Election Division certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the Election Division is **12:00 p.m. or noon (ET), Friday, February 16, 2024**. (IC 3-8-2-20) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the primary election (IC 3-8-2-21). **Notice of candidate withdrawal presented after February 16, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The primary election candidate withdrawal (CAN-10) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### General Election Candidate Withdrawal

After the primary, if a nominee for a state legislative office wishes to withdraw from the ticket for the general election, the nominee or their representative must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 p.m. or noon (ET), on Monday, July 15, 2024**. (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or who has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## D. Libertarian Party Candidates

### 1. Filing Requirements

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

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

Libertarian Party candidates for state legislative offices are **not** required to file declarations of candidacy with the Election Division. Instead, the Libertarian Party state chair and secretary shall certify the Party's nominees to the Election Division not later than **12:00 p.m. or noon (ET), July 15, 2024**. (IC 3-8-7-8; IC 3-5-4-1.5)

**Following a state convention, the chairperson and secretary of the convention or the state chairperson and secretary of the Libertarian Party or their representative must file with the Election Division a certificate of nomination (CAN-23) and a receipt showing the timely filing of a statement of economic interests not later than 12:00 p.m. or noon (ET), July 15, 2024.**

### 2. Candidate Withdrawal Requirements

If a nominee for a state legislative office wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 p.m. or noon (ET), on Monday, July 15, 2024**. (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.** (IC 3-8-7-28; IC 3-8-7-29)

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## E. Minor Party and Independent Candidates

### 1. Filing Requirements

This section addresses the filing and petition requirements for a person who does not intend to affiliate with the Democratic, Libertarian or Republican Party, and who does not intend to be a write-in candidate. A person who wishes to become an independent candidate or a candidate of a minor party not qualified to nominate candidates in a primary election or by political party convention, and who wishes to be a candidate for a state legislative office at the general election, must file a written consent to become a candidate (CAN-20) and a petition of nomination (CAN-19) with the Election Division. (IC 3-8-6-12; IC 3-8-6-14(a))

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

The written consent (CAN-20) and petition of nomination (CAN-19) are available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

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



(IC 3-8-6-3) Signatures on any petition of nomination must be those of registered voters of the state who reside in the district the candidate seeks to represent. (IC 3-8-6-2)

**EXAMPLE:** A minor party or independent candidate for the office of State Representative, District 2, must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2022 general election in the precincts that make up District 2.

The Indiana Election Division should be contacted to determine the minimum threshold signature requirement for a legislative office. A chart listing the 2% ballot access requirement for each county is included under the *2022 Vote for Secretary of State* tab of this *Guide*, though not all counties are wholly contained in a state legislative district, which will require careful review of the county's precinct election results.

The Indiana Election Division will certify the minimum number of signatures required to run as a minor party or independent candidate for a state legislative district to the Indiana Secretary of State, and the Secretary will determine whether enough valid signatures are certified for the candidate to be placed on the general election ballot.

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

The **first day** a candidate for a state legislative office may submit the petition of nomination to the county voter registration office for certification is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing a petition for review by county voter registration officials is **12:00 noon, prevailing local time, Monday, July 1, 2024**. (IC 3-8-6-12; IC 3-5-4-1.5) (*Deadline date moves from noon, June 30, 2024, to noon, July 1, 2024, due to June 30, 2024, being on a weekend*)

For candidates for state legislative offices, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20) and receipt or photocopy of a receipt of filing the statement of economic interest (as required under IC 3-8-1-33), must be filed with the Election Division.

The **DEADLINE** for filing the petition of nomination (CAN-19), accompanied by the written consent form (CAN-20) and a receipt showing the timely filing of the statement of economic interests, with the Election Division is **12:00 p.m. or noon (ET), Monday, July 15, 2024**. (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5) The county voter registration office must file the certified petitions of nomination with the Election Division. However, the candidate for a state legislative office may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-20 and receipt showing the timely filing of the statement of economic interests) with the Election Division to be placed on the general election ballot. (IC 3-8-6-10)

## 2. Nominating Petition Requirements

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

For a petition of nomination to be considered valid, the county voter registration office in the county where the individual signing the petition is registered must certify whether each person who signs the petition is a registered voter at the residence listed in the petition at the time the county processes the petition and in the election district the candidate seeks to represent. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-19.) (IC 3-8-6-10; IC 3-8-6-11)

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

office. If the information is not completed by this deadline, then the signature page may not be processed. (IC 3-6-12)

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

### 3. Political Party Names

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

### 4. Candidate Withdrawal Requirements

The **DEADLINE** for a person nominated by petition for a state legislative office who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the Election Division is **12:00 p.m. or noon (ET), on Monday, July 15, 2024**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## F. Write-in Candidates

### 1. Filing Requirements

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

A person who desires to be a write-in candidate for a state legislative office in the general election on Tuesday, November 5, 2024, must file a declaration of intent to be a write-in candidate (CAN-3) with the Election Division. (IC 3-8-2-2.5)

The CAN-3 is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

The **first day** a write-in candidate may file the CAN-3 form with the Election Division is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing is **12:00 p.m. or noon (ET), Wednesday, July 3, 2024**. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5; IC 3-11-2-11.5)

### 2. Candidate Withdrawal Requirements

The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for a state legislative office to file a written notice of candidate withdrawal with the Election Division is **12:00 p.m. or noon (ET), on Monday, July 15, 2024**. (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal form (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### **3. Political Party Affiliation**

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

If a write-in candidate claims affiliation with a political party:

- 1) that already has ballot access,
- 2) of a candidate who has previously filed a petition of nomination under IC 3-8-6, or
- 3) whose name would result in voter confusion due to its similarity with the name of the political party in (1) or (2),

then a registered voter of the election district may question the validity of the filing under IC 3-8-1-2.

The Indiana Election Commission shall determine the validity of the questioned filing. If the Commission determines that the candidate's stated party affiliation would result in voter confusion due to its similarity with another party's name, and the candidate declines to amend the declaration to remove this confusion, then the Commission shall deny the filing. (IC 3-8-2-12.5)



# JUDICIAL OFFICES

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## Circuit Court Judge

### A. Qualifications

#### IC 3-8-1-16 provides that:

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

- (1) Reside in the circuit; and
- (2) Be admitted to the practice of law in the state upon taking office; as provided in Article 7, Section 7 of the Constitution of the State of Indiana."

#### IC 3-8-1-1 provides that:

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

- (2) A local office; . . .

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

#### IC 3-8-1-5 provides that:

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

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

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

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

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

- (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
- (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
- (3) in a:
  - (A) jury trial, a jury publicly announces a verdict against the person for a felony;
  - (B) bench trial, the court publicly announces a verdict against the person for a felony; or
  - (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
- (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
- (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;
- (6) the person is subject to:
  - (A) 5 U.S.C. 1502 (the Little Hatch Act); or
  - (B) 5 U.S.C. 7321-7326 (the Hatch Act);and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or
- (7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

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

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

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

# Superior Court Judge

## A. Qualifications

### IC 3-8-1-17 provides that:

"A candidate for the office of judge of a superior or probate court must:

- (1) Be admitted to the practice of law in Indiana upon filing a declaration of candidacy or petition of nomination, or upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; and
- (2) Comply with any other requirement for that office set forth in IC 33-29, IC 33-33, or IC 33-31."

### IC 33-29-1-3 provides that:

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

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

- (1) a resident of the county in which the court is located; and
- (2) admitted to practice law in Indiana."

### IC 3-8-1-1 provides that:

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

- (2) A local office; . . .

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

### IC 3-8-1-5 provides that:

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

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

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

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

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

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

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

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

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

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

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

### **Campaigning for Judicial Office**

The Indiana Code of Judicial Conduct imposes ethical obligations upon candidates for judicial office (circuit court judge, superior court judge, probate court judge, small claims judge, city court judge, and town judge). The Indiana Commission on Judicial Qualifications, among other things, advises judicial candidates about their ethical obligations. The following is contact information for the Commission:

Indiana Commission on Judicial Qualifications  
251 N. Illinois Street, Ste. 1600  
Indianapolis, IN 46204  
Pho: 317-232-4706

**Adrienne Meiring, Counsel**  
[adrienne.meiring@courts.in.gov](mailto:adrienne.meiring@courts.in.gov)

### **B. Statement of Economic Interest**

A candidate for any of the following offices:

- judge of a circuit court,
- judge of a superior court,
- judge of the St. Joseph probate court, or
- prosecuting attorney

must file a statement of economic interest with the State Court Administration. (IC 33-23-11-14; IC 33-23-11-15)

The statement of economic interest form is available from the Indiana Commission on Judicial Qualifications and information on how to file the statement can be found online: <https://www.in.gov/judiciary/jud-qual/2357.htm>

**The Election Division will require a receipt, photocopy of a receipt or a copy of the statement file stamped by the Indiana Commission on Judicial Qualifications verifying that the statement of economic interest and other prerequisite filings have been completed. (IC 3-8-2-11) A file stamped copy of this filing with the Indiana Commission on Judicial Qualifications (or a photocopy of that file-stamped document) serves as a receipt.**

**Candidates for Superior Court Judge in Allen, Lake, Marion, St. Joseph, and Vanderburgh County as well as the Vanderburgh County Circuit Court Judge use different procedures for placement on the general election ballot. See “NON-PARTISAN ELECTIONS FOR CERTAIN COUNTY JUDICIAL OFFICES AND OTHER SPECIAL PROCEDURES” section below for these procedures.**

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

#### **1. Filing Requirements**

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



Candidates for a judicial office from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 7, 2024.

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

The **first day** to submit a declaration of candidacy (CAN-2) and a receipt showing the timely filing of the statement of economic interests to the Election Division is **Wednesday, January 10, 2024**, and the **DEADLINE** to file is **12:00 p.m. or noon (ET), Friday, February 9, 2024**. (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy (CAN-2) presented after February 9, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing.**

The declaration of candidacy form (CAN-2) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

For judicial candidates in Monroe County, it is necessary to identify on the space following the word "District (or Judicial Circuit)" on the declaration of candidacy (CAN-2), which seat on the Monroe County Circuit Court the person is running. To aid in this process, the Monroe County Circuit Court Clerk must file with the Election Division a list containing the name, and seat designation of each judge on the court not later than December 31, 2023. (IC 33-33-53-2.5) The court number designation must be included on the candidate's declaration of candidacy to be a valid filing.

**Candidates for Superior Court Judge in Allen, Lake, Marion, St. Joseph, and Vanderburgh County as well as the Vanderburgh County Circuit Court Judge use different procedures for placement on the general election ballot. See "NON-PARTISAN ELECTIONS FOR CERTAIN COUNTY JUDICIAL OFFICES AND OTHER SPECIAL PROCEDURES" section below for these procedures.**

## **2. Political Party Affiliation**

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

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

Note: This law does not mean the candidate must have voted in the two (2) most chronologically recent primary elections and requested a Democratic or Republican ballot; instead, the person's vote history must demonstrate that the last two (2) primary elections in which the person voted must align with the party the candidate seeks to affiliate in the primary election. For example, if a candidate pulled a Republican Party primary ballot in 2019, did not vote in the 2020 and 2022 primary election, and requested a Republican Party primary ballot in 2023, then this candidate meets the requirements set forth in state law to file a declaration of candidacy (CAN-2) for the Republican Party primary without the chair's certification.

Alternatively, if a candidate requested a Democratic Party primary ballot in 2022 and a Republican Party primary ballot in 2023, then this candidate would not meet the requirements set forth in state law to file a declaration of candidacy for primary nomination (CAN-2) in the Democratic Party primary in 2024 and would need to attach the chair's certification with their filing. Failure to attach the chair's certification does not result in the filing being rejected, but it may be challenged by a voter of the election district or a county chair.

## **3. Candidate Withdrawal Requirements**

### **Primary Election Candidate Withdrawal**

A candidate for a judicial office who filed with the Election Division a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the Election Division certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the Election Division is **12:00 p.m. or noon (ET), Friday, February 16, 2024**. (IC 3-8-2-20) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the primary election. (IC 3-8-2-21) **Notice of candidate withdrawal presented after February 16, 2024, at 12:00 p.m.**

**or noon (ET), will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The primary election candidate withdrawal form (CAN-10) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### **General Election Candidate Withdrawal**

After the primary, if a nominee for judicial office wishes to withdraw from the ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 p.m. or noon (ET), on Monday July 15, 2024** (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the Election Division will **not** certify that individual's name as a candidate for the general election.

**Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## **D. Libertarian Party Candidates**

### **1. Filing Requirements**

Libertarian Party candidates are not nominated in a primary election but are nominated by political party convention. (IC 3-8-4-10) The Libertarian Party will nominate candidates for judicial offices and for prosecuting attorney at the Party's state convention. Candidates for these offices should contact the Libertarian Party's state committee for information concerning any candidate filing requirements.

Libertarian Party candidates for judicial offices or prosecuting attorney are **not** required to file declarations of candidacy with the Election Division. Instead, the Libertarian Party state chair and secretary shall certify the Party's nominees to the Election Division not later than **12:00 p.m. or noon (ET), July 15, 2024. (IC 3-8-7-8; IC 3-5-4-1.5)**

**Following a state convention, the chairperson and secretary of the convention or the state chairperson and secretary of the Libertarian Party or their representative must file a certificate of nomination (CAN-23) and a receipt showing the timely filing of the statement of economic interests with the Election Division no later than 12:00 p.m. noon (ET), July 15, 2024.**

For judicial candidates in Monroe County, it is necessary to note on the candidate filing which seat on the Monroe County Circuit Court the person is running for. To aid in this process, the Monroe County Circuit Court Clerk must file with the Election Division a list containing the name, and seat designation of each judge on the court not later than December 31, 2023. (IC 33-33-53-2.5) The court number designation must be included on the candidate's declaration of candidacy to be a valid filing.

**This Libertarian party candidate section applies to candidates for St. Joseph Circuit Court and Probate Court Judge. Candidates for Superior Court Judge in Allen, Lake, Marion, St. Joseph, and Vanderburgh County as well as the Vanderburgh County Circuit Court Judge use different procedures for placement on the general election ballot. See "NON-PARTISAN ELECTIONS FOR CERTAIN COUNTY JUDICIAL OFFICES AND OTHER SPECIAL PROCEDURES" section below for these procedures.**

### **2. Candidate Withdrawal Requirements**

If a nominee for a judicial office wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the Election Division. The **DEADLINE** to file this notice with the Election Division is **12:00 p.m. or noon (ET), on Monday, July 15, 2024.** (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing**

**unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## **E. Minor Party and Independent Candidates**

### **1. Filing Requirements**

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

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

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

The written consent (CAN-20) and petition of nomination (CAN-19) are available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

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

**EXAMPLE:** A candidate for the office of superior court judge must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2022 general election in the judicial circuit.

The Indiana Election Division should be contacted to determine the minimum threshold signature requirement. A chart listing the 2% ballot access requirement for each county is included under the *2022 Vote for Secretary of State* tab of this *Guide*.

The Indiana Election Division will certify the minimum number of signatures required to run as a minor party or independent candidate for judicial office to the Indiana Secretary of State, and the Secretary will determine whether enough valid signatures are certified for the candidate to be placed on the general election ballot.

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

The **first day** a candidate for a judicial office may submit the petition of nomination (CAN-19) to the county voter registration office for certification is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing a petition for certification by county voter registration officials is **12:00 noon, prevailing local time, Monday, July 1, 2024**. (IC 3-8-6-12; IC 3-5-4-1.5) (*Deadline date moves from noon, June 30, 2024, to noon, July 1, 2024, due to June 30, 2024, being on a weekend*)

For candidates for judicial offices, once the county voter registration office certifies the CAN-19 petitions of nomination, these certified petitions along with the candidate's consent (CAN-20) and receipt of filing of the statement of economic interest (as required under IC 3-8-1-33), must be filed with the Election Division. The **DEADLINE** for filing the certified

petition of nomination (CAN-19), accompanied by the written consent (CAN-20) and receipt showing the timely filing of the statement of economic interests with the Election Division is **12:00 p.m. or noon (ET), Monday, July 15, 2024.** (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5) The county voter registration office must file the certified petitions of nomination with the Election Division. However, the candidate for a judicial office may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-20) with the Election Division to be placed on the general election ballot. (IC 3-8-6-10)

For judicial candidates in Monroe County, it is necessary to note on the candidate filing which seat on the Monroe County Circuit Court the person is running for. To aid in this process, the Monroe County Circuit Court Clerk must file with the Election Division a list containing the name, and seat designation of each judge on the court not later than December 31, 2023. (IC 33-33-53-2.5) The court number designation must be included on the candidate's declaration of candidacy in order to be a valid filing.

**This minor party and independent candidate section applies to candidates for St. Joseph Circuit Court and Probate Court Judge. Candidates for Superior Court Judge in Allen, Lake, Marion, St. Joseph, and Vanderburgh County as well as the Vanderburgh County Circuit Court Judge use different procedures for placement on the general election ballot. See "NON-PARTISAN ELECTIONS FOR CERTAIN COUNTY JUDICIAL OFFICES AND OTHER SPECIAL PROCEDURES" section below for these procedures.**

## **2. Nominating Petition Requirements**

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

For a petition of nomination to be considered valid, the county voter registration office in the county where the individual signing the petition is registered must certify whether each person who signs the petition is a registered voter at the residence listed in the petition at the time the county processes the petition and in the election district the candidate seeks to represent. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-19) (IC 3-8-6-10; IC 3-8-6-11)

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

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

## **3. Political Party Names**

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

#### 4. Candidate Withdrawal Requirements

The **DEADLINE** for a person nominated by petition for a judicial office or the office of prosecuting attorney who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the Election Division is **12:00 p.m. or noon (ET), on Monday, July 15, 2024.** (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election.

**Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

#### F. Write-in Candidates

##### 1. Filing Requirements

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

A person who desires to be a write-in candidate for a judicial office in the general election on Tuesday, November 5, 2024, must file a declaration of intent to be a write-in candidate (CAN-3) with the Election Division. (IC 3-8-2-2.5)

The CAN-3 is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

The **first day** a write-in candidate may file the CAN-3 with the Election Division is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing is **12:00 p.m. or noon (ET), Wednesday, July 3, 2024.** (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5; IC 3-11-2-11.5)

For judicial candidates in Monroe County, it is necessary to note on the candidate filing which seat on the Monroe County Circuit Court the person is running. To aid in this process, the Monroe County Circuit Court Clerk must file with the Election Division a list containing the name, and seat designation of each judge on the court not later than December 31, 2023. (IC 33-33-53-2.5) The court number designation must be included on the candidate's declaration of candidacy in order to be a valid filing.

**Write-in candidates are permitted to seek election for Superior Court Judge in Allen and Vanderburgh counties as well as the Vanderburgh County Circuit Court Judge. This write-in candidate section also applies to candidates for St. Joseph Circuit Court and Probate Court Judge. Write-in candidates are not permitted for Marion, Lake, and St. Joseph Superior Court judges as those judges stand for retention rather than election. See "NON-PARTISAN ELECTIONS FOR CERTAIN COUNTY JUDICIAL OFFICES AND OTHER SPECIAL PROCEDURES" section below for these procedures.**

##### 2. Candidate Withdrawal Requirements

The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for a judicial office or for prosecuting attorney to file a written notice of candidate withdrawal with the Election Division is **12:00 p.m. or noon (ET), on Monday, July 15, 2024.** (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the Election Division will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### 3. Political Party Affiliation

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

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

## Non-Partisan Elections for Certain County Judicial Offices and Other Special Procedures

### Allen County

The nine judges of the Allen County Superior Court are elected at the general election in November and are placed on the general election ballot **without party designation**. (IC 33-33-2-9) A candidate for Allen County Superior Court judge must file a declaration of candidacy and a receipt showing the timely filing of the statement of economic interests with the Election Division (CAN-41). The **first day** to file with the Election Division is **Wednesday, January 10, 2024**, and the **DEADLINE** to file is **12:00 p.m. or noon (ET), on Friday, February 9, 2024**. (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy presented after February 9, 2024, at 12:00 p.m. or noon, will not be accepted for filing.**

To identify which seats on the Allen County Superior Court are up for election, the Allen County Circuit Court Clerk must file the with the Election Division a list containing the name, division assignment, and court number of each judge on the court not later than December 31, 2023. (IC 33-33-2-8) The court number designation must be included on the candidate's declaration of candidacy to be a valid filing.

The declaration of candidacy (CAN-41) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections). For the special candidate qualifications that apply to this office, see IC 33-33-2-10.

**NOTE:** If an individual who filed a declaration of candidacy for judge in the Allen County Superior Court ceases to be a candidate, the Election Division may accept the filing of additional declarations of candidacy for the seat not later than 12:00 p.m. or noon (ET), Thursday, August 1, 2024. (IC 33-33-2-8(f))

### Lake County

The judges of the Lake County Superior Court are appointed by the governor, following nominations submitted by the Superior Court of Lake County Nominating Commission. Each judge is subject to a retention vote by Lake County voters in a November general election in the year the judge's term in office will expire. (IC 33-33-45-25)

A Lake County Superior Court judge who wishes to stand for retention must file a statement with the Secretary of State, **not later than 12:00 p.m. or noon (ET), Monday, July 15, 2024**, indicating that the judge wishes to have the question of the judge's retention in office placed on the November general election ballot. The statement must also include how the judge wants the judge's name to appear on the ballot according to the ballot name designation standards in IC 3-5-7. (IC 33-33-45-42)

Please note: Lake County Superior Court Judges stand for retention and not election; therefore, write-in candidates are not permitted.

### **Marion County**

The thirty-six judges of the Marion County Superior Court are appointed by the governor, following nominations submitted by the Marion County Judicial Selection Committee. Each judge is subject to a retention vote by the voters in a November general election in the year their term in office will expire. (IC 33-33-49-13.3)

A Marion County Superior Court judge who wishes to stand for retention must file a statement with the Marion County Clerk and the Secretary of State that the judge wishes to have the question of the judge's retention placed on the November general election ballot:

- how the judge wants the judge's name to appear on the ballot according to the ballot name designation standards in IC 3-5-7;
- which political party the judge is affiliated with or that the judge is not affiliated with any political party; and
- a request that the name on the judge's voter registration record be the same name as the one to appear on the ballot.

The **first day** that a Marion County Superior Court judge may file a statement is **Wednesday, January 10, 2024**, and the **DEADLINE** to file is **12:00 p.m. or noon (ET), Friday, February 9, 2024**. (IC 33-33-49-13.3)

Please note: Marion County Superior Court Judges stand for retention and not election; therefore, write-in candidates are not permitted.

### **St. Joseph County**

The eight judges of the St. Joseph County Superior Court are appointed by the governor, following nominations submitted by the Superior Court of St. Joseph County Nominating Commission. Each judge is subject to a retention vote by St. Joseph County voters in a November general election in the year the judge's term in office will expire. (IC 33-33-71-42)

A St. Joseph County Superior Court judge who wishes to stand for retention must file a statement with the Secretary of State, **not later than 12:00 p.m. or noon (ET), Monday, July 15, 2024**, indicating that the judge wishes to have the question of the judge's retention in office placed on the November general election ballot. The statement must also include how the judge wants the judge's name to appear on the ballot according to the ballot name designation standards in IC 3-5-7. (IC 33-33-71-43)

Please note: St. Joseph County Superior Court Judges stand for retention and not election; therefore, write-in candidates are not permitted.

### **Vanderburgh County**

The seven judges of the Vanderburgh County Superior Court and the judge of the Vanderburgh Circuit Court are elected at the November general election and are placed on the general election ballot **without party designation**. (IC 33-33-82-31) A candidate for Vanderburgh County Superior or Circuit Court judge must file a declaration of candidacy with the Election Division (CAN-41). The **first day** to file the CAN-41 along with the receipt showing the timely filing of the statement of economic interests with the Election Division is **Wednesday, January 10, 2024**, and the **DEADLINE** to file is **12:00 p.m. or noon (ET), on Friday, February 9, 2024**. (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy presented after February 9, 2024, at 12:00 p.m. or noon (ET), will not be accepted for filing.**

To identify which seats on the Vanderburgh County Superior Court are up for election, the Vanderburgh County Circuit Court Clerk must file with the Election Division a list containing the name, and court number of each judge on the court not later than December 31, 2023. (IC 33-33-82-31) The court number designation must be included on the candidate's declaration of candidacy to be a valid filing.

The declaration of candidacy (CAN-41) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections). For the special candidate qualifications that apply to this office, see IC 33-33-82-31.

**NOTE:** If an individual who filed a declaration of candidacy for judge in the Vanderburgh County Superior Court ceases to be a candidate, the Election Division may accept the filing of additional declarations of candidacy for the seat not later than 12:00 noon, Indianapolis time, Thursday, August 1, 2024. (IC 33-33-82-31(d))



# COUNTY OFFICES

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**Clerk of the Circuit Court  
County Auditor  
County Recorder  
County Treasurer  
County Coroner  
County Surveyor  
County Commissioner  
County Council Member**

**NOTE:** Some (but not all) county offices will be elected in 2024. The election schedule for these offices varies from county to county according to when a county was originally organized by the state. All County Sheriffs and County Assessors will be elected in 2026.

## **A. Qualifications**

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

For example, John works for the county highway department, but wants to run for county council. If John is elected to serve on the council and takes the oath of office, then he has automatically resigned from the county highway department. On the other hand, if John worked for the city street department and ran for county council, he could remain employed at the city while serving on the county 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 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)

## **Clerk of the Circuit Court**

### **Article 6, Section 2 of the Constitution of the State of Indiana provides that:**

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

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

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

(2) A local office; . . .

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

### **IC 3-8-1-5 provides that:**

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

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

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

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

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

- (D) not entered because the trial court did not accept the person's guilty plea; or
- (E) expunged under IC 35-38-9; or
- (3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.
- (d) A person is disqualified from assuming or being a candidate for an elected office if:
  - (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
  - (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
  - (3) in a:
    - (A) jury trial, a jury publicly announces a verdict against the person for a felony;
    - (B) bench trial, the court publicly announces a verdict against the person for a felony; or
    - (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
  - (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
  - (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;
  - (6) the person is subject to:
    - (A) 5 U.S.C. 1502 (the Little Hatch Act); or
    - (B) 5 U.S.C. 7321-7326 (the Hatch Act);
 and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or
  - (7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.
- (e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:
  - (1) jury has announced its verdict against the person for a felony;
  - (2) court has announced its verdict against the person for a felony; or
  - (3) person has pleaded guilty or nolo contendere to a felony;
 does not affect the operation of subsection (d).”

**IC 3-8-1-33 provides that:**

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

\* \* \*

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

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

**County Auditor  
County Recorder  
County Treasurer  
County Coroner  
County Surveyor**

**Article 6, Section 2 of the Constitution of the State of Indiana provides that:**

“There shall be elected, in each county by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner, and Surveyor, who shall, severally, hold their offices for four years; and no person shall be eligible to the office of Clerk, Auditor, Recorder, Treasurer, Sheriff, or Coroner more than eight years in any period of twelve years.”

**IC 3-8-1-20 provides that:**

“A candidate for the office of county auditor, recorder, treasurer, sheriff, coroner or surveyor must have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana.”

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

“ . . . (b) A person is not qualified to run for: . . .  
(2) A local office; . . .

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

**IC 3-8-1-5 provides that:**

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

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

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

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

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

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

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

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

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

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

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

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

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

**IC 3-8-1-33 provides that:**

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

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

\* \* \*

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

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

## County Commissioner

### IC 3-8-1-21 provides that:

Sec. 21. (a) A candidate for the office of county commissioner must:

- (1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and
- (2) have resided in the district in which seeking election for at least six (6) months before the election....

### IC 3-8-1-1 provides that:

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

- (2) A local office; . . .

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

### IC 3-8-1-5 provides that:

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

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

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

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

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

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

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

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

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

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

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

**IC 3-8-1-33 provides that:**

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

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

\* \* \*

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

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

## County Council Member

### IC 3-8-1-22 provides that:

"A candidate for membership on the county council of a county must:

- (1) Have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and
- (2) Have resided in the district in which seeking election, if applicable, for at least six (6) months before the election."

### IC 3-8-1-1 provides that:

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

- (2) A local office; . . .

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

### IC 3-8-1-5 provides that:

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

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

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

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

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

- (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
- (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
- (3) in a:
  - (A) jury trial, a jury publicly announces a verdict against the person for a felony;
  - (B) bench trial, the court publicly announces a verdict against the person for a felony; or
  - (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
- (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
- (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;
- (6) the person is subject to:
  - (A) 5 U.S.C. 1502 (the Little Hatch Act); or
  - (B) 5 U.S.C. 7321-7326 (the Hatch Act);and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or
- (7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

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

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

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

**IC 3-8-1-33 provides that:**

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

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

\* \* \*

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

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

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

**1. Filing Requirements**

Candidates for the office of circuit court clerk and county offices from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 7, 2024.

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

The **first day** to submit a declaration of candidacy (CAN-2) and statement of economic interests (CAN-12) to the county election board is **Wednesday, January 10, 2024**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, Friday, February 9, 2024**. (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy presented after February 9, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing.**

The declaration of candidacy (CAN-2) and statement of economic interest (CAN-12) are available from the Election Division’s office and can be downloaded from the Division’s website at [in.gov/sos/elections](http://in.gov/sos/elections).

**2. Political Party Affiliation**

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

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

Note: This law does not mean the candidate must have voted in the two (2) most chronologically recent primary elections and requested a Democratic or Republican ballot; instead, the person’s vote history must demonstrate that the last two (2) primary elections in which the person voted must align with the party the candidate seeks to affiliate in the primary election. For example, if a candidate pulled a Republican Party primary ballot in 2019, did not vote in the 2020 and 2022 primary election, and requested a Republican Party primary ballot in 2023, then this candidate meets the requirements set forth in state law to file a declaration of candidacy (CAN-2) for the Republican Party primary without the chair’s certification.

Alternatively, if a candidate requested a Democratic Party primary ballot in 2022 and a Republican Party primary ballot in 2023, then this candidate would not meet the requirements set forth in state law to file a declaration of candidacy for primary nomination (CAN-2) in the Democratic Party primary in 2024 and would need to attach the chair’s certification with their filing.



Failure to attach the chair's certification does not result in the filing being rejected, but it may be challenged by a voter of the election district or a county chair.

### 3. Candidate Withdrawal Requirements

#### Primary Election Candidate Withdrawal

A candidate for the office of circuit court clerk or a county office who filed with the county election board a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the county election board certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, Friday, February 16, 2024.** (IC 3-8-2-20) Upon receipt of this notice, the county election board will **not** certify that individual's name as a candidate for the primary election. (IC 3-8-2-21) **Notice of candidate withdrawal filed after February 16, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The primary election candidate withdrawal (CAN-10) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

#### General Election Candidate Withdrawal

After the primary, if a nominee for the office of circuit court clerk or a county office wishes to withdraw from the ticket for the general election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2024.** (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will **not** certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### C. Libertarian Party Candidates

#### 1. Filing Requirements

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

The Libertarian Party will nominate candidates for the office of circuit court clerk or county offices at the Party's county conventions. Candidates for these offices should contact the Libertarian Party's state committee for information concerning any candidate filing requirements.

Libertarian Party candidates for the office of circuit court clerk or county offices are **not** required to file declarations of candidacy with the county election board. Instead, the Libertarian Party chair and secretary will certify the Party's nominees to the county election board (CAN-22) along with the candidate's statement of economic interests (CAN-12).

Indiana law requires all Libertarian candidates for county office to file a statement of economic interests along with the certificate of nomination. (IC 3-8-9-5) The statement of economic interests (CAN-12) is available at each circuit court clerk's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

#### 2. Candidate Withdrawal Requirements

If a nominee for the office of circuit court clerk or a county office wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2024.** (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon,**

**prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## **D. Minor Party and Independent Candidates**

### **1. Filing Requirements**

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

A person who wishes to become an independent candidate or a candidate of a minor party not qualified to nominate candidates in a primary election or by political party convention, and who wishes be a candidate for the office of circuit court clerk or a county office at the general election, must file a statement of economic interests (CAN-12), written consent to become a candidate, (CAN-20) and certified petitions of nomination (CAN-21) with the county election board. (IC 3-8-6-12; IC 3-8-6-14(a))

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

The statement of economic interest (CAN-12), written consent (CAN-20), and petition of nomination (CAN-19) are available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

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

**EXAMPLE:** A candidate for the office of circuit court clerk must obtain signatures of registered voters equal to 2% of the total votes cast for secretary of state in the 2022 general election in the county.

Circuit court clerks should have information on the precinct votes for the office of secretary of state in the 2022 general election to help determine the number of signatures required for a candidate seeking ballot placement by petition of nomination. A chart listing the 2% ballot access requirement for each county is included under the *2022 Vote for Secretary of State* tab of this *Guide*. The circuit court clerk must make the determination of the number of signatures required for a minor party or independent candidate to be eligible to run in the election district.

Further, the circuit court clerk or director of the Lake or Porter County Board of Elections and Registration must determine whether enough valid signatures were certified for the candidate and filed with the clerk to be placed on the general election ballot. If the clerk determines that an insufficient number of certified signatures were filed by the candidate, then the clerk must reject the declaration of candidacy and not place the candidate on the general election ballot. If the certification is denied, the clerk shall immediately notify the candidate by certified mail. (IC 3-8-6-12)

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

The county voter registration official must file the certified petitions of nomination with the county election board. However, the candidate for circuit court clerk or county office may request that the county voter registration official return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-20) with the county election board to be placed on the general election ballot. (IC 3-8-6-10)

The **first day** a candidate for the office of circuit court clerk or a county office or their representative may submit the petition of nomination (CAN-21) for certification is **Wednesday, January 10, 2024**, and the **DEADLINE** to submit petition signatures for review by county voter registration officials is **12:00 noon, prevailing local time, Monday, July 1, 2024**. (IC 3-8-6-12; IC 3-5-4-1.5) (*Deadline date moves from noon, June 30, 2024, to noon, July 1, 2024, due to June 30, 2024, being on a weekend*)

Additionally, in a county that does not have a separate board of registration, the CAN-12 statement of economic interests must be filed with the circuit court clerk or the Lake, Porter, and Tippecanoe County Board of Elections and Registration at the time the candidate's petitions are filed for review and certification. In the few counties with a separate board of registration, the CAN-12 statement of economic interests is filed with the county clerk after the signatures on the petitions have been certified by the board of registration. (IC 3-8-9-5) As of September 2023, Allen, La Porte, Madison, Marion, Vanderburgh, and Vigo counties have a separate board of registration.

For candidates for the office of circuit court clerk or county offices, once the county voter registration office certifies the petitions of nomination (CAN-21), these certified petitions along with the candidate's consent (CAN-20) must be filed with the county election board. In most counties, the **DEADLINE** for filing certified petitions of nomination (CAN-21) and written consent (CAN-20) with the county election board is **12:00 noon, prevailing local time, Monday, July 15, 2024**. (See note above about when the CAN-12 statement of economic interests is to be filed.) (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5; IC 3-8-9-5)

In the counties with a separate board of registration, the **DEADLINE** for filing the statement of economic interest (CAN-12), certified petition of nomination (CAN-21), and written consent (CAN-20) with the county election board is **12:00 noon, prevailing local time, Monday, July 15, 2024**. (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5; IC 3-8-9-5)

The county election board is required to reject a declaration of candidacy that does not include a statement of economic interest. (IC 3-8-9-6) The county voter registration office must file the certified petitions of nomination with the county election board. However, the candidate for the office of circuit court clerk or a county office may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-20) with the county election board to be placed on the general election ballot. (IC 3-8-6-10)

NOTE: Independent or minor party candidates collecting petition signatures for County Commissioner must collect enough signatures for their entire election district. Except for Lake and St. Joseph County, a county commissioner's election district is the entire county. While a commissioner candidate may file for a specific district, the district is established for purposes of residency and to ensure geographical representation on the Board. The entire county electorate makes up the election district; therefore, signatures must be gathered from registered voters of the county and certified signatures must be at least the minimum number found in the Appendix of this *Guide*. Independent or minor party county commissioner candidates in Lake or St. Joseph County must reach out to the county election board to calculate the signature minimum and voters must be registered in the specific election district for which the candidate is running.

## **2. Nominating Petition Requirements**

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

For a petition of nomination to be considered valid, the county voter registration office in the county where the individual signing the petition is registered must certify whether each person who signs the petition is a registered voter at the residence listed in the petition at the time the county processes the petition and in the election district the candidate seeks to represent. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-21) (IC 3-8-6-10; IC 3-8-6-11)

A petition carrier is required to sign an affidavit at the bottom of each page of the petition prior to filing with the county voter registration office. A petition carrier is required to fully complete and affix their signature to the affidavit at the bottom of each page of the petition prior to filing with the county voter registration office. If the petition carrier information is incomplete, then the county voter registration office may not process the signature page but must give the best possible notice to the

petition carrier who submitted the signature page to allow for the correction. The petition carrier may correct the missing information concerning the petition carrier up to the final date an hour for filing the petition with the county voter registration office. If the information is not completed by this deadline, then the signature page may not be processed. (IC 3-6-12)

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

### 3. Political Party Names

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

### 4. Candidate Withdrawal Requirements

The **DEADLINE** for a person nominated by petition for the office of circuit court clerk or a county office who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2024.** (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.** (IC 3-8-7-28; IC 3-8-7-29)

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## E. Write-in Candidates

### 1. Filing Requirements

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

A person who desires to be a write-in candidate for the office of circuit court clerk or a county office in the general election on Tuesday, November 5, 2024, must file a statement of economic interest (CAN-12) and declaration of intent to be a write-in candidate (CAN-3) with the county election board. (IC 3-8-2-2.5) A county is required to reject a declaration that does not contain a statement of economic interests. (IC 3-8-9-6) The CAN-12 and CAN-3 are available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

The **first day** a write-in candidate or their representative may file the CAN-3 and CAN-12 with the county election board is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Wednesday, July 3, 2024.** (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5)

### 2. Candidate Withdrawal Requirements

The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for the office of circuit court clerk or a county office to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2024.** (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.** (IC 3-8-7-28; IC 3-8-7-29) The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be

downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### **3. Political Party Affiliation**

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

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



# TOWNSHIP OFFICES

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## Township Board Member

**NOTE:** Township board members in Marion County are elected in 2024. All other township officials will be elected in 2026. Additionally, except in Marion County, a township board may adopt a resolution, during a year preceding the year the election of township board members will be on the ballot, to stagger the terms of the township board members. Contact your county circuit court clerk to confirm if your township board has adopted such a resolution. (IC 36-6-6-2.3)

## A. Qualifications

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

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

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

## Township Board Member

### IC 3-8-1-1 provides that:

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

(2) A local office; . . .

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

### IC 3-8-1-5 provides that:

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

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

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

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

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

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

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

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

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

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

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

(3) in a:

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

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

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

- (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
- (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;
- (6) the person is subject to:
  - (A) 5 U.S.C. 1502 (the Little Hatch Act); or
  - (B) 5 U.S.C. 7321-7326 (the Hatch Act);
 and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or
- (7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.
- (e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:
  - (1) jury has announced its verdict against the person for a felony;
  - (2) court has announced its verdict against the person for a felony; or
  - (3) person has pleaded guilty or nolo contendere to a felony;
 does not affect the operation of subsection (d).”

**IC 3-8-1-33 provides that:**

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

\* \* \*

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

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

**Township Board “Candidate Shortage”**

In some rural townships, it has become increasingly difficult to find enough candidates to run for the office of township board. If no candidate runs for this office, Article 15, Section 3 of the Constitution of the State of Indiana provides that the currently serving members of the township board automatically serve another four-year term. If only one or two candidates run for these three seats, the result becomes more complicated. While each candidate who ran is automatically elected, the Board of County Commissioners must decide before January 1, 2025, which currently serving township board members will serve another four-year term to fill the seats for which no candidate ran. (See IC 3-13-10-6.5 and IC 3-13-11-20 for the procedures for the Commissioners to make this decision.)

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

**1. Filing Requirements**

Candidates for a township office from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 7, 2024.

A candidate for the nomination for a township office by the Democratic or Republican Party or their representative must file a statement of economic interest and declaration of candidacy with the county election board. (IC 3-8-2-6) The county is required to reject a declaration of candidacy that does not include a statement of economic interest. (IC 3-8-9-6) (Petitions signed by registered voters are **NOT** required of Democratic or Republican Party candidates for township office.)



The **first day** to submit a declaration of candidacy (CAN-2) and statement of economic interests (CAN-12) to the county election board is **Wednesday, January 10, 2024**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, Friday, February 9, 2024**. (IC 3-8-2-4; IC 3-8-2-5) **A statement of economic interest or declaration of candidacy presented after February 9, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The statement of economic interest (CAN-12) and declaration of candidacy form (CAN-2) are available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## **2. Political Party Affiliation**

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

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

Note: This law does not mean the candidate must have voted in the two (2) most chronologically recent primary elections and requested a Democratic or Republican ballot; instead, the person's vote history must demonstrate that the last two (2) primary elections in which the person voted must align with the party the candidate seeks to affiliate in the primary election. For example, if a candidate pulled a Republican Party primary ballot in 2019, did not vote in the 2020 and 2022 primary election, and requested a Republican Party primary ballot in 2023, then this candidate meets the requirements set forth in state law to file a declaration of candidacy (CAN-2) for the Republican Party primary without the chair's certification.

Alternatively, if a candidate requested a Democratic Party primary ballot in 2022 and a Republican Party primary ballot in 2023, then this candidate would not meet the requirements set forth in state law to file a declaration of candidacy for primary nomination (CAN-2) in the Democratic Party primary in 2024 and would need to attach the chair's certification with their filing. Failure to attach the chair's certification does not result in the filing being rejected, but it may be challenged by a voter of the election district or a county chair.

## **3. Candidate Withdrawal Requirements**

### **Primary Election Candidate Withdrawal**

A Democratic or Republican candidate for a township office who filed with the county election board a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the county election board certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, Friday, February 16, 2024**. (IC 3-8-2-20) Upon receipt of this notice, the county election board will **not** certify that individual's name as a candidate for the primary election. (IC 3-8-2-21) **Notice of candidate withdrawal filed after February 16, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The primary election candidate withdrawal (CAN-10) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### **General Election Candidate Withdrawal**

After the primary, if a nominee for a township office wishes to withdraw from the ticket for the general election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2024**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will **not** certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## C. Libertarian Party Candidates

### 1. Filing Requirements

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

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

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

Indiana law requires all Libertarian candidates for township offices to file a statement of economic interests along with the certificate of nomination. (IC 3-8-9-5) The statement of economic interests (CAN-12) is available at each circuit court clerk's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### 2. Candidate Withdrawal Requirements

If a nominee for a township office wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2024**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## D. Minor Party and Independent Candidates

### 1. Filing Requirements

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

A person who wishes to become an independent candidate or a candidate of a minor party not qualified to nominate candidates in a primary election or by political party convention, and who wishes to be a candidate for a township office at the general election, must file a statement of economic interest (CAN-12), written consent to become a candidate (CAN-20) and certified petition(s) of nomination (CAN-21) with the county election board. (IC 3-8-6-12; IC 3-8-6-14(a)) The county is required to reject a declaration of candidacy that does not include a statement of economic interest. (IC 3-8-9-6)

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

The statement of economic interest (CAN-12), written consent (CAN-20) and petition of nomination (CAN-21) are available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

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

(IC 3-8-6-3) Signatures on any petition of nomination must be those of registered voters of the state who reside in the district the candidate seeks to represent. (IC 3-8-6-2)

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

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

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

The **first day** a candidate for a township office may submit the petition of nomination (CAN-21) to the county voter registration official for certification is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing petitions for review by county voter registration officials is **12:00 noon, prevailing local time, Monday, July 1, 2024**. (IC 3-8-6-12; IC 3-5-4-1.5) *(Deadline date moves from noon, June 30, 2024, to noon, July 1, 2024, due to June 30, 2024, being on a weekend)*

Additionally, in a county that does not have a separate board of registration, the CAN-12 statement of economic interests must be filed with the circuit court clerk or the Lake, Porter, and Tippecanoe County Board of Elections and Registration at the time the candidate's petitions are filed for review and certification. In the few counties with a separate board of registration, the CAN-12 statement of economic interests is filed with the county clerk after the signatures on the petitions have been certified by the board of registration. (IC 3-8-9-5) As of September 2023, Allen, La Porte, Madison, Marion, Vanderburgh, and Vigo counties have a separate board of registration.

For candidates for township offices, once the county voter registration official certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20) must be filed with the county election board. In most counties, the **DEADLINE** for filing the petition of nomination (CAN-21), accompanied by the written consent (CAN-20), with the county election board is **12:00 noon, prevailing local time, Monday, July 15, 2024**. (See note above about when the CAN-12 statement of economic interests is to be filed.) (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5; IC 3-8-9-5)

In the counties with a separate board of registration, the **DEADLINE** for filing the statement of economic interest (CAN-12), certified petition of nomination (CAN-21), and written consent (CAN-20) with the county election board is **12:00 noon, prevailing local time, Monday, July 15, 2024**. (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5; IC 3-8-9-5)

The county voter registration official must file the certified petitions of nomination with the county election board. However, the candidate for a township office may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-20) with the county election board to be placed on the general election ballot. (IC 3-8-6-10)

## **2. Nominating Petition Requirements**

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

For a petition of nomination to be considered valid, the county voter registration office in the county where the individual signing the petition is registered must certify whether each person who signs the petition is a registered voter at the residence listed in the petition at the time the county processes the petition and in the election district the candidate seeks

to represent. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-21) (IC 3-8-6-10; IC 3-8-6-11)

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

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

### 3. Political Party Names

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

### 4. Candidate Withdrawal Requirements

The **DEADLINE** for a person nominated by petition for a township office who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2024**. (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.** (IC 3-8-7-28; IC 3-8-7-29)

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## E. Write-in Candidates

### 1. Filing Requirements

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

A person who desires to be a write-in candidate for a township office in the general election on Tuesday, November 5, 2024, or their representative, must file a statement of economic interest (CAN-12) and declaration of intent to be a write-in candidate (CAN-3) with the county election board. (IC 3-8-1-33; IC 3-8-2-2.5) **The county is required to reject a declaration of intent to be a write-in candidate that does not include a statement of economic interest.** (IC 3-8-9-6)

The CAN-12 and CAN-3 are available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

The **first day** a write-in candidate may file the CAN-12 and CAN-3 forms with the county election board is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Wednesday, July 5, 2024**. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5)

## **2. Candidate Withdrawal Requirements**

The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for a township office to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2024.** (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.** (IC 3-8-7-28; IC 3-8-7-29)

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## **3. Political Party Affiliation**

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

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



# SCHOOL BOARD OFFICES

## School Board Member

### A. General Information

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

In certain school corporations, all or some of the school board members are appointed rather than elected by the voters. (IC 20-23-4-28) All school corporations that elect school board members elect those members at the same time as the general election (November 5, 2024, or in certain cases, in November 2026). Some school board members are elected “at large” for the entire school corporation, while others are elected to represent specific **districts** that are only part of the school corporation territory.

### IN ALL CASES, CANDIDATES FOR SCHOOL BOARD APPEAR ON THE BALLOT WITHOUT A PARTY DESIGNATION. (IC 20-23-4-29.1)

### B. Qualifications for Candidates and for Assuming Office

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

Hammond	IC 20-23-13 and IC 20-23-8-13
Lake Station	IC 20-23-14
South Bend	IC 20-23-15
Mishawaka	IC 20-23-17
East Chicago	IC 20-23-17.2
Indianapolis Public Schools	IC 20-25-3

#### IC 3-8-1-34 provides that:

“(a) A candidate for a school board office must have resided in the school corporation for at least one (1) year before the election.

(b) This subsection applies to a candidate for school board office seeking to represent an election district that consists of less than the entire school corporation. The candidate must have resided in the election district for at least one (1) year before the election.”

#### IC 3-8-1-1 provides that:

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

(2) A local office; . . .

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

#### IC 3-8-1-5 provides that:

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

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

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

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

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

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

- (E) expunged under IC 35-38-9; or
- (3) a person's plea of guilty or nolo contendere at a guilty plea hearing that is not accepted and entered by a trial court.
- (d) A person is disqualified from assuming or being a candidate for an elected office if:
  - (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
  - (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
  - (3) in a:
    - (A) jury trial, a jury publicly announces a verdict against the person for a felony;
    - (B) bench trial, the court publicly announces a verdict against the person for a felony; or
    - (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
  - (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
  - (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;
  - (6) the person is subject to:
    - (A) 5 U.S.C. 1502 (the Little Hatch Act); or
    - (B) 5 U.S.C. 7321-7326 (the Hatch Act);
 and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or
  - (7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.
- (e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:
  - (1) jury has announced its verdict against the person for a felony;
  - (2) court has announced its verdict against the person for a felony; or
  - (3) person has pleaded guilty or nolo contendere to a felony;
 does not affect the operation of subsection (d).”

**IC 3-8-1-33 provides that:**

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

\* \* \*

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

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

**IC 20-26-4-9 provides that:**

“An individual who is at least twenty-one (21) years of age and is otherwise eligible to assume office as a member of a governing body may not be disqualified on the basis of age.”

**IC 20-26-4-11 provides that:**

“(A)n individual who is employed as a teacher or as a noncertified employee (as defined in IC 20-29-2-11) of the school corporation may not be a member of the governing body of the school corporation.”



### C. Filing Requirements

**A candidate for a school board office or their representative must file a statement of economic interest and petition of nomination.** (IC 3-8-2.5-2) The county is required to reject a declaration of candidacy that does not include a statement of economic interest. (IC 3-8-9-6) The statement of economic interest (CAN-12) and petition (CAN-34) are available from the Election Division and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

In a metropolitan school corporation, the petition must be signed by ten (10) registered voters residing **in the same board member district** as the nominee. (IC 20-23-7-8.1)

In a community school corporation, the petition must be signed by ten (10) registered voters residing within the boundaries of the school corporation. (IC 20-23-4-29.1)

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

#### 1. General Election

Candidates for school board office on the general election ballot will be elected at the general election to be held on Tuesday, November 5, 2024.

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

The **first day** for a candidate for a school board office to file a petition of nomination with the county election board is **Tuesday, May 21, 2024**, and the **DEADLINE** is **12:00 noon, prevailing local time, on Thursday, June 20, 2024**. (IC 3-8-2.5-4; IC 20-23-4-29.1; IC 20-23-7-8.1; IC 20-23-12-5; IC 20-23-14-5; IC 20-23-17-3; IC 20-23-17.2-5)

Additionally, in a county that does not have a separate board of registration, the CAN-12 statement of economic interests must be filed with the circuit court clerk or the Lake, Porter, and Tippecanoe County Board of Elections and Registration at the time the candidate's petitions (CAN-34) are filed for review and certification. In the few counties with a separate board of registration, the CAN-12 statement of economic interests is filed with the county clerk after the signatures on the petitions have been certified by the board of registration. (IC 3-8-9-5) As of September 2023, Allen, LaPorte, Madison, Marion, Vanderburgh, and Vigo counties have a separate board of registration.

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

### D. Candidate Withdrawal

School board candidates may file a withdrawal of their candidacy not later than **noon, Monday, July 15, 2024**. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.** (IC 3-8-7-28; IC 3-8-7-29)

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### E. Write-in Candidates

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

A person who desires to be a write-in candidate for a school board office at the general election on Tuesday, November 5, 2024, must file a statement of economic interest (CAN-12) and a declaration of intent to be a write-in candidate (CAN-26) with the county election board located in the county seat of the county containing the greatest percentage of population of

the school corporation. (IC 3-8-2-2.5; IC 3-8-2-4; IC 20-4-1-26.4)) The county is required to reject a declaration of candidacy that does not include a statement of economic interest. (IC 3-8-9-6)

The CAN-12 and CAN-26 are available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

The **first day** a write-in candidate for a school board office may file the CAN-12 and CAN-26 with the county election board for the general election is **Wednesday, August 7, 2024**, and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Friday, August 23, 2024**. (IC 3-8-2-2.5; IC 3-8-2.5-4; IC 20-4-1-26.4)

#### **Candidate Withdrawal Requirements**

Declared write-in candidates for school board may file a withdrawal of their candidacy not later than **noon, Monday, August 26, 2024**. (IC 3-8-2.5-4) **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

# “LARGE TOWN” OFFICES

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## Town Council Member

## Town Clerk-Treasurer

## Town Judge

Indiana has no elections to city offices (Mayor, Common Council, and Judge of the City Court) in 2024. These offices were elected at the municipal election in 2023. Most town offices were also elected in 2023. However, some towns will elect officers in 2024. In these towns that elect officers in a general election year, state law requires the county election board to conduct the elections for the town. IC 3-10-6-6.

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

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

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

### Primary Elections

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

### A. Qualifications

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

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

## Town Council Member

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

### IC 3-8-1-29 provides that:

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

### IC 3-8-1-1 provides that:

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

(2) A local office; . . .

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

**IC 3-8-1-5 provides that:**

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

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

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

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

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

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

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

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

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

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

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

(3) in a:

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

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

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

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

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

(6) the person is subject to:

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

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

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

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

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

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

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

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

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

**IC 3-8-1-33 provides that:**

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

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

\* \* \*

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

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

### **Number of Town Council Members**

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

### **Election Schedule**

As a general rule, all town council members are elected for four-year terms at each municipal election year (2027, 2031, etc.). (IC 3-10-6-2; 3-10-7-6) However, a town can alter this election schedule by adopting one of several types of ordinances permitted under state law.

A town may adopt an ordinance to provide for "staggered terms" for town council members by providing that at the next municipal election, some council members will be elected for three-year terms, and the other council members will be elected for four-year terms. After the first "short terms" for town council members are over, this system results in the town electing some town council members in the "non-presidential general election year" (2026, 2030), and the other town council members in the ordinary municipal election years (2027, 2031). (IC 3-10-6-2.5)

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

### **Districts**

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

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

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

A special procedure can also be used in towns that have a population of more than 10,000. The town council can adopt an ordinance to provide that the council consists of seven (7) members (five (5) elected by the voters of each of five (5) town council districts, and two (2) members elected at large by all the voters of the town). The ordinance must also provide for four (4) of the seven (7) members to be elected in a municipal election year (2027, 2031), and for the remaining three (3) members to be elected either in the previous general election year (2026, 2030), or the following general election year (2024, 2028). The two (2) at large members may not be elected during the same election year. (IC 36-5-2-4.5)

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

## Town Clerk-Treasurer

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

### IC 3-8-1-1 provides that:

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

### IC 3-8-1-5 provides that:

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

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

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

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

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

- (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
- (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
- (3) in a:
  - (A) jury trial, a jury publicly announces a verdict against the person for a felony;
  - (B) bench trial, the court publicly announces a verdict against the person for a felony; or
  - (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
- (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
- (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;
- (6) the person is subject to:
  - (A) 5 U.S.C. 1502 (the Little Hatch Act); or
  - (B) 5 U.S.C. 7321-7326 (the Hatch Act);and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or
- (7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

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

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

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

### IC 3-8-1-33 provides that:

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

(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of

nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

\* \* \*

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

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

## Town Judge

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

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

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

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

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

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

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

#### **IC 3-8-1-5 provides that:**

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

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

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

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

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

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

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

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

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

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

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



**IC 3-8-1-33 provides that:**

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

\* \* \*

(3) Justice of the supreme court, judge of the court of appeals, judge of the tax court, judge of a circuit court, judge of a superior court, judge of a probate court, judge of a city court, judge of a town court, and prosecuting attorney, in accordance with IC 33-23-11-14 and IC 33-23-11-15.

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

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

**1. Filing Requirements**

Candidates for town offices from the Democratic or Republican Party will be nominated at the primary election to be held on Tuesday, May 7, 2024.

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

The **first day** for a candidate for a town office to submit a statement of economic interest and declaration of candidacy to the county election board is **Wednesday, January 10, 2024**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, Friday, February 9, 2024**. (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy presented for filing after February 4, 2024, at 12:00 noon cannot be accepted and will not be considered valid.**

The statement of economic interest (CAN-12) and declaration of candidacy form (CAN-2) are available from the Election Division’s office, on the Division’s website, and each circuit court clerk’s office. The statement of economic interest to be filed by candidate for city judge is available at the Office of the Commission on Judicial Qualifications.

**2. Political Party Affiliation**

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

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

Note: This law does not mean the candidate must have voted in the two (2) most chronologically recent primary elections and requested a Democratic or Republican ballot; instead, the person’s vote history must demonstrate that the last two (2) primary elections in which the person voted must align with the party the candidate seeks to affiliate in the primary election. For example, if a candidate pulled a Republican Party primary ballot in 2019, did not vote in the 2020 and 2022 primary election, and requested a Republican Party primary ballot in 2023, then this candidate meets the requirements set forth in state law to file a declaration of candidacy (CAN-2) for the Republican Party primary without the chair’s certification.

Alternatively, if a candidate requested a Democratic Party primary ballot in 2022 and a Republican Party primary ballot in 2023, then this candidate would not meet the requirements set forth in state law to file a declaration of candidacy for primary nomination (CAN-2) in the Democratic Party primary in 2024 and would need to attach the chair's certification with their filing. Failure to attach the chair's certification does not result in the filing being rejected, but it may be challenged by a voter of the election district or a county chair.

### 3. Candidate Withdrawal Requirements

#### Primary Election Candidate Withdrawal

A Democratic or Republican candidate for town office who filed with the county election board a declaration of candidacy for the primary election, may file written notice of candidate withdrawal with the county election board certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, Friday, February 16, 2024.** (IC 3-8-2-20) Upon receipt of this notice, the county election board will **not** certify that individual's name as a candidate for the primary election. (IC 3-8-2-21) **Notice of candidate withdrawal filed after February 16, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The primary election candidate withdrawal (CAN-10) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

#### General Election Candidate Withdrawal

After the primary, if a nominee for town office wishes to withdraw from the ticket for the general election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2024.** (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.** (IC 3-8-7-28; IC 3-8-7-29)

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### D. Libertarian Party Candidates Where a Primary Election Was Conducted

#### 1. Filing Requirements

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

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

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

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

## 2. Candidate Withdrawal Requirements

If a nominee for a town office wishes to withdraw from the Libertarian Party ticket for the general election, the nominee must file a written notice of candidate withdrawal with the county election board. The **DEADLINE** to file this notice with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2024.** (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will **not** certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy filed after July 15, 2024, at 12:00 noon, local prevailing time, will not be considered valid unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The general election withdrawal form (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## E. Minor Party and Independent Candidates

### 1. Filing Requirements

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

A person who wishes to become an independent candidate or a candidate of a minor party not qualified to nominate candidates in a primary election or by political party convention, and who wishes to be a candidate for a town office at the general election, must file a written consent to become a candidate for the town office (CAN-20), a petition of nomination (CAN-21), and the applicable statement of economic interest form with the county election board. (IC 3-8-6-12; IC 3-8-6-14(a)) Indiana law requires the county to reject a petition that does not include a statement of economic interests. (IC 3-8-9-6)

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

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

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

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

The written consent (CAN-20), petition of nomination (CAN-21), and statement of economic interests (CAN-12) are available from the Election Division's office and each circuit court clerk's office. The statement of economic interest to be filed by candidate for town judge is available at the Office of the Commission on Judicial Qualifications website.

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

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

Circuit court clerks will have information on the votes by precinct for the office of secretary of state in the 2022 general election to help determine the number of signatures required for a candidate seeking ballot placement by petition of nomination. However, the candidate may be required to make an initial calculation of the number of votes cast for secretary of state within the town council district, or the town as a whole. In some cases, there may not be an exact match between town council districts and precinct boundaries, so a precise minimum number of signatures necessary for ballot access may be impossible to calculate. **If the town or a town council district is included entirely within one precinct, but does not include the entire precinct, the petition of nomination must be signed by at least five (5) voters of the election district. (IC 3-8-6-3(c))**

The **first day** a candidate for a town office may submit the petition of nomination (CAN-21) to the county voter registration office for certification is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing petitions for review by county voter registration officials is **12:00 noon, prevailing local time, Monday, July 1, 2024**. (IC 3-8-6-10; IC 3-5-4-1.5) (*Deadline date moves from noon, June 30, 2024, to noon, July 1, 2024, due to June 30, 2024, being on a weekend*)

Additionally, in a county that does not have a separate board of registration, the applicable statement of economic interest form must be filed with the circuit court clerk or the Lake, Porter, and Tippecanoe County Board of Elections and Registration at the time the candidate's petitions (CAN-21) are filed for review and certification. In the few counties with a separate board of registration, the applicable statement of economic interest form is filed with the county clerk after the signatures on the petitions have been certified by the board of registration. (IC 3-8-9-5) As of September 2023, Allen, La Porte, Madison, Marion, Vanderburgh, and Vigo counties have a separate board of registration.

For candidates for town offices, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20) and the application statement of economic interest form must be filed with the county election board. In most counties, the **DEADLINE** for filing the petition of nomination (CAN-21), accompanied by the written consent form (CAN-20) and the statement of economic interest form with the county election board is **12:00 noon, prevailing local time, Monday, July 15, 2024**. (See note above about when the statement of economic interest form is to be filed.) (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5; IC 3-8-9-5)

In the counties with a separate board of registration, the **DEADLINE** for filing the applicable statement of economic interest, certified petition of nomination (CAN-21), and written consent (CAN-20) with the county election board is **12:00 noon, prevailing local time, Monday, July 15, 2024**. (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5; IC 3-8-9-5)

The county voter registration office must file the certified petitions of nomination with the county election board. However, the candidate for a town office may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-20 and statement of economic interest) with the county election board to be placed on the general election ballot. (IC 3-8-6-10)

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

## **2. Nominating Petition Requirements**

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

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

For a petition of nomination to be considered valid, the county voter registration office in the county where the individual signing the petition is registered must certify whether each person who signs the petition is a registered voter at the residence listed in the petition at the time the county processes the petition and in the election district the candidate seeks to represent. This certification must accompany and be a part of the petition of nomination. (This certification is on the reverse side of the CAN-21 form.) (IC 3-8-6-10; IC 3-8-6-11)

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

### 3. Political Party Names

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

### 4. Candidate Withdrawal Requirements

The **DEADLINE** for a person nominated by petition for a town office who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2024**. (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon, prevailing location time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.** (IC 3-8-7-28; IC 3-8-7-29)

The general election candidate withdrawal (CAN-24) is available from the Election Division's office, the Division's website, and each circuit court clerk's office.

## F. Write-in Candidates

### 1. Filing Requirements

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

**A person who desires to be a write-in candidate for a town office in the general election on Tuesday, November 5, 2024, or their representative, must file a declaration of intent to be a write-in candidate (CAN-3) and the application statement of economic interest form with the county election board. (IC 3-8-2-2.5)** Indiana law requires the county to reject a declaration that does not include a statement of economic interests. (IC 3-8-9-6)

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

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

The **first day** a write-in candidate may file the CAN-3 and the applicable statement of economic interest form with the county election board is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Wednesday, July 3, 2024**. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5)

### 2. Candidate Withdrawal Requirements

The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for a town office to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2024.** (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.** (IC 3-8-7-28; IC 3-8-7-29)

The general election candidate withdrawal (CAN-24) is available from the Election Division's office, the Division's website, and each circuit court clerk's office.

### **3. Political Party Affiliation**

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

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

# “SMALL TOWN” OFFICES

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## Town Council Member

## Town Clerk-Treasurer

## Town Judge

Indiana has no elections to city offices (Mayor, Common Council, and Judge of the City Court) in 2024. These offices were elected at the municipal election in 2023. Most town offices were also elected in 2023. However, some towns will elect officers in 2024. In these towns that elect officers in a general election year, state law requires the county election board to conduct the elections for the town. IC 3-10-7-2.

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

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

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

### Primary Elections in “Small” Towns

A town with a population of less than 3,500 may adopt an ordinance to provide for a nomination of Democratic and Republican candidates for town office in a primary election (instead of by town convention). The town council must adopt the ordinance not later than January 1 of the year in which a general or municipal election is held (2024, for example), and the town clerk-treasurer shall file a copy of the ordinance with the circuit court clerk in the county that contains the greatest percentage of the town’s population not later than the first day in which a candidate can file a declaration of candidacy. (IC 3-8-5-2)

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

### A. Qualifications

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

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

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

## Town Council Member

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

### IC 3-8-1-29 provides that:

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

### IC 3-8-1-1 provides that:

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

(2) A local office; . . .

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

### IC 3-8-1-5 provides that:

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

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

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

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

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

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

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

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

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

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

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

(3) in a:

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

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

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

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

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

(6) the person is subject to:

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

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

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

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

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

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

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

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

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



### **IC 3-8-1-33 provides that:**

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

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

\* \* \*

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

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

### **Number of Town Council Members**

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

### **Election Schedule**

As a general rule, all town council members are elected for four-year terms at each municipal election year (2027, 2031, etc.). (IC 3-10-6-2; 3-10-7-6) However, a town can alter this election schedule by adopting one of several types of ordinances permitted under state law.

A town may adopt an ordinance to provide for “staggered terms” for town council members by providing that at the next municipal election, some council members will be elected for three-year terms, and the other council members will be elected for four-year terms. After the first “short terms” for town council members are over, this system results in the town electing some town council members in the “non-presidential general election year” (2026, 2030), and the other town council members in the ordinary municipal election years (2027, 2031). (IC 3-10-6-2.5)

Two other towns (Cambridge City in Wayne County and Montezuma in Parke County) adopted similar “staggered term” ordinances under state laws that have since been repealed or have expired (IC 18-3-1-16(b), repealed 1981; P.L. 13-1982, SECTION 3, expired 1988) to elect town council members in the year following a presidential election year (2025, 2029). These towns have the additional option of adopting an ordinance to move the election date for all town offices (including town council) to the “presidential general election year” (2024, 2028). (IC 3-10-6-3) This changeover is accomplished by electing all town officers to a “short term” of one year at the municipal election (2027, 2031), and then electing successors to a full four-year term. (IC 3-10-6-2.6)

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

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

### **Districts**

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

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

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

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

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

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

## Town Clerk-Treasurer

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

### IC 3-8-1-1 provides that:

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

(2) A local office; . . .

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

### IC 3-8-1-5 provides that:

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

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

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

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

(2) a felony conviction that has been:

(A) reversed;

(B) vacated;

(C) set aside;

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

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

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

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

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

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

(3) in a:

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

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

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

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

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

(6) the person is subject to:

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

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

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

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

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

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

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

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

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

### IC 3-8-1-33 provides that:

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

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

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

\* \* \*

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

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

## Town Judge

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

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

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

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

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

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

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

#### **IC 3-8-1-5 provides that:**

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

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

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

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

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

- (1) the person gave or offered a bribe, threat, or reward to procure the person's election, as provided in Article 2, Section 6 of the Constitution of the State of Indiana;
- (2) the person does not comply with IC 5-8-3 because of a conviction for a violation of the federal laws listed in that statute;
- (3) in a:
  - (A) jury trial, a jury publicly announces a verdict against the person for a felony;
  - (B) bench trial, the court publicly announces a verdict against the person for a felony; or
  - (C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;
- (4) the person has been removed from the office the candidate seeks under Article 7, Section 11 or Article 7, Section 13 of the Constitution of the State of Indiana;
- (5) the person is a member of the United States armed forces on active duty and prohibited by the United States Department of Defense from being a candidate;
- (6) the person is subject to:
  - (A) 5 U.S.C. 1502 (the Little Hatch Act); or
  - (B) 5 U.S.C. 7321-7326 (the Hatch Act);and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office; or
- (7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office.

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

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

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

**IC 3-8-1-33 provides that:**

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

\* \* \*

(3) Justice of the supreme court, judge of the court of appeals, judge of the tax court, judge of a circuit court, judge of a superior court, judge of a probate court, judge of a city court, judge of a town court, and prosecuting attorney, in accordance with IC 33-23-11-14 and IC 33-23-11-15.

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

**B. Democratic and Republican Candidates Nominated at Primary Elections**

A small town may adopt an ordinance to elect some or all of the town’s officers in 2026. (IC 3-10-7-2.7; IC 3-10-7-2.9) A town may also adopt an ordinance providing for the nomination of Democratic and Republican candidates at a primary election. (IC 3-8-5-2). If major party candidates are to be nominated for election to a town office at a primary election to be held on May 7, 2024, the same filing, political party affiliation, and candidate withdrawal requirements apply that are applicable to such candidates for county offices.

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

**1. Filing Requirements**

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

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

**2. Political Party Affiliation**

Indiana Code 3-8-5-10.5 sets forth the standard for determining the political party affiliation of a candidate who files a declaration of candidacy for a town nominating convention. The political party affiliation of the candidate is deemed to be:

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

Note: This law does not mean the candidate must have voted in the two (2) most chronologically recent primary elections and requested a Democratic or Republican ballot; instead, the person’s vote history must demonstrate that the last two (2) primary elections in which the person voted must align with the party the candidate seeks to affiliate in the primary election. For example, if a candidate pulled a Republican Party primary ballot in 2019, did not vote in the 2020 and 2022 primary election, and requested a Republican Party primary ballot in 2023, then this candidate meets the requirements set forth in state law to file a declaration of candidacy (CAN-16) for the Republican Party primary without the chair’s certification.

Alternatively, if a candidate requested a Democratic Party primary ballot in 2022 and a Republican Party primary ballot in 2023, then this candidate would not meet the requirements set forth in state law to file a declaration of candidacy for primary nomination (CAN-16) in the Democratic Party primary in 2024 and would need to attach the chair’s certification with their filing. Failure to attach the chair’s certification does not result in the filing being rejected, but it may be challenged by a voter of the election district or a county chair.

## 2. Candidate Filing Deadlines

The **first day** to file a declaration of candidacy (CAN-16) and the applicable statement of economic interest form for office in a small town is **Wednesday, January 10, 2024**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, on Thursday, August 1, 2024**.

The Town Office Declaration of Candidacy by a Democratic, Libertarian, or Republican Candidate When No Town Primary is Conducted in 2024 (CAN-16) and the Statement of Economic Interests for Local and School Board Offices (CAN-12) are available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections). The statement of economic interest to be filed by candidate for city judge is available at the Office of the Commission on Judicial Qualifications.

## 3. Town Convention Candidate Filing Deadlines

**Wednesday, August 21, 2024**, is the last day for the Democratic, Libertarian, and Republican parties to conduct a town convention to choose between competing candidates in the same party for the same town office. (IC 3-8-5-10; IC 3-8-5-17)

**Wednesday, August 28, 2024, by 12:00 noon**, prevailing local time, is the last day for the Democratic, Libertarian, and Republican party chairman and secretary of a town convention to file a certificate of nomination (CAN-18) with the county election board setting forth the nominees of the Democratic, Libertarian, or Republican party town convention. (IC 3-8-5-13; IC 3-8-5-17)

## 4. Candidate Withdrawal Requirements

**Thursday, August 1, 2024, by 12:00 noon**, prevailing local time is the **DEADLINE** an individual may file a notice of withdrawal of a declaration of candidacy previously filed with the county election board to be the nominee of the Democratic, Libertarian, or Republican Party for town office in a small town. (IC 3-8-5-10.5; IC 3-8-5-14.5; IC 3-8-5-17) **Notice to withdraw candidacy presented after August 1, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent. (IC 3-8-7-28; IC 3-8-7-29)**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

### Town Convention Candidate Withdrawal

A Democrat, Republican, or Libertarian candidate who wishes to withdraw from the race following nomination at the convention must file their written notice of withdrawal not later than **12:00 noon, prevailing local time, three (3) days after the adjournment of the convention**. (IC 3-8-5-14.5; IC 3-8-5-17) **A notice to withdraw filed after 12:00 noon, local prevailing time, three (3) days following adjournment of the convention will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and can be downloaded from the Division's website at [in.gov/sos/elections](http://in.gov/sos/elections).

## D. Libertarian Party Candidates Where a Primary Election Was Conducted

### 1. Filing Requirements

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

## E. Minor Party and Independent Candidates

### 1. Filing Requirements

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

A person who wishes to become an independent candidate or a candidate of a minor party not qualified to nominate candidates in a primary election or by political party convention, and who wishes be a candidate for a town office at the general election, must file a written consent to become a candidate for the town office (CAN-20), a petition of nomination (CAN-21), and the applicable statement of economic interests form with the county election board. (IC 3-8-6-12; IC 3-8-6-14(a)) Indiana law requires the county to reject a petition that does not include a statement of economic interests. (IC 3-8-9-6)

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

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

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

The written consent (CAN-20), petition of nomination (CAN-21), and statement of economic interests (CAN-12) are available from the Election Division's office, the Division's website, and each circuit court clerk's office. The statement of economic interest to be filed by candidate for city judge is available at the Office of the Commission on Judicial Qualifications.

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

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

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

**EXCEPTION:** When an independent or minor party candidate for an office in an election district that is within just one precinct, and the election district does not include an entire precinct, then the candidate is only required to collect five (5) signatures of registered voters within the election district on the candidate's petition of nomination form in order to be certified as a candidate for the office at the general or municipal election.



The **first day** a candidate for a town office may submit the petition of nomination (CAN-21) to the county voter registration office for certification is **Wednesday, January 9, 2024**, and the **DEADLINE** for filing petitions for review by county voter registration officials is **12:00 noon, prevailing local time, Monday, July 1, 2024**. (IC 3-8-6-10; IC 3-5-4-1.5) *(Deadline date moves from noon, June 30, 2024, to noon, July 1, 2024, due to June 30, 2024, being on a weekend)*

Additionally, in a county that does not have a separate board of registration, the applicable statement of economic interest form must be filed with the circuit court clerk or the Lake, Porter, and Tippecanoe County Board of Elections and Registration at the time the candidate's petitions (CAN-21) are filed for review and certification. In the few counties with a separate board of registration, the applicable statement of economic interest form is filed with the county clerk after the signatures on the petitions have been certified by the board of registration. (IC 3-8-9-5) As of September 2023, Allen, La Porte, Madison, Marion, Vanderburgh, and Vigo counties have a separate board of registration.

For candidates for town offices, once the county voter registration office certifies the petitions of nomination, these certified petitions along with the candidate's consent (CAN-20) and the applicable statement of economic interest form must be filed with the county election board. In most counties, the **DEADLINE** for filing the petition of nomination (CAN-21), accompanied by the written consent form (CAN-20) and the applicable statement of economic interest form with the county election board is **12:00 noon, prevailing local time, Monday, July 15, 2024**. (See note above about when the statement of economic interests is to be filed.) (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5; IC 3-8-9-5)

In the counties with a separate board of registration, the **DEADLINE** for filing the applicable statement of economic interest form, certified petition of nomination (CAN-21), and written consent (CAN-20) with the county election board is **12:00 noon, prevailing local time, Monday, July 15, 2024**. (IC 3-8-6-10; IC 3-8-6-12; IC 3-5-4-1.5; IC 3-8-9-5)

The county voter registration office must file the certified petitions of nomination with the county election board. However, the candidate for a town office may request that the county voter registration office return the original petitions to the candidate so that the candidate may file the certified petitions (along with the CAN-20 and statement of economic interest) with the county election board to be placed on the general election ballot. (IC 3-8-6-10)

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

## **2. Nominating Petition Requirements**

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

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

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

Sometimes a county voter registration office rejects a signature on a nominating petition because the individual who signed the petition is not a registered voter of the election district for the office sought by the candidate or has changed the

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

### 3. Political Party Names

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

### 4. Candidate Withdrawal Requirements

The **DEADLINE** for a person nominated by petition for a town office who wishes to withdraw from the general election ballot to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2024**. (IC 3-8-7-28; IC 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon, prevailing location time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office and each circuit court clerk's office.

### Filling Candidate Vacancies

**Wednesday, August 28, 2024, by 12:00 noon, prevailing local time**, is the last day for a town chairman of a political party that submitted a petition of nomination for the election of candidates to town office to file a certificate of candidate selection to fill any candidate vacancy. The certificate must be accompanied by the candidate's written consent to the selection. (IC 3-13-1-18)

## F. Write-in Candidates

### 1. Filing Requirements

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

**A person who desires to be a write-in candidate for a town office in the general election on Tuesday, November 5, 2024, or their representative, must file a declaration of intent to be a write-in candidate (CAN-3) and the applicable statement of economic interest form with the county election board. (IC 3-8-2-2.5)** Indiana law requires the county to reject a declaration that does not include a statement of economic interests. (IC 3-8-9-6)

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

The **first day** a write-in candidate may file the CAN-3 and the applicable statement of economic interest form with the county election board is **Wednesday, January 10, 2024**, and the **DEADLINE** for filing is **12:00 noon, prevailing local time, Wednesday, July 3, 2024**. (IC 3-8-2-2.5; IC 3-8-2-4; IC 3-8-2-5)

### 2. Candidate Withdrawal Requirements

The **DEADLINE** for a person who files a declaration of intent to be a write-in candidate for a town office to file a written notice of candidate withdrawal with the county election board is **12:00 noon, prevailing local time, on Monday, July 15, 2024**. (IC 3-8-7-28, 3-5-4-1.5) Upon receipt of this notice, the county election board will not certify that individual's name as a candidate for the general election. **Notice to withdraw candidacy presented after July 15, 2024, at 12:00 noon**,

**prevailing local time, will not be accepted for filing unless the candidate is disqualified under IC 3-8-1-5 or has moved from the election district the candidate sought to represent.**

The general election candidate withdrawal (CAN-24) is available from the Election Division's office, the Division's website, and each circuit court clerk's office.

### **3. Political Party Affiliation**

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

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



# PRECINCT COMMITTEEMEN AND STATE CONVENTION DELEGATES

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## A. Qualifications

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

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

### IC 3-8-1-32 provides that:

“Sec. 32. A candidate for:

- (1) precinct committeeman; or
- (2) delegate to a state convention;

of a political party in the state whose nominee received at least ten percent (10%) of the total vote cast for secretary of state at the last election must comply with any candidate requirement set by state party rules.”

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

Candidates for Republican Party precinct committeeman and Democratic or Republican state convention delegate will be elected at the primary election to be held on Tuesday, May 7, 2024.

The Republican Party will elect its precinct committeemen at the May 7, 2024, primary election. (IC 3-10-1-4.6) The Democratic Party will not elect its precinct committeemen until the May 2026 primary election. (IC 3-10-1-4.5).

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

Republican candidates for precinct committeeman and Democratic and Republican candidates running for state convention delegate are not required to submit the Statement of Economic Interests (CAN-12).

Since precinct committeemen and state convention delegates are “political offices,” an individual may run for elected office (for example, County Assessor, Township Board) and also run for precinct committeeman or state convention delegate. This would not be considered a violation of the state constitution’s ban on dual lucrative office holding. A person may run for precinct committeeman and for state convention delegate and hold both political offices simultaneously without violating the state constitution’s ban on dual lucrative officeholding. Finally, precinct committeemen and state convention delegates are not subject to the state’s Campaign Finance Act.

The **first day** to submit a declaration of candidacy to the county election board is **Wednesday, January 10, 2024**, and the **DEADLINE** to file is **12:00 noon, prevailing local time, Friday, February 9, 2024**. (IC 3-8-2-4; IC 3-8-2-5) **A declaration of candidacy presented after February 9, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing.**

The declaration of candidacy (CAN-37) is available from the Election Division’s office and can be downloaded from the Division’s website at [in.gov/sos/elections](http://in.gov/sos/elections).

## C. Candidate Withdrawal Requirements

A candidate for precinct committeeman or state convention delegate may file written notice of candidate withdrawal with the county election board certifying that the individual no longer wishes to be a candidate. The **DEADLINE** to file this notice

with the county election board is **12:00 noon, prevailing local time, Friday, February 16, 2024.** (IC 3-8-2-20) Upon receipt of this notice, the county election board will **not** certify that individual's name as a candidate for the primary election. (IC 3-8-2-21) **Notice of candidate withdrawal presented after February 16, 2024, at 12:00 noon, prevailing local time, will not be accepted for filing.**

## 2022 VOTE TOTALS FOR INDIANA SECRETARY OF STATE

\*Pursuant to Indiana Code 3-8-6-3(b), the figures provided on this chart are rounded down in the case of a partial number. When an election district is larger than one county, the minimum number of signatures needed will be higher than the sum of the numbers on this chart. This does not apply to the given statewide figure, as that number is two percent of the total statewide votes cast in the state for Secretary of State.

<i>County</i>	<i>Total SOS Voters Cast</i>	<i>Number of Signatures Needed*</i>	<i>County</i>	<i>Total SOS Voters Cast</i>	<i>Number of Signatures Needed*</i>
Adams	8,876	177	Jennings	7,850	157
Allen	100,999	2,019	Johnson	44,620	892
Bartholomew	22,389	447	Knox	9,978	199
Benton	2,467	49	Kosciusko	22,790	455
Blackford	3,348	66	La Porte	31,724	634
Boone	24,641	492	LaGrange	6,546	130
Brown	6,297	125	Lake	132,568	2,651
Carroll	6,195	123	Lawrence	12,629	252
Cass	8,534	170	Madison	35,574	711
Clark	35,989	719	Marion	222,997	4,459
Clay	7,570	151	Marshall	12,661	253
Clinton	7,209	144	Martin	3,397	67
Crawford	3,579	71	Miami	8,477	169
Daviess	6,941	138	Monroe	39,884	797
Dearborn	14,262	285	Montgomery	9,697	193
Decatur	7,954	159	Morgan	21,127	422
DeKalb	11,611	232	Newton	3,945	78
Delaware	29,829	596	Noble	11,426	228
Dubois	13,427	268	Ohio	1,961	39
Elkhart	44,572	891	Orange	5,348	106
Fayette	6,110	122	Owen	6,116	122
Floyd	26,672	533	Parke	4,430	88
Fountain	4,950	99	Perry	6,159	123
Franklin	7,304	146	Pike	3,631	72
Fulton	5,499	109	Porter	57,776	1,155
Gibson	10,094	201	Posey	8,637	172
Grant	15,669	313	Pulaski	3,687	73
Greene	9,329	186	Putnam	9,863	197
Hamilton	128,357	2,567	Randolph	6,820	136
Hancock	23,785	475	Ripley	8,319	166
Harrison	13,764	275	Rush	4,819	96
Hendricks	48,348	966	Scott	6,678	133
Henry	13,394	267	Shelby	11,456	229
Howard	24,668	493	Spencer	7,527	150
Huntington	11,234	224	St. Joseph	71,153	1,423
Jackson	11,170	223	Starke	6,781	135
Jasper	9,224	184	Steuben	9,643	192
Jay	5,361	107	Sullivan	6,202	124
Jefferson	9,705	194	Switzerland	2,616	52

<b>County</b>	<b>Total SOS Voters Cast</b>	<b>Number of Signatures Needed*</b>			
Tippecanoe	38,427	768			
Tipton	5,179	103			
Vanderburgh	46,753	935			
Vermillion	4,960	99			
Vigo	26,426	528			
Wabash	9,757	195			
Warren	2,790	55			
Warrick	19,964	399			
Washington	7,928	158			
Wayne	16,549	330			
Wells	9,068	181			
White	6,686	133			
Whitley	11,436	228			
<b>STATEWIDE</b>	<b>1,847,179</b>	<b>36,943</b>			



# APPENDIX

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## Candidate Forms

Below are some of the forms used in the 2024 Primary and General elections for candidates to use. These forms are not included in this *Guide*. Election forms, including those used by candidates or campaign finance committees, can be found in the “Election Administrators’ Portal” or “Candidate Information” tab on [www.in.gov/sos/elections](http://www.in.gov/sos/elections) or through the state’s Forms Management website: [www.forms.in.gov](http://www.forms.in.gov). County election administrators also have access to forms on the INSVRS County Portal.

These forms are also available in the Indiana Election Division’s office, office of the circuit court clerk, board of elections and registration, or county election board.

CAN-1	Candidate Filing Challenge
CAN-2	Declaration of Candidacy for Primary Nomination in 2024
CAN-3	Declaration of Intent to be a Write-in Candidate in 2024
CAN-4	Indiana Petition for Primary Ballot Placement as a Candidate for United States Senator in 2024
CAN-7	Request for Presidential Primary Ballot Placement in 2024
CAN-8	Indiana Petition for Presidential Primary Ballot Placement in 2024
CAN-10	2024 Primary Election Candidate Withdrawal
CAN-12	Statement of Economic Interest for Local and School Board Offices
CAN-16	Town Office Declaration of Candidacy by a Democratic, Libertarian, or Republican Party Candidate when No Town Primary is Conducted in 2024
CAN-18	Town Convention Certificate of Nomination
CAN-19	Indiana Petition of Nomination for Federal, State, or State Legislative Office in 2024
CAN-20	Consent of Independent or Minor Political Party Candidate Nominated by Petition for Election in 2024
CAN-21	Local Office Petition of Nomination in 2024 General Election
CAN-24	2024 General Election Candidate Withdrawal
CAN-25	Petition for Primary Ballot Placement as a Candidate for Governor in 2024
CAN-26	Declaration of Intent to be a School Board Write-In Candidate in 2024
CAN-31	Declaration of Candidacy and Written Consent to Fill a Ballot Vacancy in 2024
CAN-34	Petition of Nomination and Consent for School Board Office Elected in 2024
CAN-37	Declaration of Candidacy for Precinct Committeeman or State Convention Delegate in 2024
CAN-41	Allen County Superior Court Judge / Vanderburgh County Superior Court Judge/Vanderburgh County Circuit Court Judge Declaration of Candidacy in 2024

## Indiana Election Commission Opinion

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



**ADVISORY OPINION 2015-1**

**INDIANA ELECTION COMMISSION**

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

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

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

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

**IT IS THEREFORE ORDERED:**

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

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

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

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

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

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

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

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

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

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

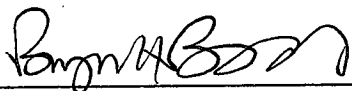
**SECTION 3.** In providing advice and instruction to candidates, political parties, county election boards, and other interested persons regarding the issues addressed by this order, the Election Division shall refer to this Order and advise candidates, political parties, county election boards, and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

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

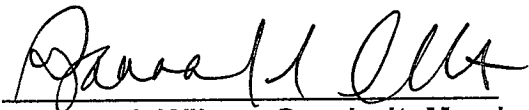
**SECTION 5.** The Commission directs that the Election Division promptly forward a copy of this Advisory Opinion to each county election board, and to the State Chair of the Democratic Party, Libertarian Party, and Republican Party.

ISSUED THIS THE 21<sup>st</sup> DAY OF July, 2015:

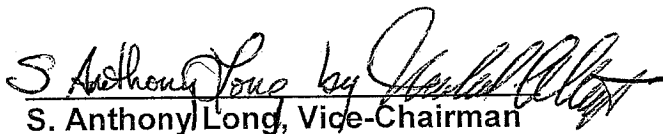
THE INDIANA ELECTION COMMISSION:



Bryce H. Bennett, Jr., Chair



Suzannah Wilson Overholt, Member



S. Anthony Long, Vice-Chairman



Zachary E. Klutz, Member