

TO: All Interested Parties
FROM: Lisa F. Tanselle, Staff Attorney
RE: School Board Candidate Election Procedures, 2012*
DATE: May 14, 2012

I. Dates to File

A. General Election (November 6, 2012)

July 25, 2012	First day for filing Petition of Nomination (<i>IC 3-8-2.5-4</i>)
12:00 Noon	Last day and hour for filing Petition of Nomination (<i>IC 3-8-2.5-4</i>)
August 24, 2012	

II. Election Procedures

A. Petitions of Nomination

Petitions of nomination (CAN-34) are available: (1) at the offices of the Indiana Secretary of State, Election Division; (2) on the Division's website at www.in.gov/sos/elections; and (3) from county election boards. Petitions of nomination must be filed with the appropriate county voter registration office. Candidates seeking election in a school corporation that is located in more than one county must file their petitions with the county election board in the county that contains the greatest percentage of population of the school corporation.

In most community school corporations, the petitions must be signed by the candidate and ten (10) registered voters residing within the boundaries of the school corporation. (*IC 20-23-4-29.1*) (In some school corporations, more signatures are required. Candidates should check with the county election board to determine the number of signatures required.) In a metropolitan school district, the petitions must be signed by the candidate and ten (10) registered voters residing in the same board member district as the candidate. (*IC 20-23-7-8.1*).

B. Campaign Financial Statements

Any school board candidate who receives \$500 or less in contributions or spends \$500 or less as a candidate is not required to file campaign finance reports. Any candidate who exceeds these amounts is required to file such reports and is subject to additional election law procedures, such as the designation of a principal committee and the appointment of a chairman and treasurer of such committee. (*IC 3-9-1 & IC 3-9-5*.) Please contact your county election board for information on the filing of these reports and other additional requirements. Campaign financial information may also be found on the website of the Indiana Secretary of State, Election Division.

C. Campaign Violations

Among the criminal offenses for campaign violations are: filing a fraudulent petition of nomination; filing a fraudulent campaign financial statement; and failing to file a campaign financial statement. (*IC 3-14-1*)

NOTE: Any school board candidate who receives more than \$500 in contributions or spends more than \$500 as a candidate is also subject to civil penalties for failure to file reports required by law. (*IC 3-9-4*)

D. Applicable Laws

IC 3-9-2 (campaign contributions); IC 3-9-3-2.5 (candidate communications disclaimer); IC 3-9-4 (election boards' duties); IC 3-10-6 (school district elections in all cities; towns having a population of 3,500 or more; and towns in Marion County); and IC 3-14-1 (campaign violations).

****This memo is for informational purposes only. CONTACT YOUR COUNTY ELECTION BOARD TO VERIFY THE ABOVE DATES AND STATUTORY REQUIREMENTS***

E. Additional Information

Candidates should contact the county election board with any questions regarding dates, procedures, and completing the proper forms. Candidates may also contact the Election Division of the Indiana Secretary of State at 317/232-3939 or toll-free at 800/622-4941 or access their website at www.in.gov/sos/elections.

III. Eligibility Requirements

A. Voter Registration

A person is not qualified to run for:

- (1) a state office;
- (2) a legislative office;
- (3) a local office; or
- (4) a school board office;

unless the person is registered to vote in the election district the person seeks to represent not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination. *(IC 3-8-1-1(b))*

B. Felony Conviction

A person is disqualified from assuming or being a candidate for an elected office if, among other things, the person has been convicted of a felony that has not been pardoned, reversed, vacated, set aside, or not entered because the trial court did not accept the person's guilty plea. *(IC 3-8-1-5)*

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C. Multiple Lucrative Offices

A person may not hold more than one (1) lucrative office at a time, as provided in Article 2, Section 9 of the Constitution of the State of Indiana. *(IC 3-8-1-3)*

D. Residence

A candidate for a school board office must have resided in the school corporation for at least one (1) year before the election, unless a longer period is required under IC 20 (see, for example, IC 20-23-7-5). If a candidate is seeking to represent an election district that consists of less than the entire school corporation, the candidate must have resided in the election district for at least one (1) year before the election, unless a longer period is required under IC 20 (see, for example, IC 20-23-14-5). *(IC 3-8-1-34)*

E. Age

No person otherwise eligible to assume office as a member of a governing body shall be disqualified on the basis of age, if the individual is at least twenty-one (21) years of age. *(IC 20-26-4-9)*

F. Property Ownership

Property ownership may not be a qualification for serving as a member of a governing body. *(IC 20-26-4-10)*

G. School Corporation Employees

An individual who is employed as a teacher or as a noncertificated employee of the school corporation may not be a member of the governing body of the school corporation. *(IC 20-26-4-11)*