

Small Town Conventions

"Small" towns (with a population of less than 3,500) nominate candidates for the Democratic, Libertarian or Republican tickets at a town convention instead of a primary unless the town has adopted an ordinance to nominate Democratic and Republican candidates at a town convention by January 1 of the year of an election. Small towns generally elect town offices in 2023 but may pass an ordinance to schedule elections to occur in general election (even-numbered) years.

The Town Convention process can be broken down into the following steps:

STEP 1: DECLARATIONS OF CANDIDACY- A person must file a "Town Office Declaration Of Candidacy By A Democratic, Libertarian, Or Republican Party Candidate When No Primary Is Conducted In 2023" (attached STATE FORM CAN-16) and a "Statement Of Economic Interests For Local And School Board Offices" (attached STATE FORM CAN-12) with the circuit court clerk between January 4, 2023, and noon (local prevailing time) August 1, 2023 to be a town convention candidate.

The same party affiliation requirement applicable to a primary candidate applies to a town convention candidate. A candidate's declaration of candidacy must state the basis for the candidate's party affiliation. A candidate may indicate their party affiliation in one of two ways: 1) The most recent primary election in Indiana in which the candidate voted was a primary election held by the party with which the candidate claims affiliation (note that this differs from the requirement of the most recent **two** primaries for most other local offices); or 2) The county chairman of the county where the candidate resides, and of the political party with which the candidate claims affiliation, certifies in writing that the candidate is a member of the political party. If a candidate claims party affiliation based on a county chairman's certification, the candidate must attach the written certification of the county chairman to the candidate's declaration. (IC 3-8-5-10.5)

If there is no competition within a political party for the nomination to a town office, then the candidate of that party who filed by the filing deadline will automatically appear on the November 5, 2023 town election ballot for that political party if an election is held in the town. If there is no competition within a political party for any town office then that party will not conduct a town convention and all the candidates who filed for that party will appear on the November 5, 2023 town election ballot if an election is held in the town. (IC 3-8-5-14.3)

STEP 2: ORGANIZE THE TOWN COMMITTEE - If a Town Convention is necessary because there is competition within the party for an office (Four (4) Republican Party town council candidates for three (3) seats or two (2) Republican Party candidates for town clerk-treasurer, for example), the county chairman must appoint a registered voter of the town to serve as chairman of the town committee. There is no form required for this appointment, but it is recommended that you provide something in writing to the person appointed. The chairman of the town committee may not be a person who also holds a town office for the town or is seeking a town office. (IC 3-8-5-3) The town chairman also appoints a registered voter of the town to serve as the secretary of the town committee.

STEP 3: CALLING THE TOWN CONVENTION- The town chairman is responsible for calling and conducting the convention. The convention should be held in the town but can be held elsewhere within the county if no suitable location exists in the town. (IC 3-8-5-10) The convention must be held no later than August 21, 2023. The town chairman must file the "Call of Town Convention" with the circuit court clerk of the county where the largest part of the town's population lives. The "Call of Town Convention" must also be posted in three prominent places in the town, including the town clerk-treasurer's office, for at least three days before the convention. The "Call of Town Convention" must state the date, time, and place of the town convention. (attached STATE FORM CAN-15)

STEP 4: CONDUCTING THE TOWN CONVENTION- Prior to the town convention, the county election board shall furnish the secretary of the town convention with a list of all of the town's voters. (IC 3-8-5-11) The list must state the date that an individual became a voter of the town if the individual became a voter of the town the same year the town convention is held. If the town chairman is unable or unwilling to participate in the convention, the secretary acts as chairman until the convention elects a chairman from among the eligible voters attending the convention. If the secretary is unable or unwilling to participate in the convention, a replacement for the secretary is selected from among the eligible voters attending the convention. (IC 3-8-5-12)

An individual who wants to vote in a Republican Town Convention must register with the secretary of the town convention and must comply with the Town Convention Rules of Procedure of the Republican Party (attached) which includes subscribing to a statement that the individual is affiliated with the Republican Party (Republican Party Form IRSC/CA-1) and being a registered voter of the town no later than 29 days before the date of the town convention. The secretary of the convention shall note on the list when an individual registers with the secretary. (IC 3-8-5-11(b)) The town chairman must make an initial determination regarding who is eligible to participate and vote at the convention. If an individual at the convention objects to the determination of the chairman, the matter shall be put to the vote of all those individuals whose eligibility to vote is not in dispute. (IC 3-8-5-12 (b))

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

The chairman of the town convention must also propose Republican Party Town Convention Rules of Procedure for adoption by the town convention voters. (IC 3-8-5-12) Proxy or absentee voting is not allowed at a town convention. Only candidates who have previously filed a CAN-16 with the circuit court clerk may be nominated at a town convention. State law prohibits candidates from being nominated from the floor of a town convention.

To be nominated, candidates for an office for which only one person may be elected must receive a majority of votes cast by voters present and voting at the convention. When more than one candidate may be nominated to a town council at-large seat, the candidates who receive the highest number of votes at the convention, up to the total number to be elected in the November 7, 2023 town election, are considered the nominees of the convention. (IC 3-8-5-12)

STEP 5: CERTIFYING THE NOMINEES- Following the convention the chairman and secretary must complete in writing a "Town Convention Certificate of Nomination" (attached STATE FORM CAN-18). The certificate must be notarized and signed by the chairman and secretary of the convention and filed with the circuit court clerk of the appropriate county no later than noon (local prevailing time), August 28, 2023. The circuit court clerk must then file a copy of the certificate of nomination with the town clerk-treasurer no later than noon (local prevailing time), September 4, 2023. (IC 3-8-5-13) (NOTE: September 4, 2023, is a holiday, therefore the deadline will be noon (local prevailing time), September 5, 2023.

REPUBLICAN PARTY
2023 TOWN CONVENTION RULES OF PROCEDURE

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

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

1. The individual must be a registered voter of this town no later than 29 days before the date of the town convention according to the list of voters supplied by the county voter registration office.
 2. The individual must sign a statement, under penalties of perjury, stating the following:
 - a. The person is a member of the Republican Party and no other Party
 - b. The individual:
 - i. voted the Republican Party ballot at the most recent primary election that they voted in according to the records of the county registration office and supported a majority of the candidates nominated by the Republican Party in the 2022 general election OR;
 - ii. If the individual did not vote a Republican Party ballot in the most recent primary election that they voted in according to the records of the county voter registration office, that the individual intends to vote for a majority of the Republican Party's nominees in the 2023 municipal election.
- (REPUBLICAN PARTY FORM IRSC/CA-1)

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

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

"NO" and report the results to the convention. The chairman shall repeat this process for each individual whose eligibility is in dispute.

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

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

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

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

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

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

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

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

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

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

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

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

Rule 15. In the case of a contest between candidates for the Republican Party for a district or ward seat, where only one candidate may be elected to the seat, voting for the seat should proceed as described in Rule 13 until a candidate receives a majority of more than 50% of the votes cast for that district or ward. In the case of multiple candidates for town council for

multiple districts or wards, the vote for each district or ward may be done on one ballot that separately lists the candidates for each district or ward or on separate ballots for each district or ward. For example, if a town has three (3) district council seats, one (1) ballot could be used for district one (1) and separate ballots could be used for districts two (2) and three (3).

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

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

ADOPTED THIS _____ DAY OF AUGUST 2023:

Printed Name of the Town Chairman:

Republican Party of the Town of _____ County, Indiana

ATTEST:

Printed Name of the Town Secretary:

Republican Party of the Town of _____ County, Indiana