

FOR IMMEDIATE RELEASE
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Contact: Eric Bohnet, 317-750-8503

Appeal Filed in Lugar Residency Case

Voters Challenge State Election Commission Ruling in Court

Two Indiana voters filed an appeal yesterday in Marion County Superior Court asking for review of the denial of their challenges to Richard Lugar's candidacy for the U.S. Senate by the Indiana Election Commission. The appeal also seeks an injunction to prohibit election officials from printing ballots for the upcoming May 8 primary until the case is resolved. The challengers plan to ask for expedited consideration of their appeal by the courts.

According to Eric C. Bohnet, attorney for the voters, "The Constitution requires that Senators be inhabitants of the states that elect them. But Sen. Lugar sold his last Indiana residence almost 35 years ago, and still votes from that old address for his voting registration because he doesn't have anywhere in this state to call home. He's become an inhabitant of Virginia, and thus ineligible to be elected to the Senate from Indiana. Voters need the issue resolved before the primary to ensure that Republicans choose a candidate who is eligible to be elected and avoid another 'Charlie White' scenario."

The statute in question, Indiana Code 3-8-1-7, states:

A candidate for the office of United States Senator must have the qualifications provided in Article 1, Section 3, Clause 3 of the Constitution of the United States.

The U.S. Constitution requires, in relevant part, that a Senator must be an "inhabitant" of their state.

There was no dispute at the Election Commission hearing on the matter that Richard Lugar sold his residence in Indiana in 1977 and moved to Virginia. Since then, he has maintained no physical residence in the State of Indiana.

Senator Lugar's attorneys and the Commission relied heavily on Sen. Lugar's stated intent to someday return to Indiana, and letters from the Indiana Attorney General stating that Senator Lugar could continue voting in Indiana without an actual residence here. These letters should provide a good defense against allegations of vote fraud, but they do not affect the federal constitutional law that determines qualifications for the United States Senate.