

Vigo Circuit Court

STATE OF INDIANA
VIGO CIRCUIT COURT
2022 TERM

IN RE: THE PETITION TO
CONTEST ELECTION OF
VIGO COUNTY SCHOOL
BOARD DISTRICT 1

CAREY LABELLA ,
Petitioner and Contester

v. CAUSE NO: 84C01-2211-MI-007065

ERIC GRAVES
Respondent and Contestee

**VERIFIED PETITION TO CONTEST ELECTION OF VIGO COUNTY
SCHOOL BOARD MEMBER OF VIGO COUNTY SCHOOL
CORPORATION DISTRICT 1**

Comes now the Petitioner and Contester Carey LaBella pursuant to I.C. 3-12-8-5 and being duly sworn upon her oath avers and says:

1. That the Petitioner Carey LaBella certifies that she was a candidate in the election held on November 8, 2022 in Vigo County, Indiana for the Office of Vigo County School Board District 1.
2. That the Petitioner Carey LaBella fulfilled all of the eligibility requirements for the office of Vigo County School Board District 1.
3. That at all relevant times the Petitioner Carey LaBella was duly qualified candidate for Vigo County School Board District 1 and resides at 3348 Anthony Lane, Terre Haute, Indiana 47803.
4. That the Respondent Eric Graves was a candidate for the office of School Board Member Vigo County School Corporation District 1 for the November 8, 2022 election.

5. That the Respondent Eric Graves is a person whose right to the office of School Board Member Vigo County School Corporation District 1 is being contested by this Verified Petition.
6. That the Petitioner Carey LaBella and the Respondent Eric Graves were opposing candidates for the office of School Board Member Vigo County School Corporation District 1 on the November 8, 2022 election ballot and were the only candidates for School Board Member Vigo County School Corporation District 1.
7. That on August 10, 2022 the Respondent Eric Graves filed a Consent of Candidate Nominated by Petition as a candidate for the office of School Board Vigo County School Corporation District 1.
8. That in the Consent of Candidate Nominated by Petition, the Respondent Eric Graves certified:

“I give my written consent under I.C. 3-8-2.5-7 to the circulation and filing of a petition under I.C. 3-8-2.5 to place my name on the ballot at the general election being held on November 8, 2022 designated as a candidate for this office. I meet all qualifications for this office, including **residency requirement** and do not have a criminal conviction that would prevent me from serving.”
(*emphasis added*) (See attached Petitioner’s Exhibit A).
9. That the Petitioner Carey LaBella believes in good faith that the Respondent Eric Graves is disqualified from being a candidate for and assuming the office as School Board Member of Vigo County School Corporation District I under Indiana Law.
10. That under the Constitution of the State of Indiana and I.C. 3-8-1-34(b) which requires that a candidate for school board office seeking to represent an election district that consists of less than the entire school corporation must have resided in the election district for at least one (1) year before the election.
11. That the Petitioner Carey LaBella contends that the Respondent Eric Graves did not live in Vigo County School Corporation District 1 as required by Indiana Law.

12. That the Respondent Eric Graves in his Petition of Nomination and Consent for School Board Office Elected in 2022 certified that his address is 41 Timberland Turn, Terre Haute, IN 47803 which is located in Lost Creek Township, Vigo County, Indiana and is part of Vigo County School Corporation District 4. (Please see attached Petitioner's Exhibit B)
13. That the Respondent Eric Graves' acknowledgment of residence in Vigo County School Corporation District 4 makes him ineligible to be a candidate or to serve as Vigo County School Corporation District 1 board member.
14. That the Petitioner Carey LaBella contends that the only other candidate receiving votes for the office of Member of Vigo County School Corporation District 1 was your Petitioner Carey LaBella and under Indiana Law your Petitioner Carey LaBella should be declared the top vote getter for the November 8, 2022 election for the position of School Board Member Vigo County School Corporation District 1.
15. That the Petitioner Carey LaBella respectfully requests that the Court order the Vigo County Election Board to not certify the results of the November 8, 2022 election for the position of School Board Member of Vigo County School Corporation District 1 until this Petition can be addressed on its merits by this Court.
16. That the Petitioner incorporates all exhibits attached to be part of her Verified Petition to Contest the Election of School Board Member of Vigo County School Corporation District 1.
17. That the Petitioner requests that the Court, pursuant to I.C. 3-12-8-8, fix a date by which the Contestee Eric Graves would appear and answer this Petition, direct the Vigo County Sheriff to serve Notice upon the Contestee to appear and answer the Petition, and direct the Vigo County Sheriff to serve a copy of said Notice on the Vigo County Election Board.

WHEREFORE, The Petitioner Carey LaBella requests that the Court declare the Respondent Eric Graves ineligible as a candidate and ineligible to assume and hold office and declare the Petitioner Carey LaBella as the candidate who received the highest number of votes and render judgment accordingly and declare the Petitioner Carey LaBella to be the elected school board member of Vigo County

School Corporation District 1 in the November 8, 2022 election and for all other proper relief in the premises.


Carey LaBella, Petitioner

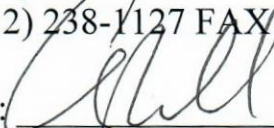
I affirm under penalty for perjury that the foregoing representations are true.


Carey LaBella, Petitioner

Respectfully Submitted,

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By:



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