

Bond Case Briefs

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MUNICIPAL EMPLOYMENT - INDIANA

Claussen v. Pence

United States Court of Appeals, Seventh Circuit - June 10, 2016 - F.3d - 2016 WL 3213036

Municipal employees, who simultaneously held elected office in municipality, brought action against Governor of Indiana, challenging, under First Amendment and Equal Protection Clause, Indiana law prohibiting persons from simultaneously holding elected office and being employed as civil servants in same unit of government.

The United States District Court granted Governor's motion to dismiss for failure to state claim. Employees appealed.

The Court of Appeals held that:

- Law did not implicate fundamental rights;
- Indiana's interests in law outweighed law's burden on employees' First Amendment rights;
- Law's prohibition on civil servants holding elected office, without containing similar prohibition for government contractors, was rationally related to Indiana's interest in avoiding corruption.