

HOUSE BILL No. 1809

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-6-1-15; IC 3-13.

Synopsis: Filling ballot and office vacancies. Specifies that a political party office is not an office under Article 15 of the Constitution of the State of Indiana. Provides that elected precinct committeemen are always eligible to participate in a caucus to fill an early candidate vacancy or a vacancy in a legislative or local office. Provides that an appointed precinct committeeman is eligible to participate in a caucus to fill a vacancy if the individual was a committeeman 30 days before the vacancy occurred. Provides that an appointed precinct committeeman who was not a committeeman 30 days before the vacancy occurs may participate in a caucus to fill a vacancy under certain circumstances. States the circumstances under which a precinct
(Continued next page)

Effective: Upon passage.

Thompson, Crosby

January 26, 1999, read first time and referred to Committee on Elections and Apportionment.

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Digest Continued

vice committeeman may participate in a caucus to fill a vacancy. Establishes procedures at a caucus to determine who may represent a precinct in a caucus to fill a vacancy. Provides that voting by proxy may not be used in a caucus to fill a vacancy.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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HOUSE BILL No. 1809



A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-6-1-15 IS ADDED TO THE INDIANA CODE
 2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 3 **UPON PASSAGE]: Sec. 15. Notwithstanding any other statute, an**
 4 **individual serving in any of the following political party offices is**
 5 **not considered to be holding an office for purposes of Article 15 of**
 6 **the Constitution of the State of Indiana:**
 7 (1) **Precinct committeeman.**
 8 (2) **Precinct vice committeeman.**
 9 (3) **State convention delegate.**
 10 (4) **Chair or other officer of a central committee.**
 11 (5) **Any other political party office (as defined in IC 3-5-2-17).**
 12 SECTION 2. IC 3-13-1-4 IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE UPON PASSAGE]: Sec. 4. A candidate vacancy for
 14 United States Representative shall be filled by a caucus comprised by
 15 the precinct committeemen **and vice committeemen** of the political



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party:

- (1) whose precincts are within the congressional district; **and**
- (2) who are eligible to participate under section 10 of this chapter.**

SECTION 3. IC 3-13-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A candidate vacancy for a legislative office shall be filled by a caucus comprised by the precinct committeemen and vice committeemen of the political party:

- (1) whose precincts are within the senate or house district; **and**
- (2) who are eligible to participate under section 10 of this chapter.**

SECTION 4. IC 3-13-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Except as provided in subsection (b), a candidate vacancy for a local office shall be filled by:

- (1) a caucus comprised of the precinct committeemen and vice committeemen who are eligible to participate under section 10 of this chapter; or
- (2) the county chairman of the political party or a caucus comprised of the chairman, vice chairman, secretary, and treasurer of the county committee of the party, if:

- (A) authorized to fill vacancies under this chapter by majority vote of the county committee; and
- (B) the election district for the local office is entirely within one (1) county.

(b) A candidate vacancy for the office of circuit court judge or prosecuting attorney in a circuit having more than one (1) county shall be filled by a caucus comprised of the precinct committeemen and vice committeemen:

- (1) who constitute the county committees of the political party for all of the circuit; **and**
- (2) who are eligible to participate under section 10 of this chapter.**

SECTION 5. IC 3-13-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. A ~~meeting~~ **caucus** under section 7 of this chapter shall be called and chaired by:

- (1) the state chairman, or a person designated by the state chairman, for a caucus or committee acting under section 3, 4, 5, or 6(b) of this chapter; or
- (2) the county chairman of the county in which the greatest percentage of the population of the election district is located, for a caucus or committee acting under section 6(a) of this chapter.

SECTION 6. IC 3-13-1-9 IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE UPON PASSAGE]: Sec. 9. The call for a ~~meeting~~
 2 ~~caucus~~ under section 7 of this chapter must:

- 3 (1) be in writing on a form prescribed by the commission;
 4 (2) state the name of the chairman of the ~~meeting; caucus~~;
 5 (3) state the purpose of the ~~meeting; caucus~~;
 6 (4) state the date, time, and place of the ~~meeting; caucus~~;
 7 (5) be sent by first class mail, at least ten (10) days before the
 8 ~~meeting; caucus~~, to all persons eligible to participate in the
 9 ~~meeting; and precinct committeemen and vice committeemen~~
 10 ~~of the precincts to be represented under this chapter~~;
 11 ~~(6) include a statement that a precinct committeeman or vice~~
 12 ~~committeeman is not necessarily eligible to participate in the~~
 13 ~~caucus because the notice was sent to the precinct~~
 14 ~~committeeman or vice committeeman; and~~
 15 ~~(6) (7) be filed at least ten (10) days before the meeting caucus~~
 16 with the official who is required to receive a certificate of
 17 candidate selection following the caucus under section 15 of this
 18 chapter.

19 SECTION 7. IC 3-13-1-10 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) To be
 21 eligible to participate in a ~~meeting caucus~~ called under section 7 of this
 22 chapter, ~~a~~ **an elected** precinct committeeman ~~or vice committeeman~~
 23 must

- 24 ~~(1)~~ be entitled to vote for the office for which a candidate is to be
 25 selected. ~~and~~
 26 ~~(2)~~ **If A newly elected precinct committeeman is eligible to**
 27 **participate in a caucus called under this chapter, regardless**
 28 **of when the ballot vacancy occurred.**

29 ~~(b) An appointed precinct committeeman or vice committeeman;~~
 30 ~~have been is eligible to participate in a caucus called under section~~
 31 **7 of this chapter if the individual was** a committeeman ~~or vice~~
 32 ~~committeeman continuously~~ for a period ~~beginning~~ thirty (30) days
 33 before the vacancy occurred.

34 ~~(b) Subsection (a)(2) does not prohibit an appointed vice~~
 35 ~~committeeman from participating in a meeting if:~~

- 36 ~~(1) the meeting to fill a vacancy is held within thirty-five (35)~~
 37 ~~days after a primary election at which precinct committeemen are~~
 38 ~~elected; and~~
 39 ~~(2) the precinct committeeman representing the precinct of the~~
 40 ~~appointed vice committeeman was elected precinct~~
 41 ~~committeeman at the preceding primary election.~~

42 **(c) Notwithstanding subsection (b), an appointed precinct**



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1 **committeeman is eligible to participate in a caucus called under**
 2 **section 7 of this chapter if all of the following apply:**

3 (1) **The individual's predecessor as precinct committeeman**
 4 **resigned or died within forty-five (45) days before the ballot**
 5 **vacancy occurred.**

6 (2) **The individual's predecessor as precinct committeeman**
 7 **was precinct committeeman for not less than thirty (30) days.**

8 (3) **The individual was appointed to be precinct**
 9 **committeeman not later than fifteen (15) days after the**
 10 **precinct committeeman vacancy occurred.**

11 (d) **A precinct vice committeeman may attend a caucus called**
 12 **under section 7 of this chapter. A precinct vice committeeman is**
 13 **eligible to participate in a caucus called under section 7 of this**
 14 **chapter if both of the following apply:**

15 (1) **The vice committeeman was vice committeeman thirty (30)**
 16 **days before the vacancy occurred.**

17 (2) **Either of the following apply:**

18 (A) **The precinct committeeman:**

19 (i) **is eligible to participate in the caucus under this**
 20 **section; and**

21 (ii) **has not signed the caucus roll at the time the chair of**
 22 **the caucus closes the caucus roll under subsection (f).**

23 (B) **The precinct committeeman of the precinct:**

24 (i) **resigned or died after the ballot vacancy occurred;**
 25 **and**

26 (ii) **was otherwise eligible to participate in the caucus**
 27 **under this section.**

28 (e) **The chairman of the caucus called under section 7 of this**
 29 **chapter shall have a roll of the names of all precinct committeemen**
 30 **and vice committeemen:**

31 (1) **of precincts to be represented at the caucus under this**
 32 **chapter; and**

33 (2) **who are eligible to participate at the caucus if they:**

34 (A) **are eligible under subsections (a) through (d); and**

35 (B) **sign the roll as required under subsection (f).**

36 (f) **A precinct committeeman or vice committeeman must sign**
 37 **the roll by the committeeman's or vice committeeman's name to be**
 38 **eligible to participate in the caucus. After the chairman of the**
 39 **caucus calls the caucus to order, the chairman shall do the**
 40 **following:**

41 (1) **Announce that the roll is about to be closed.**

42 (2) **Permit any committeemen or vice committeemen who are**

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1 present and who have not signed reasonable time to sign the
2 roll.

3 (3) Close the roll.

4 Notwithstanding other provisions of this section, an individual
5 must sign the roll before it is closed to participate at the caucus.

6 (g) If a precinct committeeman who is otherwise eligible to
7 participate in the meeting has signed the roll before it is closed, the
8 precinct vice committeeman may be present at the caucus but may
9 not participate in the caucus. If the precinct committeeman who is
10 otherwise eligible to participate in the meeting has not signed the
11 roll before it is closed, the precinct vice committeeman may
12 participate in the caucus if the precinct vice committeeman signed
13 the roll before it was closed and is otherwise eligible to participate
14 in the caucus.

15 (h) An individual eligible to participate in a caucus under this
16 section has one (1) vote.

17 (i) The chairman of the caucus shall determine a location at the
18 caucus meeting place for voting to ensure a secret ballot.

19 SECTION 8. IC 3-13-1-11 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) At a
21 ~~meeting~~ caucus called under section 7 of this chapter, the eligible
22 participants shall:

23 (1) establish the caucus rules of procedure, except as otherwise
24 provided in this chapter; and

25 (2) select, by a majority vote of those casting a vote for a
26 candidate, a person to fill the candidate vacancy described in the
27 call for the ~~meeting~~ caucus.

28 (b) Voting by proxy is not allowed. If more than one (1) person
29 seeks to fill the vacancy, the selection shall be conducted by secret
30 ballot.

31 SECTION 9. IC 3-13-1-12 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. If a tie vote
33 occurs among participants acting under section 3, 4, 5, or 6(b) of this
34 chapter, the chairman of the ~~meeting~~ caucus may cast the tiebreaking
35 vote. If a tie vote occurs among participants acting under section 6(a)
36 of this chapter, the county chairman may cast the tiebreaking vote.

37 SECTION 10. IC 3-13-1-13 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. If no person is
39 eligible to participate in the filling of a candidate vacancy for an office
40 under section 6(a) of this chapter, the county chairman entitled to call
41 the ~~meeting~~ caucus under section 8 of this chapter shall appoint a
42 person to fill the vacancy.



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1 SECTION 11. IC 3-13-1-15 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A county
 3 chairman filling a candidate vacancy under section 6(a)(2) of this
 4 chapter or the chairman of a ~~meeting~~ **caucus** filling a candidate
 5 vacancy under this chapter shall file a written certificate of candidate
 6 selection on a form prescribed by the commission stating the name and
 7 address of each candidate selected to:

8 (1) the election division for:

9 (A) a committee acting under section 3, 4, 5, or 6(b) of this
 10 chapter; or

11 (B) a committee acting under section 6(a) of this chapter to fill
 12 a candidate vacancy in the office of judge of a circuit, superior,
 13 probate, county, or small claims court or prosecuting attorney;
 14 or

15 (2) the circuit court clerk, for a committee acting under section
 16 6(a) of this chapter to fill a candidate vacancy for a local office
 17 not described in subdivision (1).

18 (b) This subsection applies to a candidate vacancy resulting from a
 19 vacancy on the primary election ballot as described in section 2 of this
 20 chapter. The certificate required by subsection (a) shall be filed not
 21 later than noon, August 4, before election day.

22 (c) This subsection applies to all candidate vacancies not described
 23 by subsection (b). The certificate required by subsection (a) shall be
 24 filed not more than three (3) days (excluding Saturdays and Sundays)
 25 after selection of the candidates.

26 SECTION 12. IC 3-13-5-1 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A vacancy in
 28 a legislative office shall be filled by a caucus comprised of the precinct
 29 committeemen **and precinct vice committeemen:**

30 (1) from the senate or house district where the vacancy exists;

31 (2) who represent the same political party that elected or selected
 32 the person who held the vacated seat; **and**

33 (3) **who are eligible to participate under section 4 of this**
 34 **chapter.**

35 (b) Not later than thirty (30) days after the vacancy occurs (or as
 36 provided in subsection (c)), the caucus shall meet and select a person
 37 to fill the vacancy by a majority vote of those casting a vote for a
 38 candidate. ~~including vice committeemen eligible under proxies filed~~
 39 ~~under section 5 of this chapter.~~

40 (c) A state chairman may give notice of a caucus before the time
 41 specified under subsection (b) if a vacancy will exist because the
 42 official has:

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1 (1) submitted a written resignation under IC 5-8-3.5 that has not
2 yet taken effect; or

3 (2) been elected to another office.

4 (d) Notwithstanding IC 5-8-4, a person may not withdraw the
5 person's resignation after the resignation has been accepted by the
6 person authorized to accept the resignation less than seventy-two (72)
7 hours before the announced starting time of the caucus under this
8 chapter.

9 (e) The person selected must reside in the district where the vacancy
10 occurred.

11 SECTION 13. IC 3-13-5-2 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The state
13 chairman of the political party that elected or selected the person who
14 held the vacated seat shall set the place, date, and time of ~~a the~~ caucus.
15 ~~meeting~~. The chairman shall send a notice, by first class mail, of the
16 purpose, place, date, and time of the meeting to all precinct
17 committeemen ~~in the caucus~~ **and vice committeemen of the precincts**
18 **to be represented under this chapter** at least ten (10) days before the
19 meeting. **The notice must include a statement that a precinct**
20 **committeeman or vice committeeman is not necessarily eligible to**
21 **participate in the meeting because the notice was sent to the**
22 **precinct committeeman or vice committeeman.**

23 SECTION 14. IC 3-13-5-3 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The state
25 chairman shall preside over a caucus ~~meeting~~ held under this chapter.

26 (b) A person who desires to be a candidate to fill a vacancy under
27 this chapter must file:

28 (1) a declaration of candidacy with the chairman of the caucus;
29 and

30 (2) a statement of economic interests under IC 2-2.1-3-2 with the
31 secretary of the senate or principal clerk of the house of
32 representatives;

33 at least seventy-two (72) hours before the time fixed for the caucus.

34 (c) In addition to the procedures prescribed by this chapter, the
35 chairman and ~~the~~ precinct committeemen **and vice committeemen**
36 **eligible to participate in the caucus** may adopt rules of procedure that
37 are necessary to conduct business.

38 SECTION 15. IC 3-13-5-4 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~Each precinct~~
40 ~~committeeman~~ **(a) To be eligible to participate in a caucus called**
41 **under this chapter, an elected precinct committeeman must be**
42 **entitled to vote for the legislative office for which a successor is to**

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1 be selected. A newly elected precinct committeeman is eligible to
 2 participate in a caucus called under this chapter, regardless of
 3 when the vacancy in the legislative office occurred.

4 (b) An appointed precinct committeeman is eligible to
 5 participate in a caucus called under this chapter if the individual
 6 was a committeeman thirty (30) days before the vacancy occurred.

7 (c) Notwithstanding subsection (b), an appointed precinct
 8 committeeman is eligible to participate in a caucus called under
 9 this chapter if all of the following apply:

10 (1) The individual's predecessor as precinct committeeman
 11 resigned or died within forty-five (45) days before the
 12 legislative office vacancy occurred.

13 (2) The individual's predecessor as precinct committeeman
 14 was precinct committeeman for not less than thirty (30) days.

15 (3) The individual was appointed to be precinct
 16 committeeman not later than fifteen (15) days after the
 17 precinct committeeman vacancy occurred.

18 (d) A precinct vice committeeman may attend a caucus called
 19 under this chapter. A precinct vice committeeman is eligible to
 20 participate in a caucus called under this chapter if both of the
 21 following apply:

22 (1) The vice committeeman was vice committeeman thirty (30)
 23 days before the legislative office vacancy occurred.

24 (2) Either of the following apply:

25 (A) The precinct committeeman:

26 (i) is eligible to participate in the meeting under this
 27 section; and

28 (ii) has not signed the caucus roll at the time the chair of
 29 the meeting closes the caucus roll under subsection (f).

30 (B) The precinct committeeman of the precinct:

31 (i) resigned or died after the legislative office vacancy
 32 occurred; and

33 (ii) was otherwise eligible to participate in the caucus
 34 under this section.

35 (e) The chairman of the caucus called under this chapter shall
 36 have a roll of the names of all precinct committeemen and vice
 37 committeemen:

38 (1) of precincts to be represented at the caucus under this
 39 chapter; and

40 (2) who are eligible to participate at the caucus if they:

41 (A) are eligible under subsections (a) through (d); and

42 (B) sign the roll as required by subsection (f).

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1 (f) A precinct committeeman or vice committeeman must sign
 2 the roll by the committeeman's or vice committeeman's name to be
 3 eligible to participate in the caucus. After the chairman of the
 4 caucus calls the caucus to order, the chairman shall do the
 5 following:

6 (1) Announce that the roll is about to be closed.

7 (2) Permit any committeemen or vice committeemen who are
 8 present and who have not signed reasonable time to sign the
 9 roll.

10 (3) Close the roll.

11 (g) If a precinct committeeman who is otherwise eligible to
 12 participate in the caucus has signed the roll before it is closed, the
 13 precinct vice committeeman may be present at the caucus but may
 14 not participate in the caucus. If the precinct committeeman who is
 15 otherwise eligible to participate in the caucus has not signed the
 16 roll before it is closed, the precinct vice committeeman may
 17 participate in the caucus if the precinct vice committeeman signed
 18 the roll before it was closed and is otherwise eligible to participate
 19 in the caucus.

20 (h) An individual eligible to participate in a caucus meeting held
 21 under this chapter has one (1) vote. A committeeman may not vote if
 22 the committeeman was not a committeeman at least thirty (30) days
 23 before the vacancy occurred:

24 (i) The chairman of the caucus shall determine a location at the
 25 caucus meeting place for voting to ensure a secret ballot.

26 SECTION 16. IC 3-13-5-5 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Subject to
 28 subsection (b), Voting by proxy is not allowed in a caucus meeting held
 29 under this chapter.

30 (b) A precinct committeeman may designate a precinct vice
 31 committeeman who:

32 (1) is a member of the same political party that elected or selected
 33 the person who vacated the office to be filled;

34 (2) is the vice committeeman for the committeeman's precinct;
 35 and

36 (3) has been a vice committeeman continuously for a period
 37 beginning thirty (30) days before the date the vacancy occurred;
 38 as the committeeman's proxy in a caucus meeting. A precinct
 39 committeeman who is not eligible to participate in the caucus may
 40 designate a precinct vice-committeeman who is eligible to participate
 41 under this subsection as the representative of the precinct. To be
 42 effective, the designation must be filed with the chairman of the caucus

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1 meeting at least seventy-two (72) hours before the meeting. The
 2 chairman of the caucus meeting shall read the list of the persons
 3 eligible to vote under a proxy in the caucus meeting before any voting
 4 occurs. A proxy may not be revoked after it is filed with the chairman
 5 of the caucus meeting.

6 (c) If the vacancy to be filled under this chapter resulted from the
 7 death of a person holding a legislative office who also served as a
 8 precinct committeeman, the vice committeeman for that precinct is
 9 eligible to participate in the caucus.

10 (d) (b) Voting shall be conducted by secret ballot, and
 11 IC 5-14-1.5-3(b) does not apply to this chapter.

12 SECTION 17. IC 3-13-11-4 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The notice for
 14 a caucus under section 3 of this chapter must:

- 15 (1) be in writing;
- 16 (2) state the name of the chairman of the caucus;
- 17 (3) state the purpose of the caucus;
- 18 (4) state the date, time, and place of the caucus; and
- 19 (5) be sent by first class mail to each member of the caucus
 20 precinct committeeman and vice committeeman of the
 21 precincts to be represented under this chapter at least ten (10)
 22 days before the caucus; and
- 23 (6) include a statement that a precinct committeeman or vice
 24 committeeman is not necessarily eligible to participate in the
 25 caucus because the notice was sent to the precinct
 26 committeeman or vice committeeman.

27 SECTION 18. IC 3-13-11-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be
 29 eligible to be a member of a caucus under this chapter, a person
 30 precinct committeeman or vice committeeman must satisfy the
 31 following:

- 32 (1) Be a member of the same political party that elected or
 33 selected the person who vacated the office to be filled.
- 34 (2) Be the precinct committeeman or vice committeeman of a
 35 precinct in which voters were eligible to vote for the person who
 36 vacated the office to be filled at the last election conducted or
 37 permitted for the office. and
- 38 (3) If Satisfy the other requirements of this section.

39 A newly elected precinct committeeman is eligible to participate in
 40 a caucus called under this chapter, regardless of when the vacancy
 41 in the office occurred.

42 (b) An appointed precinct committeeman have been is eligible to

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1 **participate in a caucus called under this chapter if the individual**
 2 **was a precinct committeeman continuously for a period beginning**
 3 **thirty (30) days before the date the vacancy occurred.**

4 **(c) Notwithstanding subsection (b), an appointed precinct**
 5 **committeeman is eligible to participate in a caucus called under**
 6 **this chapter if all of the following apply:**

7 **(1) The individual's predecessor as precinct committeeman**
 8 **resigned or died within forty-five (45) days before the ballot**
 9 **vacancy occurred.**

10 **(2) The individual's predecessor as precinct committeeman**
 11 **was precinct committeeman for not less than thirty (30) days.**

12 **(3) The individual was appointed to be precinct**
 13 **committeeman not later than fifteen (15) days after the**
 14 **precinct committeeman vacancy occurred.**

15 **(d) A precinct vice committeeman may attend a caucus called**
 16 **under this chapter. A precinct vice committeeman is eligible to**
 17 **participate in a caucus called under this chapter if either of the**
 18 **following apply:**

19 **(1) The precinct committeeman:**

20 **(A) is eligible to participate in the caucus under this**
 21 **section; and**

22 **(B) has not signed the caucus roll at the time the chair of**
 23 **the caucus closes the caucus roll under subsection (e).**

24 **(2) The precinct committeeman of the precinct:**

25 **(A) resigned or died within fifteen (15) days of the date the**
 26 **caucus is to be held; and**

27 **(B) was otherwise eligible to participate in the caucus**
 28 **under this section.**

29 **(e) The chairman of the caucus called under this chapter shall**
 30 **have a roll of the names of all precinct committeemen and vice**
 31 **committeemen:**

32 **(1) of precincts to be represented at the caucus under this**
 33 **chapter; and**

34 **(2) who are eligible to participate at the caucus if they:**

35 **(A) are eligible under subsections (a) through (d); and**

36 **(B) sign the roll as required by subsection (f).**

37 **(f) A precinct committeeman or vice committeeman must sign**
 38 **the roll by the committeeman's or vice committeeman's name to be**
 39 **eligible to participate in the caucus. After the chairman of the**
 40 **caucus calls the caucus to order, the chairman shall do the**
 41 **following:**

42 **(1) Announce that the roll is about to be closed.**



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(2) Permit any committeemen or vice committeemen who are present and who have not signed reasonable time to sign the roll.

(3) Close the roll.

(g) If a precinct committeeman who is otherwise eligible to participate in the caucus has signed the roll before it is closed, the precinct vice committeeman may be present at the caucus but may not participate in the caucus. If the precinct committeeman who is otherwise eligible to participate in the meeting has not signed the roll before it is closed, the precinct vice committeeman may participate in the caucus if the precinct vice committeeman signed the roll before it was closed and is otherwise eligible to participate in the meeting.

(h) An individual eligible to participate in a caucus held under this chapter has one (1) vote.

(i) The chairman of the caucus shall determine a location at the caucus meeting place for voting to ensure a secret ballot.

~~(b)~~ **(j) If fewer than two (2) persons are eligible to be members of a caucus under this section, the county chairman entitled to give notice of a caucus under section 3 of this chapter shall fill the vacancy, no later than thirty (30) days after the vacancy occurs. A chairman acting under this subsection is not required to conduct a caucus.**

~~(c)~~ **If the vacancy to be filled under this chapter resulted from the death of a person holding a local office who also served as a precinct committeeman, the vice committeeman for that precinct is eligible to participate in the caucus.**

SECTION 19. IC 3-13-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section does not apply to a vacancy filled by a county chairman under section ~~5(b)~~ **5(j)** of this chapter.

(b) A person who wishes to be a candidate for pro tempore appointment to fill a vacancy under this chapter must file:

- (1) a declaration of candidacy with the chairman of the caucus; and
- (2) a statement of economic interests with the commission on judicial qualifications if the vacancy is in the office of prosecuting attorney;

at least seventy-two (72) hours before the time fixed for the caucus.

SECTION 20. IC 3-13-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. ~~(a) Subject to subsection (b);~~ A member of a caucus under this chapter may not vote

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- 1 by proxy.
- 2 (b) A precinct committeeman may designate a precinct vice
3 committeeman who:
- 4 (1) is a member of the same political party that elected or selected
5 the person who vacated the office to be filled;
- 6 (2) is the vice committeeman for the committeeman's precinct;
7 and
- 8 (3) has been a vice committeeman continuously for a period
9 beginning thirty (30) days before the date the vacancy occurred;
10 as the committeeman's proxy in a caucus meeting. A precinct
11 committeeman who is not eligible to participate in the caucus may
12 designate a precinct vice committeeman who is eligible to participate
13 under this subsection as the representative of the precinct.
- 14 (c) To be effective, the designation must be filed with the chairman
15 of the caucus meeting at least seventy-two (72) hours before the
16 meeting. The chairman of the caucus meeting shall read the list of
17 persons eligible to vote under a proxy in the caucus meeting before any
18 voting occurs. A proxy may not be revoked after it is filed with the
19 chairman of the caucus meeting.
- 20 SECTION 21. IC 3-13-11-11 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. No later than
22 noon five (5) days after:
- 23 (1) the selection required by section 10 of this chapter; or
24 (2) a selection under section ~~5(b)~~ 5(j) of this chapter;
- 25 the chairman shall certify the pro tempore appointment results to the
26 circuit court clerk of the county in which the greatest percentage of the
27 population of the election district is located. The clerk shall file the
28 certificate in the clerk's office in the same manner as certificates of
29 election are filed. Within twenty-four (24) hours after the certificate is
30 filed, the clerk shall issue a copy of the certificate to the individual
31 named in the certificate.
- 32 SECTION 22. **An emergency is declared for this act.**

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