

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 114 be amended to read as follows:

- 1 Page 1, between lines 4 and 5, begin a new paragraph and insert:
- 2 "SECTION 2. IC 3-6-2-1 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Each political party
- 4 whose nominee received at least ten percent (10%) of the votes cast in
- 5 the state for secretary of state at the last election may have precinct
- 6 committeemen elected at the same time as a primary election in
- 7 accordance with IC 3-10-1-4.5 if provided by the rules of the political
- 8 party.
- 9 (b) **A precinct committeeman elected under this section is**
- 10 **entitled to appoint and remove a precinct vice committeeman at**
- 11 **any time."**
- 12 Page 7, between lines 4 and 5, begin a new paragraph and insert:
- 13 "SECTION 18. IC 3-13-1-11 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) At a
- 15 meeting called under section 7 of this chapter, the eligible participants
- 16 shall:
- 17 (1) establish the caucus rules of procedure, except as otherwise
- 18 provided in this chapter; and
- 19 (2) select, by a majority vote of those casting a vote for a
- 20 candidate, a person to fill the candidate vacancy described in the
- 21 call for the meeting.
- 22 (b) ~~Voting by proxy is not allowed.~~ If more than one (1) person
- 23 seeks to fill the vacancy, the selection shall be conducted by secret
- 24 ballot.

1 SECTION 19. IC 3-13-1-11.5 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) Except as provided**  
 4 **in this section, voting by proxy is not permitted in a caucus called**  
 5 **under section 7 of this chapter.**

6 (b) **A precinct vice committeeman is entitled to participate in a**  
 7 **caucus called under section 7 of this chapter and vote as a proxy**  
 8 **for the vice committeeman's precinct committeeman if all of the**  
 9 **following apply:**

10 (1) **The vice committeeman's precinct committeeman is**  
 11 **otherwise eligible to participate in the caucus under this**  
 12 **chapter.**

13 (2) **The vice committeeman's precinct committeeman is not**  
 14 **present at the caucus.**

15 (3) **The vice committeeman is eligible under this section.**

16 (c) **The vice committeeman of an elected precinct committeeman**  
 17 **is eligible to participate in a caucus called under section 7 of this**  
 18 **chapter and vote the precinct committeeman's proxy, regardless of**  
 19 **when the ballot vacancy occurred, if both of the following apply:**

20 (1) **The vice committeeman was appointed by the precinct**  
 21 **committeeman.**

22 (2) **The vice committeeman was the vice committeeman five**  
 23 **(5) days before the date of the caucus.**

24 (d) **If a vice committeeman is not eligible under subsection (c),**  
 25 **the vice committeeman is eligible to participate in a caucus called**  
 26 **under section 7 of this chapter and vote the precinct**  
 27 **committeeman's proxy only if the vice committeeman was the vice**  
 28 **committeeman thirty (30) days before the ballot vacancy**  
 29 **occurred."**

30 Page 7, between lines 24 and 25, begin a new paragraph and insert:  
 31 "SECTION 21. IC 3-13-5-1 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A vacancy in  
 33 a legislative office shall be filled by a caucus comprised of the precinct  
 34 committeemen from the senate or house district where the vacancy  
 35 exists who represent the same political party that elected or selected the  
 36 person who held the vacated seat.

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

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

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

47 (2) been elected to another office.

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

6 (e) The person selected must reside in the district where the vacancy  
 7 occurred.

8 SECTION 22. IC 3-13-5-5 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) ~~Subject to~~  
 10 ~~subsection (b);~~ **Except as provided in this section,** voting by proxy is  
 11 not allowed in a caucus meeting held under this chapter.

12 (b) A precinct committeeman may designate a precinct vice  
 13 committeeman who:

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

16 (2) is the vice committeeman for the committeeman's precinct;  
 17 and

18 (3) has been a vice committeeman continuously for a period  
 19 beginning thirty (30) days before the date the vacancy occurred;  
 20 as the committeeman's proxy in a caucus meeting. A precinct  
 21 committeeman who is not eligible to participate in the caucus may  
 22 designate a precinct vice-committeeman who is eligible to participate  
 23 under this subsection as the representative of the precinct. To be  
 24 effective, the designation must be filed with the chairman of the caucus  
 25 meeting at least seventy-two (72) hours before the meeting. The  
 26 chairman of the caucus meeting shall read the list of the persons  
 27 eligible to vote under a proxy in the caucus meeting before any voting  
 28 occurs. A proxy may not be revoked after it is filed with the chairman  
 29 of the caucus meeting.

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

34 (b) A precinct vice committeeman is entitled to participate in a  
 35 caucus held under this chapter and vote as a proxy for the vice  
 36 committeeman's precinct committeeman if all of the following  
 37 apply:

38 (1) The vice committeeman's precinct committeeman is  
 39 otherwise eligible to participate in the caucus under this  
 40 chapter. This subdivision is satisfied if the vacancy to be filled  
 41 under this chapter resulted from the death of an individual  
 42 holding a legislative office who also served as a precinct  
 43 committeeman.

44 (2) The vice committeeman's precinct committeeman is not  
 45 present at the caucus.

46 (3) The vice committeeman is eligible under this section.

1           (c) **The vice committeeman of an elected precinct committeeman**  
 2 **is eligible to participate in a caucus held under this chapter and**  
 3 **vote the precinct committeeman's proxy, regardless of when the**  
 4 **ballot vacancy occurred, if both of the following apply:**

5           (1) **The vice committeeman was appointed by the precinct**  
 6 **committeeman.**

7           (2) **The vice committeeman was the vice committeeman five**  
 8 **(5) days before the date of the caucus.**

9           (d) **If a vice committeeman is not eligible under subsection (c),**  
 10 **the vice committeeman is eligible to participate in a caucus held**  
 11 **under this chapter and vote the precinct committeeman's proxy**  
 12 **only if the vice committeeman was the vice committeeman thirty**  
 13 **(30) days before the ballot vacancy occurred.**

14       ~~(d)~~ (e) **Voting shall be conducted by secret ballot, and**  
 15 **IC 5-14-1.5-3(b) does not apply to this chapter."**

16       Page 8, strike lines 12 through 15.

17       Page 8, between lines 15 and 16, begin a new paragraph and insert:

18       "SECTION 24. IC 3-13-11-9 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **Subject to**  
 20 **subsection (b); Except as provided in this section, a member of a**  
 21 **caucus under this chapter may not vote voting by proxy is not**  
 22 **permitted in a caucus held under this chapter.**

23       (b) **A precinct committeeman may designate a precinct vice**  
 24 **committeeman who:**

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

27           (2) **is the vice committeeman for the committeeman's precinct;**  
 28 **and**

29           (3) **has been a vice committeeman continuously for a period**  
 30 **beginning thirty (30) days before the date the vacancy occurred;**  
 31 **as the committeeman's proxy in a caucus meeting. A precinct**  
 32 **committeeman who is not eligible to participate in the caucus may**  
 33 **designate a precinct vice committeeman who is eligible to participate**  
 34 **under this subsection as the representative of the precinct.**

35       (c) **To be effective, the designation must be filed with the chairman**  
 36 **of the caucus meeting at least seventy-two (72) hours before the**  
 37 **meeting. The chairman of the caucus meeting shall read the list of**  
 38 **persons eligible to vote under a proxy in the caucus meeting before any**  
 39 **voting occurs. A proxy may not be revoked after it is filed with the**  
 40 **chairman of the caucus meeting.**

41       (b) **A precinct vice committeeman is entitled to participate in a**  
 42 **caucus held under this chapter and vote as a proxy for the vice**  
 43 **committeeman's precinct committeeman if all of the following**  
 44 **apply:**

45           (1) **The vice committeeman's precinct committeeman is**  
 46 **otherwise eligible to participate in the caucus under this**  
 47 **chapter. This subdivision is satisfied if the vacancy to be filled**

- 1           **under this chapter resulted from the death of an individual**
- 2           **holding a local office who also served as a precinct**
- 3           **committeeman.**
- 4           **(2) The vice committeeman's precinct committeeman is not**
- 5           **present at the caucus.**
- 6           **(3) The vice committeeman is eligible under this section.**
- 7           **(c) The vice committeeman of an elected precinct committeeman**
- 8           **is eligible to participate in a caucus held under this chapter and**
- 9           **vote the precinct committeeman's proxy, regardless of when the**
- 10           **ballot vacancy occurred, if both of the following apply:**
- 11           **(1) The vice committeeman was appointed by the precinct**
- 12           **committeeman.**
- 13           **(2) The vice committeeman was the vice committeeman five**
- 14           **(5) days before the date of the caucus.**
- 15           **(d) If a vice committeeman is not eligible under subsection (c),**
- 16           **the vice committeeman is eligible to participate in a caucus held**
- 17           **under this chapter and vote the precinct committeeman's proxy**
- 18           **only if the vice committeeman was the vice committeeman thirty**
- 19           **(30) days before the ballot vacancy occurred."**
- 20           Renumber all SECTIONS consecutively.  
            (Reference is to SB 114 as printed February 17, 2000.)

---

Representative Thompson