

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1024**

Citations Affected: IC 1-1; IC 3-6; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-13; IC 5-4; IC 5-6; IC 5-8; IC 20-3; IC 20-4; IC 21-1; IC 36-1; noncode.

Synopsis: Miscellaneous election law changes. Provides that an action taken by the state or a political subdivision on a state legal holiday is valid. Provides that precinct vice committeemen are not eligible to participate in a caucus to fill a candidate or an office vacancy except as a proxy for the precinct committeeman. Provides that a general statute relating to changing the structure of the governing body of a school corporation does not apply to the governing body of the Gary school corporation. Revises certain school corporation statutes to reflect current law relating to local public questions. Provides that an employee of a political subdivision may be a candidate for an elected or appointed office and serve in the office without resigning from employment with the political subdivision. Provides that the election division is not required to have an annual meeting of election officials for years in which there are no elections. Makes other technical changes in Indiana election law including changes in the statute relating to oaths of office and the Lake County board of elections and registration. Provides that a candidate for a local office for which the compensation is less than \$5,000 per year is required to have a principal committee and to file certain campaign finance reports if the candidate receives at least \$500 in contributions or makes at least \$500 in expenditures. Repeals several statutes and amends other statutes relating to requirements for voting systems. Directs the census data advisory committee to study certain issues relating to municipal election calendars and small town conventions. (This conference committee report adds the provisions relating to eligibility of precinct vice committeemen to vote in a caucus to fill a candidate or an office vacancy and the provisions relating to the Gary school board elections.)

Effective: May 10, 1999 (retroactive); November 1, 1999 (retroactive); Upon passage; July 1, 2000; January 1, 2001.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1024 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Page 13, delete lines 9 through 42, begin a new paragraph and
2 insert:
3 "SECTION 21. IC 3-13-1-5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A candidate
5 vacancy for a legislative office shall be filled by a caucus comprised by
6 the precinct committeemen ~~and vice committeemen~~ of the political
7 party whose precincts are within the senate or house district.
8 SECTION 22. IC 3-13-1-6 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Except as
10 provided in subsection (b), a candidate vacancy for a local office shall
11 be filled by:
12 (1) a caucus comprised of the precinct committeemen ~~and vice~~
13 ~~committeemen~~ who are eligible to participate under section 10 of
14 this chapter; or
15 (2) the county chairman of the political party or a caucus
16 comprised of the chairman, vice chairman, secretary, and
17 treasurer of the county committee of the party, if:
18 (A) authorized to fill vacancies under this chapter by majority
19 vote of the county committee; and
20 (B) the election district for the local office is entirely within
21 one (1) county.
22 (b) A candidate vacancy for the office of circuit court judge or
23 prosecuting attorney in a circuit having more than one (1) county shall
24 be filled by a caucus comprised of the precinct committeemen ~~and vice~~
25 ~~committeemen~~ who constitute the county committees of the political
26 party for all of the circuit.
27 SECTION 23. IC 3-13-1-10, AS AMENDED BY P.L.176-1999,

1 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) To be eligible to
 3 participate in a caucus called under section 7 of this chapter, an elected
 4 precinct committeeman ~~or vice committeeman~~ must be entitled to vote
 5 for the office for which a candidate is to be selected. An elected
 6 precinct committeeman is eligible to participate in a caucus called
 7 under this chapter, regardless of when the ballot vacancy occurred. ~~The~~
 8 ~~vice committeeman of an elected precinct committeeman is eligible to~~
 9 ~~participate in a caucus called under this chapter, regardless of when the~~
 10 ~~ballot vacancy occurred.~~

11 (b) An appointed precinct committeeman is eligible to participate
 12 in a caucus called under section 7 of this chapter if the precinct
 13 committeeman was a committeeman thirty (30) days before the
 14 vacancy occurred. ~~The vice committeeman of an appointed precinct~~
 15 ~~committeeman is eligible to participate in a caucus called under section~~
 16 ~~7 of this chapter if the vice committeeman was a vice committeeman~~
 17 ~~thirty (30) days before the vacancy occurred.~~

18 SECTION 24. IC 3-13-1-11 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) At a
 20 meeting called under section 7 of this chapter, the eligible participants
 21 shall:

- 22 (1) establish the caucus rules of procedure, except as otherwise
 23 provided in this chapter; and
- 24 (2) select, by a majority vote of those casting a vote for a
 25 candidate, a person to fill the candidate vacancy described in the
 26 call for the meeting.

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

30 SECTION 25. IC 3-13-1-11.5 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) Except as provided**
 33 **in this section, voting by proxy is not permitted in a caucus called**
 34 **under section 7 of this chapter.**

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

- 39 (1) **The vice committeeman's precinct committeeman is**
 40 **otherwise eligible to participate in the caucus under this**
 41 **chapter.**
- 42 (2) **The vice committeeman's precinct committeeman is not**
 43 **present at the caucus.**
- 44 (3) **The vice committeeman is eligible under this section.**

45 (c) **The vice committeeman of an elected precinct committeeman**
 46 **is eligible to participate in a caucus called under section 7 of this**
 47 **chapter and vote the precinct committeeman's proxy, regardless of**
 48 **when the ballot vacancy occurred, if the vice committeeman was**
 49 **the vice committeeman five (5) days before the date of the caucus.**

50 (d) **If a vice committeeman is not eligible under subsection (c),**
 51 **the vice committeeman is eligible to participate in a caucus called**

1 **under section 7 of this chapter and vote the precinct**
 2 **committeeman's proxy only if the vice committeeman was the vice**
 3 **committeeman thirty (30) days before the ballot vacancy occurred.**

4 SECTION 26. IC 3-13-5-1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A vacancy in
 6 a legislative office shall be filled by a caucus comprised of the precinct
 7 committeemen from the senate or house district where the vacancy
 8 exists who represent the same political party that elected or selected the
 9 person who held the vacated seat.

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

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

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

20 (2) been elected to another office.

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

26 (e) The person selected must reside in the district where the vacancy
 27 occurred.

28 SECTION 27. IC 3-13-5-4, AS AMENDED BY P.L.176-1999,
 29 SECTION 115, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To be eligible to
 31 participate in a caucus called under this chapter, an elected precinct
 32 committeeman must be entitled to vote for the legislative office for
 33 which a successor is to be selected. An elected precinct committeeman
 34 is eligible to participate in a caucus called under this chapter,
 35 regardless of when the vacancy in the legislative office occurred. ~~The~~
 36 ~~vice committeeman of an elected precinct committeeman is eligible to~~
 37 ~~participate in a caucus called under this chapter, regardless of when the~~
 38 ~~vacancy in the legislative office occurred.~~

39 (b) An appointed precinct committeeman is eligible to participate
 40 in a caucus called under this chapter if the precinct committeeman was
 41 a committeeman thirty (30) days before the vacancy occurred. ~~The vice~~
 42 ~~committeeman of an appointed precinct committeeman is eligible to~~
 43 ~~participate in a caucus called under this chapter if the vice~~
 44 ~~committeeman was a vice committeeman thirty (30) days before the~~
 45 ~~vacancy occurred.~~

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

48 SECTION 28. IC 3-13-5-5 IS AMENDED TO READ AS
 49 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) ~~Subject to~~
 50 ~~subsection (b);~~ **Except as provided in this section,** voting by proxy is
 51 not allowed in a caucus ~~meeting~~ held under this chapter.

1 (b) A precinct committeeman may designate a precinct vice
2 committeeman who:

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

5 (2) is the vice committeeman for the committeeman's precinct;
6 and

7 (3) has been a vice committeeman continuously for a period
8 beginning thirty (30) days before the date the vacancy occurred;
9 as the committeeman's proxy in a caucus meeting. A precinct
10 committeeman who is not eligible to participate in the caucus may
11 designate a precinct vice-committeeman who is eligible to participate
12 under this subsection as the representative of the precinct. To be
13 effective, the designation must be filed with the chairman of the caucus
14 meeting at least seventy-two (72) hours before the meeting. The
15 chairman of the caucus meeting shall read the list of the persons
16 eligible to vote under a proxy in the caucus meeting before any voting
17 occurs. A proxy may not be revoked after it is filed with the chairman
18 of the caucus meeting.

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

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

27 (1) The vice committeeman's precinct committeeman is
28 otherwise eligible to participate in the caucus under this
29 chapter. This subdivision is satisfied if the vacancy to be filled
30 under this chapter resulted from the death of an individual
31 holding a legislative office who also served as a precinct
32 committeeman.

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

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

36 (c) The vice committeeman of an elected precinct committeeman
37 is eligible to participate in a caucus held under this chapter and
38 vote the precinct committeeman's proxy, regardless of when the
39 ballot vacancy occurred, if the vice committeeman was the vice
40 committeeman five (5) days before the date of the caucus.

41 (d) If a vice committeeman is not eligible under subsection (c),
42 the vice committeeman is eligible to participate in a caucus held
43 under this chapter and vote the precinct committeeman's proxy
44 only if the vice committeeman was the vice committeeman thirty
45 (30) days before the ballot vacancy occurred.

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

48 SECTION 29. IC 3-13-11-5, AS AMENDED BY P.L.176-1999,
49 SECTION 116, IS AMENDED TO READ AS FOLLOWS
50 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible to be a
51 member of a caucus under this chapter, a precinct committeeman or

1 ~~vice committeeman~~ must satisfy the following:

2 (1) Be a member of the same political party that elected or
3 selected the person who vacated the office to be filled.

4 (2) Be the precinct committeeman ~~or vice committeeman~~ of a
5 precinct in which voters were eligible to vote for the person who
6 vacated the office to be filled at the last election conducted or
7 permitted for the office.

8 (3) Satisfy the other requirements of this section.

9 An elected precinct committeeman is eligible to participate in a caucus
10 called under this chapter, regardless of when the vacancy in the office
11 occurred. ~~The vice committeeman of an elected precinct committeeman~~
12 ~~is eligible to participate in a caucus called under this chapter;~~
13 ~~regardless of when the vacancy in the office occurred.~~

14 (b) An appointed precinct committeeman is eligible to participate
15 in a caucus called under this chapter if the precinct committeeman was
16 a precinct committeeman thirty (30) days before the vacancy occurred.
17 ~~The vice committeeman of an appointed precinct committeeman is~~
18 ~~eligible to participate in a caucus called under this chapter if the vice~~
19 ~~committeeman was a vice committeeman thirty (30) days before the~~
20 ~~vacancy occurred.~~

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

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

30 SECTION 30. IC 3-13-11-9 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) ~~Subject to~~
32 ~~subsection (b);~~ **Except as provided in this section, a member of a**
33 **caucus under this chapter may not vote voting by proxy is not**
34 **permitted in a caucus held under this chapter.**

35 (b) A precinct committeeman may designate a precinct vice
36 committeeman who:

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

39 (2) is the vice committeeman for the committeeman's precinct;
40 and

41 (3) has been a vice committeeman continuously for a period
42 beginning thirty (30) days before the date the vacancy occurred;
43 as the committeeman's proxy in a caucus meeting. A precinct
44 committeeman who is not eligible to participate in the caucus may
45 designate a precinct vice committeeman who is eligible to participate
46 under this subsection as the representative of the precinct.

47 (c) ~~To be effective, the designation must be filed with the chairman~~
48 ~~of the caucus meeting at least seventy-two (72) hours before the~~
49 ~~meeting. The chairman of the caucus meeting shall read the list of~~
50 ~~persons eligible to vote under a proxy in the caucus meeting before any~~
51 ~~voting occurs. A proxy may not be revoked after it is filed with the~~

1 chairman of the caucus meeting:

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

6 (1) The vice committeeman's precinct committeeman is
7 otherwise eligible to participate in the caucus under this
8 chapter. This subdivision is satisfied if the vacancy to be filled
9 under this chapter resulted from the death of an individual
10 holding a local office who also served as a precinct
11 committeeman.

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

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

15 (c) The vice committeeman of an elected precinct committeeman
16 is eligible to participate in a caucus held under this chapter and
17 vote the precinct committeeman's proxy, regardless of when the
18 ballot vacancy occurred, if the vice committeeman was the vice
19 committeeman five (5) days before the date of the caucus.

20 (d) If a vice committeeman is not eligible under subsection (c),
21 the vice committeeman is eligible to participate in a caucus held
22 under this chapter and vote the precinct committeeman's proxy
23 only if the vice committeeman was the vice committeeman thirty
24 (30) days before the ballot vacancy occurred."

25 Page 14, delete lines 1 through 16.

26 Page 16, after line 42, begin a new paragraph and insert:

27 "SECTION 35. IC 20-3-21-1 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **IC 20-4-10.1**
29 **does not apply to a school corporation or the governing body of a**
30 **school corporation covered by this chapter. applies to a school**
31 **corporation for which a referendum has been held:**

32 (1) as required by statute; and

33 (2) in which a majority of the votes cast approve electing the
34 members of the governing body:

35 SECTION 36. IC 20-3-21-11 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE UPON PASSAGE]: **Sec. 11. Before August 1 of each**
38 **year, the school corporation shall file with the state superintendent**
39 **of public instruction a list of the:**

40 (1) names and addresses of members of the school
41 corporation's governing body;

42 (2) names and addresses of the school corporation's officers;
43 and

44 (3) expiration dates of the terms of the school corporation's
45 members and officers.

46 The school corporation shall file any changes in the list within
47 thirty (30) days after the changes occur."

48 Page 26, between lines 28 and 29, begin a new paragraph and insert:

49 "SECTION 40. IC 20-4-10.1-1 IS AMENDED TO READ AS
50 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this
51 chapter, the following terms shall have the following meanings:

1 (a) "School corporation" shall mean any local public school
 2 corporation established under the laws of ~~the state of~~ Indiana.
 3 ~~excluding, however;~~ **The term does not include a school townships**
 4 **township or a school corporation covered by IC 20-3-21.**

5 (b) "Governing body" shall mean the board or commission charged
 6 by law with the responsibility of administering the affairs of a school
 7 corporation.

8 ~~(d)~~ (c) "Plan" shall mean the manner in which the governing body
 9 of a school corporation is constituted, including, but not limited to, the
 10 number, qualifications, length of terms, manner, and time of selection
 11 (whether by appointment or by election) of the members of the
 12 governing body.

13 ~~(e)~~ (d) "Clerk of the circuit court" or "clerk" shall mean the clerk of
 14 the circuit court of the county in which a school corporation is located.
 15 Where the school corporation is located in more than one (1) county,
 16 such term shall refer to the clerks in each of the several counties in
 17 which the school corporation is located.

18 ~~(f)~~ (e) "County election board" shall mean the county election board
 19 in the county in which the school corporation is located. Where the
 20 school corporation is located in more than one (1) county, it shall mean
 21 the county election boards of the counties in which the school
 22 corporation is located, acting jointly.

23 ~~(g)~~ (f) "Judge of the circuit court" and the "circuit court" shall mean
 24 the judge of the circuit court and the circuit court of the county,
 25 respectively, in which the school corporation is located. Where it is
 26 located in more than one (1) county, such terms shall refer to the judge
 27 of the circuit court and the circuit court of the county in which the
 28 largest number of registered voters of the school corporation are
 29 residents.

30 ~~(h)~~ (g) "Voter", with respect to any petition, shall mean a registered
 31 voter in the school corporation as determined in this chapter."

32 Page 28, between lines 28 and 29, begin a new paragraph and insert:

33 "SECTION 48. [EFFECTIVE UPON PASSAGE] (a) **As used in**
 34 **this SECTION, "school corporation" refers to a school corporation**
 35 **covered by IC 20-3-21, as amended by this act.**

36 (b) **Notwithstanding any other law, three (3) members of the**
 37 **school corporation shall be elected at the primary election held on**
 38 **May 2, 2000, under IC 20-3-21, as amended by this act.**

39 (c) **Notwithstanding IC 20-3-21-3, the member of the governing**
 40 **body appointed by the mayor of the largest city contained within**
 41 **the school corporation under IC 20-3-21-3(b)(2) shall first be**
 42 **appointed by the mayor after May 2, 2000, and before July 1, 2000.**

43 (d) **This SECTION expires July 1, 2002."**

44 Renumber all SECTIONS consecutively.

(Reference is to EHB 1024 as reprinted February 29, 2000.)

Conference Committee Report
on
Engrossed House Bill 1024

Signed by:

Representative Kromkowski
Chairperson

Senator Landske

Representative Richardson

Senator Breaux

House Conferees

Senate Conferees