



January 13, 2012

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## HOUSE BILL No. 1004

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DIGEST OF HB 1004 (Updated January 11, 2012 6:01 pm - DI 75)

**Citations Affected:** IC 3-10; IC 3-13; IC 20-26.

**Synopsis:** Various election law matters. Provides that elections for municipal office that are uncontested may be held if the county election board adopts a resolution by unanimous vote providing that certain statutes do not apply in the county. Provides that if a caucus called to fill a candidate vacancy or a vacancy in certain local offices does not obtain a quorum, the applicable political party county chairman or state chairman is required to fill the vacancy. Corrects a reference to the terms of office of school board members to conform the law to the amendments made during the 2011 session that provide that all elected school board members are elected at a general election.

**Effective:** Upon passage; January 1, 2013.

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### Richardson, Koch

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January 9, 2012, read first time and referred to Committee on Elections and Apportionment.  
January 12, 2012, reported — Do Pass.

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HB 1004—LS 7024/DI 75+



January 13, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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## HOUSE BILL No. 1004

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 3-10-6-7.5, AS AMENDED BY P.L.225-2011,  
2 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2013]: Sec. 7.5. (a) This section applies to a municipal  
4 office elected during a municipal or general election.

5 **(b) This section does not apply if the county election board, by**  
6 **unanimous vote of the entire membership of the board, adopts a**  
7 **resolution providing that this section does not apply to municipal**  
8 **elections held in the county. A resolution adopted under this**  
9 **subsection remains in effect until rescinded by the county election**  
10 **board. The election board may not rescind the resolution during**  
11 **the final sixty (60) days before a municipal election.**

12 ~~(b)~~ (c) An election may not be held for a municipal office if:  
13 (1) there is only one (1) nominee for the office or only one (1)  
14 person has filed a declaration of intent to be a write-in candidate  
15 for the office under IC 3-8-2-2.5; and  
16 (2) no person has filed a declaration of intent to be a write-in  
17 candidate for the office under IC 3-8-2-2.5 that results in a contest

HB 1004—LS 7024/DI 75+



1 for election to the same municipal office.  
2 SECTION 2. IC 3-10-7-6, AS AMENDED BY P.L.225-2011,  
3 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JANUARY 1, 2013]: Sec. 6. (a) A municipal election conducted under  
5 this chapter shall be held at the time prescribed by IC 3-10-6.

6 **(b) This section does not apply if the county election board, by  
7 unanimous vote of the entire membership of the board, adopts a  
8 resolution providing that this section does not apply to municipal  
9 elections held in the county. A resolution adopted under this  
10 subsection remains in effect until rescinded by the county election  
11 board. The election board may not rescind the resolution during  
12 the final sixty (60) days before a municipal election.**

13 ~~(b)~~ (c) This subsection applies to a municipal office elected during  
14 a municipal or general election. An election may not be held for a  
15 municipal office if:

- 16 (1) there is only one (1) nominee for the office or only one (1)  
17 person has filed a declaration of intent to be a write-in candidate  
18 for the office under IC 3-8-2-2.5; and
- 19 (2) no person has filed a declaration of intent to be a write-in  
20 candidate for the office under IC 3-8-2-2.5 that results in a contest  
21 for election to the same municipal office.

22 SECTION 3. IC 3-13-1-12 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12. (a) If a tie  
24 vote occurs among participants acting under section 3, 4, 5, or 6(b) of  
25 this chapter, the chairman of the meeting may cast the tiebreaking vote.  
26 If a tie vote occurs among participants acting under section 6(a) of this  
27 chapter, the county chairman may cast the tiebreaking vote.

28 **(b) If a quorum required under the rules of a meeting held  
29 under this chapter is not present, the county chairman shall fill the  
30 candidate vacancy.**

31 SECTION 4. IC 3-13-2-6 IS AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) If a tie vote occurs  
33 among a group of chairmen acting under section 4 or 5(b) of this  
34 chapter, the state chairman may cast the tiebreaking vote.

35 **(b) If a quorum required under the rules of a meeting held  
36 under this chapter is not present, the state chairman shall fill the  
37 candidate vacancy.**

38 SECTION 5. IC 3-13-11-8 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 8. (a) Except as  
40 provided in this chapter, the caucus shall establish the caucus rules of  
41 procedure. The chairman shall break any tie vote that occurs in the  
42 caucus.

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1           **(b) If a quorum required under the rules of a meeting held**  
 2 **under this chapter is not present, the county chairman shall fill the**  
 3 **vacancy that exists in the local office.**

4           SECTION 6. IC 20-26-4-4, AS ADDED BY P.L.1-2005, SECTION  
 5 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
 6 PASSAGE]: Sec. 4. (a) This section does not apply to a school city of  
 7 the first class or to a school corporation succeeding to all or the major  
 8 part in area of a school city of the first class.

9           (b) The commencement and termination of terms of members of a  
 10 governing body are as follows:

11           (1) Except as provided in subdivision (2), the governing body of  
 12 each school corporation shall determine whether the term of  
 13 office for the governing body's members extends from January 1  
 14 to December 31 or from July 1 to June 30. A governing body that  
 15 makes a change in the commencement date of the governing  
 16 body's members' terms shall report the change to the state board  
 17 before August 1 preceding the year in which the change takes  
 18 place. An ex officio member of a governing body shall take office  
 19 at the time the ex officio member takes the oath of the office by  
 20 virtue of which the ex officio member is entitled to become an ex  
 21 officio member.

22           (2) In a county having a population of more than four hundred  
 23 thousand (400,000), the terms of office for the members of a  
 24 governing body ~~whether elected or~~ **who are** appointed,  
 25 commence on July 1 of the year in which the members are to take  
 26 office under the plan, resolution, or law under which the school  
 27 corporation is established, and terminate on the June 30 of the  
 28 final year of the term for which the members are to serve under  
 29 the plan, resolution, or law.

30           (c) If a vacancy in the membership of a governing body occurs for  
 31 any reason (including the failure of a sufficient number of petitions for  
 32 candidates for governing body membership being filed for an election  
 33 and whether the vacancy was of an elected or appointed member), the  
 34 remaining members of the governing body shall by majority vote fill  
 35 the vacancy by appointing a person from within the boundaries of the  
 36 school corporation, with the residence and other qualifications  
 37 provided for a regularly elected or appointed board member filling the  
 38 membership, to serve for the term or the balance of the term. However,  
 39 this subsection does not apply to a vacancy:

40           (1) of a member who serves on a governing body in an ex officio  
 41 capacity; or

42           (2) a vacancy in an appointed board membership if a plan,

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1 resolution, or law under which the school corporation operates  
2 specifically provides for filling vacancies by the appointing  
3 authority.  
4 **SECTION 7. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1004, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

KOCH, Chair

Committee Vote: yeas 10, nays 0.

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