



Reprinted
January 28, 2012

HOUSE BILL No. 1004

DIGEST OF HB 1004 (Updated January 27, 2012 12:19 pm - DI 75)

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

Synopsis: Various election law matters. Provides that if there is a contested election for any office of a municipality, all nominees for each office must be shown on the ballot. Authorizes a county election board to provide by resolution adopted by a unanimous vote of the members of the election board, that an election for a municipal office not be held if there is no contest for the office. Provides that such a resolution expires January 1 of the year immediately following its adoption. Authorizes a county election board to provide by resolution adopted by a unanimous vote of the members of the election board, that a municipal election may be limited to legislative body districts of the municipality where there are contests for election of members of the municipal legislative body if there are no contested offices to be elected by all the voters of the municipality. 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.

Richardson, Koch, Bartlett

January 9, 2012, read first time and referred to Committee on Elections and Apportionment.
January 12, 2012, reported — Do Pass.
January 27, 2012, read second time, amended, ordered engrossed.

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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.

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 UPON PASSAGE]: Sec. 7.5. (a) This section applies to a municipal
4 office elected during a municipal or general election.

5 (b) **Except as provided in subsection (c) or (d), if there is an**
6 **election for any office of the municipality, all nominees for each**
7 **office must be on the ballot.**

8 (c) **If:**

9 (1) **there is an election for at least one (1) of a municipality's**
10 **legislative body members;**

11 (2) **only the voters who reside in a legislative body district are**
12 **eligible to vote in the election for a legislative body member;**
13 **and**

14 (3) **there is no election for an office to be voted on by all voters**
15 **of the municipality;**

16 **the county election board may, by unanimous vote of the entire**
17 **membership of the board, adopt a resolution providing that an**

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1 election will be held only in the legislative body districts within the
2 municipality in which voters will elect legislative body members
3 under subdivision (2). The names of unopposed candidates for an
4 office to be voted on by all voters of the municipality shall not be
5 placed on the ballot used for the election of municipal legislative
6 body members under this subsection.

7 (d) This subsection applies only if the county election board
8 adopts a resolution by a unanimous vote of the entire membership
9 of the board making this subsection applicable in the county. An
10 election may not be held for a municipal office if:

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

17 **A resolution adopted under this subsection expires on January 1 of**
18 **the year following the year the resolution was adopted.**

19 SECTION 2. IC 3-10-7-6, AS AMENDED BY P.L.225-2011,
20 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]: Sec. 6. (a) **This section applies to a municipal**
22 **office elected during a municipal or general election.**

23 (b) A municipal election conducted under this chapter shall be held
24 at the time prescribed by IC 3-10-6.

25 ~~(b)~~ (c) **Except as provided in subsection (d) or (e), if there is an**
26 **election for any office of the municipality, all nominees for each**
27 **office must be on the ballot.**

- 28 (d) **If:**
- 29 (1) **there is an election for at least one (1) of the town's**
- 30 **legislative body members;**
- 31 (2) **only the voters who reside in a legislative body district are**
- 32 **eligible to vote in the election for a legislative body member;**
- 33 **and**
- 34 (3) **there is no election for an office to be voted on by all voters**
- 35 **of the town;**

36 **the county election board (or town election board if that board is**
37 **conducting the election under this chapter) may, by unanimous**
38 **vote of the entire membership of the board, adopt a resolution**
39 **providing that an election will be held only in the legislative body**
40 **districts within the town in which voters will elect legislative body**
41 **members under subdivision (2). The names of unopposed**
42 **candidates for an office to be voted on by all voters of the town**

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1 shall not be placed on the ballot used for the election of town
2 legislative body members under this subsection.

3 (e) This subsection applies only if the county election board
4 adopts a resolution by a unanimous vote of the entire membership
5 of the board making this subsection applicable in the county. This
6 subsection applies to a municipal office elected during a municipal or
7 general election. An election may not be held for a municipal office if:

8 (1) there is only one (1) nominee for the office or only one (1)
9 person has filed a declaration of intent to be a write-in candidate
10 for the office under IC 3-8-2-2.5; and

11 (2) no person has filed a declaration of intent to be a write-in
12 candidate for the office under IC 3-8-2-2.5 that results in a contest
13 for election to the same municipal office.

14 **A resolution adopted under this subsection expires on January 1 of**
15 **the year following the year the resolution was adopted.**

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

22 (b) If a quorum required under the rules of a meeting held
23 under this chapter is not present, the county chairman shall fill the
24 candidate vacancy.

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

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

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

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

40 SECTION 6. IC 20-26-4-4, AS ADDED BY P.L.1-2005, SECTION
41 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
42 PASSAGE]: Sec. 4. (a) This section does not apply to a school city of

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1 the first class or to a school corporation succeeding to all or the major
2 part in area of a school city of the first class.

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

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

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

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

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

36 (2) a vacancy in an appointed board membership if a plan,
37 resolution, or law under which the school corporation operates
38 specifically provides for filling vacancies by the appointing
39 authority.

40 **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.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1004 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:
 "SECTION 1. IC 3-10-6-7.5, AS AMENDED BY P.L.225-2011, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) This section applies to a municipal office elected during a municipal or general election.

(b) Except as provided in subsection (c) or (d), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.

(c) If:

- (1) there is an election for at least one (1) of a municipality's legislative body members;**
- (2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and**
- (3) there is no election for an office to be voted on by all voters of the municipality;**

the county election board may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the municipality in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the municipality shall not be placed on the ballot used for the election of municipal legislative body members under this subsection.

(d) This subsection applies only if the county election board adopts a resolution by a unanimous vote of the entire membership of the board making this subsection applicable in the county. An

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election may not be held for a municipal office if:

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

A resolution adopted under this subsection expires on January 1 of the year following the year the resolution was adopted.

SECTION 2. IC 3-10-7-6, AS AMENDED BY P.L.225-2011, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **This section applies to a municipal office elected during a municipal or general election.**

(b) A municipal election conducted under this chapter shall be held at the time prescribed by IC 3-10-6.

~~(b)~~ (c) **Except as provided in subsection (d) or (e), if there is an election for any office of the municipality, all nominees for each office must be on the ballot.**

(d) **If:**

- (1) there is an election for at least one (1) of the town's legislative body members;
- (2) only the voters who reside in a legislative body district are eligible to vote in the election for a legislative body member; and
- (3) there is no election for an office to be voted on by all voters of the town;

the county election board (or town election board if that board is conducting the election under this chapter) may, by unanimous vote of the entire membership of the board, adopt a resolution providing that an election will be held only in the legislative body districts within the town in which voters will elect legislative body members under subdivision (2). The names of unopposed candidates for an office to be voted on by all voters of the town shall not be placed on the ballot used for the election of town legislative body members under this subsection.

(e) **This subsection applies only if the county election board adopts a resolution by a unanimous vote of the entire membership of the board making this subsection applicable in the county.** This subsection applies to a municipal office elected during a municipal or general election. An election may not be held for a municipal office if:

- (1) there is only one (1) nominee for the office or only one (1) person has filed a declaration of intent to be a write-in candidate



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for the office under IC 3-8-2-2.5; and
(2) no person has filed a declaration of intent to be a write-in candidate for the office under IC 3-8-2-2.5 that results in a contest for election to the same municipal office.

A resolution adopted under this subsection expires on January 1 of the year following the year the resolution was adopted."

Page 2, delete lines 1 through 21.

Renumber all SECTIONS consecutively.

(Reference is to HB 1004 as printed January 13, 2012.)

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