# HOUSE BILL No. 1004

DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-10; IC 3-13; IC 20-26-4-4.

**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.

**Richardson**

January 9, 2012, read first time and referred to Committee on Elections and Apportionment.

C o p y

Introduced

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.

C o p y

# 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:*

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

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 A resolution adopted under this subsection remains in effect until rescinded by the county election board.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

~~(b)~~ **(c)** 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 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.

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

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 A resolution adopted under this subsection remains in effect until rescinded by the county election board.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

~~(b)~~ **(c)** 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 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.

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

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

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

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

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

C o p y

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

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

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

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

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

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

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

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

C o p y

resolution, or law under which the school corporation operates specifically provides for filling vacancies by the appointing authority.

SECTION 7. **An emergency is declared for this act.**

C o p y