

IC 3-12-9

Chapter 9. Resolving Tie Votes

IC 3-12-9-1

Special election for tie vote; primary election

Sec. 1. (a) Whenever a tie vote at an election for:

- (1) a federal office;
- (2) a state office (other than governor and lieutenant governor);
- or
- (3) a legislative office;

occurs, a special election shall be held.

(b) Whenever a tie vote occurs at a primary election for the nomination of a candidate to be voted for at the general or municipal election, IC 3-13-1-17 applies.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.383; P.L.1-2005, SEC.54; P.L.230-2005, SEC.59.

IC 3-12-9-2

Offices of governor and lieutenant governor; majority of state senate and house of representatives meeting in joint session to elect

Sec. 2. Whenever a tie vote at an election for the offices of governor and lieutenant governor occurs, a majority of the state senate and house of representatives meeting in joint session shall elect these officials from among the candidates receiving the tie vote in accordance with Article 5, Section 5 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.8.

IC 3-12-9-3

Local, circuit, or school board office; written notice of tie vote to fiscal body

Sec. 3. Whenever a circuit court clerk receives certification that a tie vote at an election for a local office or a school board office occurred, the clerk shall immediately send a written notice of the tie vote to:

- (1) the fiscal body of the affected political subdivision; or
- (2) if the tie vote occurred in an election for a circuit office in a circuit that includes more than one county, to the fiscal body of each county of the circuit.

As added by P.L.5-1986, SEC.8. Amended by P.L.230-2005, SEC.60.

IC 3-12-9-4

Local, circuit, or school board office; filling office

Sec. 4. (a) The fiscal body of a political subdivision that receives notice under section 3 of this chapter shall resolve the tie vote by electing a person to fill the office not later than December 31 following the election (or not later than June 30 following the election of a school board member in May) at which the tie vote occurred. The fiscal body shall select one (1) of the candidates who was involved in the tie vote to fill the office.

(b) If a tie vote has occurred in an election for a circuit office in a circuit that contains more than one (1) county, the fiscal bodies of the counties shall meet in joint session at the county seat of the county that contains the greatest percentage of population of the circuit to select one (1) of the candidates who was involved in the tie vote in order to fill the office in accordance with this section.

(c) If a tie vote has occurred for the election of more than one (1) at-large seat on a legislative or fiscal body, the fiscal body shall select the number of individuals necessary to fill each of the at-large seats for which the tie vote occurred. However, a member of a fiscal body who runs for reelection and is involved in a tie vote may not cast a vote under this section.

(d) The executive of the political subdivision (other than a town or a school corporation) may cast the deciding vote to break a tie vote in a fiscal body acting under this section. The clerk-treasurer of the town may cast the deciding vote to break a tie vote in a town fiscal body acting under this section. A tie vote in the fiscal body of a school corporation under this section shall be broken under IC 20-23.

As added by P.L.5-1986, SEC.8. Amended by P.L.10-1988, SEC.159; P.L.14-2004, SEC.162; P.L.230-2005, SEC.61; P.L.164-2006, SEC.127.

IC 3-12-9-5

State, local, or school board offices; official to remain in office until successor is elected and qualified

Sec. 5. Whenever a tie vote at an election for:

- (1) a state office;
- (2) a local office; or
- (3) a school board office;

occurs, the incumbent public official remains in office in accordance with Article 15, Section 3 of the Constitution of the State of Indiana until a successor is elected under this chapter and qualified.

As added by P.L.5-1986, SEC.8.

IC 3-12-9-6

Filing of recount petition or contesting of nomination or election

Sec. 6. This chapter does not prohibit:

- (1) a candidate from filing a recount petition under IC 3-12-6 or IC 3-12-11;
- (2) a candidate from contesting a nomination or election under IC 3-12-8 or IC 3-12-11; or
- (3) a petitioner from filing a recount petition under IC 3-12-12.

As added by P.L.5-1986, SEC.8. Amended by P.L.3-1987, SEC.384; P.L.5-1988, SEC.15; P.L.10-1988, SEC.160.

IC 3-12-9-7

Tie vote on public question

Sec. 7. If a tie vote occurs on a public question, the question is defeated.

As added by P.L.10-1988, SEC.161.