

## **IC 5-8-6**

### Chapter 6. Notice of Death of an Officeholder

#### **IC 5-8-6-1**

##### **Applicability**

Sec. 1. This chapter applies when a vacancy must be filled under:

- (1) IC 3-13-4;
- (2) IC 3-13-5;
- (3) IC 3-13-6;
- (4) IC 3-13-7;
- (5) IC 3-13-8;
- (6) IC 3-13-9;
- (7) IC 3-13-10;
- (8) IC 3-13-11; or
- (9) IC 20;

due to the death of an officeholder.

*As added by P.L.119-2005, SEC.29.*

#### **IC 5-8-6-2**

##### **"Officeholder"**

Sec. 2. As used in this chapter, "officeholder" refers to a person who holds a state office, legislative office, local office, or school board office (as those terms are defined in IC 3-5-2).

*As added by P.L.119-2005, SEC.29.*

#### **IC 5-8-6-3**

##### **Certification of officeholder's death**

Sec. 3. (a) A person who knows of the death of an officeholder may certify the death to the following:

- (1) The governor, in the case of the death of any of the following:
  - (A) An individual who holds a state office (as defined in IC 3-5-2-48).
  - (B) An individual who is a judge of a circuit, superior, probate, county, or city court.
- (2) The secretary of state, in the case of the death of an individual who holds a legislative office (as defined in IC-3-5-2-28).
- (3) The circuit court clerk of the county in which the officeholder resided, in the case of the death of an officeholder of a county, city, town, township, or school corporation not covered under subdivision (1).

(b) A person who certifies the death of an officeholder shall:

- (1) state the information that causes the person to believe the officeholder has died; and
- (2) certify, under the penalties for perjury, that to the best of the person's knowledge and belief, the information stated is true.

*As added by P.L.119-2005, SEC.29.*

#### **IC 5-8-6-4**

**Vacancies filled by governor**

Sec. 4. When the governor:

(1) obtains information concerning the death of an individual who:

(A) holds a state office (as defined in IC 3-5-2-48); or

(B) is a judge of a circuit, superior, probate, county, or city court; and

(2) is reasonably satisfied that the information described in subdivision (1) is true;

the governor shall fill the vacancy as provided by law.

*As added by P.L.119-2005, SEC.29.*

**IC 5-8-6-5****Secretary of state's notice**

Sec. 5. (a) When the secretary of state:

(1) obtains information concerning the death of an individual who holds a legislative office (as defined in IC 3-5-2-28); and

(2) is reasonably satisfied that the information described in subdivision (1) is true;

the secretary of state shall give notice of the death to the state chairman of the political party that elected or selected the deceased individual.

(b) The secretary of state shall give the notice required by subsection (a) not later than seventy-two (72) hours after the requirements of subsection (a)(1) and (a)(2) are satisfied.

*As added by P.L.119-2005, SEC.29.*

**IC 5-8-6-6****Circuit court clerk's notice**

Sec. 6. (a) When a circuit court clerk:

(1) obtains information concerning the death of an officeholder of a county, city, town, township, or school corporation not subject to section 4 of this chapter; and

(2) is reasonably satisfied that the information described in subdivision (1) is true;

the circuit court clerk shall give notice of the death to the person described in subsection (b).

(b) The circuit court clerk shall give the notice required by subsection (a) to:

(1) the person who must give notice of any meeting or caucus required to fill the vacancy caused by the death; or

(2) if a meeting or caucus is not required to fill the vacancy, the person who has the power to fill the vacancy.

(c) The circuit court clerk shall give the notice required by subsection (a) not later than seventy-two (72) hours after the requirements of subsection (a)(1) and (a)(2) are satisfied.

*As added by P.L.119-2005, SEC.29.*