

# HOUSE BILL No. 1168

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-13-11-11; IC 5-8-3.5-1.

**Synopsis:** Notices relating to vacancies in local offices. Provides that when a vacancy is filled in a local office (other than a local judicial office) previously held by a member of a major political party, the circuit court clerk shall give a copy of the certificate of appointment to the fiscal officer of the political subdivision served by the local office in which the vacancy has been filled. Provides that if a person or entity receives a notice of resignation from a local office (other than a local judicial office), and the person or entity does not have the power to fill the vacancy that has occurred, the person or entity shall give a copy of the notice of resignation to the fiscal officer of the political subdivision served by the local office in which the vacancy has occurred. (Under current law, notice of the resignation must also be given to the person or entity that has the power to fill the vacancy or call a caucus to fill the vacancy.)

**Effective:** July 1, 2015.

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January 12, 2015, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1168

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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 3-13-11-11 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) No later than  
3 noon five (5) days after:  
4 (1) the selection required by section 10 of this chapter; or  
5 (2) a selection under section 5(c) of this chapter;  
6 the chairman shall certify the pro tempore appointment results to the  
7 circuit court clerk of the county in which the greatest percentage of the  
8 population of the election district is located.  
9 (b) This subsection applies to the selection of an individual for an  
10 appointment pro tempore as judge of a town court, prosecuting  
11 attorney, circuit court clerk, county auditor, county recorder, county  
12 treasurer, county sheriff, county coroner, or county surveyor. The clerk  
13 shall forward a copy of the certificate to the election division. The  
14 election division shall prepare a commission for issuance under  
15 IC 4-3-1-5 in the same manner that the election division prepares a



1 commission following the election of an individual to the office.

2 (c) This subsection applies to the selection of an individual for an  
 3 appointment pro tempore to a local office not described in subsection  
 4 (b). The clerk shall file the certificate in the clerk's office in the same  
 5 manner as certificates of election are filed. Within twenty-four (24)  
 6 hours after the certificate is filed, the clerk shall issue a copy of the  
 7 certificate to **both of the following:**

8 (1) The individual named in the certificate.

9 (2) **The fiscal officer (as defined in IC 36-1-2-7) of the political**  
 10 **subdivision served by the local office in which the vacancy has**  
 11 **been filled.**

12 SECTION 2. IC 5-8-3.5-1 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) An officer who  
 14 wants to resign shall give written notice of the officer's resignation as  
 15 follows:

16 (1) The governor and lieutenant governor shall notify the  
 17 principal clerk of the house of representatives and the principal  
 18 secretary of the senate to act in accordance with Article 5, Section  
 19 10 of the Constitution of the State of Indiana. The clerk and the  
 20 secretary shall file a copy of the notice with the office of the  
 21 secretary of state.

22 (2) A member of the general assembly shall notify the following,  
 23 whichever applies:

24 (A) A member of the senate shall notify the president pro  
 25 tempore of the senate.

26 (B) A member of the house of representatives shall notify the  
 27 speaker of the house of representatives.

28 (3) The following officers commissioned by the governor under  
 29 IC 4-3-1-5 shall notify the governor:

30 (A) An elector or alternate elector for President and Vice  
 31 President of the United States.

32 (B) The secretary of state, auditor of state, treasurer of state,  
 33 superintendent of public instruction, or attorney general.

34 (C) An officer elected by the general assembly, the senate, or  
 35 the house of representatives.

36 (D) A justice of the Indiana supreme court, judge of the  
 37 Indiana court of appeals, or judge of the Indiana tax court.

38 (E) A judge of a circuit, city, county, probate, superior, town,  
 39 or township small claims court.

40 (F) A prosecuting attorney.

41 (G) A circuit court clerk.

42 (H) A county auditor, county recorder, county treasurer,



- 1 county sheriff, county coroner, or county surveyor.
- 2 (4) An officer of a political subdivision (as defined by
- 3 IC 36-1-2-13) other than an officer listed in subdivision (3) shall
- 4 notify the circuit court clerk of the county containing the largest
- 5 percentage of population of the political subdivision.
- 6 (5) An officer not listed in subdivisions (1) through (4) shall
- 7 notify the person or entity from whom the officer received the
- 8 officer's appointment.
- 9 (b) A person or an entity that receives notice of a resignation and
- 10 does not have the power to fill the vacancy created by the resignation
- 11 shall, not later than seventy-two (72) hours after receipt of the notice
- 12 of resignation, give notice of the vacancy to:
- 13 (1) the person or entity that has the power to:
- 14 (1) (A) fill the vacancy; or
- 15 (2) (B) call a caucus for the purpose of filling the vacancy;
- 16 **and**
- 17 **(2) if the resignation creates a vacancy in a local office (as**
- 18 **defined in IC 3-5-2-29), other than a local judicial office, to**
- 19 **the fiscal officer (as defined in IC 36-1-2-7) of the political**
- 20 **subdivision served by the local office in which the vacancy has**
- 21 **occurred.**

