

## SENATE BILL No. 34

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-13.

**Synopsis:** Precinct committeemen. Provides that in order for a precinct committeeman or a precinct vice committeeman (exercising the precinct committeeman's proxy) to participate in a caucus to fill a vacancy, the committeeman or vice committeeman must be entitled to vote for the office for which a successor is to be selected in the caucus.

**Effective:** Upon passage.

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January 3, 2018, read first time and referred to Committee on Elections.

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Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

## SENATE BILL No. 34

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 3-13-1-10, AS AMENDED BY P.L.216-2015,  
2 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 10. (a) To be eligible to participate in a  
4 caucus called under section 4, 5, or 6 of this chapter, an elected  
5 precinct committeeman must be entitled to vote for the office for which  
6 a candidate is to be selected. An elected precinct committeeman is  
7 eligible to participate in a caucus called under this chapter, regardless  
8 of when the ballot vacancy occurred.  
9 (b) An appointed precinct committeeman is eligible to participate  
10 in a caucus called under section 4, 5, or 6 of this chapter **only if both**  
11 **of the following apply:**  
12 (1) The precinct committeeman was a committeeman thirty (30)  
13 days before the vacancy occurred.  
14 (2) **The precinct committeeman is entitled to vote for the**  
15 **office for which a candidate is to be selected.**  
16 (c) For purposes of a candidate vacancy resulting from the failure  
17 of a candidate to be nominated at a primary at which precinct



committeemen were elected, an appointed precinct committeeman is eligible to serve **only if both of the following apply:**

(1) The **precinct** committeeman has been reappointed following the primary in accordance with the rules of the committeeman's political party.

(2) **The precinct committeeman is entitled to vote for the office for which a candidate is to be selected.**

SECTION 2. IC 3-13-1-11.5, AS AMENDED BY P.L.216-2015, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. (a) Except as provided in this section, voting by proxy is not permitted in a caucus called under section 4, 5, or 6 of this chapter.

(b) A precinct vice committeeman is entitled to participate in a caucus called under section 4, 5, or 6 of this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

(1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter.

(2) The vice committeeman's precinct committeeman is not present at the caucus.

(3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus called under section 4, 5, or 6 of this chapter and vote the precinct committeeman's proxy, regardless of when the ballot vacancy occurred, **only if both of the following apply:**

(1) The vice committeeman was the vice committeeman five (5) days before the date of the caucus.

(2) **The vice committeeman is entitled to vote for the office for which a candidate is to be selected.**

(d) If a vice committeeman is not eligible under subsection ~~(c)~~, **(c)(1)**, the vice committeeman is eligible to participate in a caucus called under section 4, 5, or 6 of this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the ballot vacancy occurred.

SECTION 3. IC 3-13-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To be eligible to participate in a caucus called under this chapter, an elected precinct committeeman must be entitled to vote for the legislative office for which a successor is to be selected. An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the vacancy in the legislative office occurred.

(b) An appointed precinct committeeman is eligible to participate



in a caucus called under this chapter **only if both of the following apply:**

(1) The precinct committeeman was a committeeman thirty (30) days before the vacancy occurred.

**(2) The precinct committeeman is entitled to vote for the legislative office for which a successor is to be selected.**

(c) An individual eligible to participate in a caucus held under this chapter has one (1) vote.

SECTION 4. IC 3-13-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in this section, voting by proxy is not allowed in a caucus held under this chapter.

(b) A precinct vice committeeman is entitled to participate in a caucus held under this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

(1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter. This subdivision is satisfied if the vacancy to be filled under this chapter resulted from the death of an individual holding a legislative office who also served as a precinct committeeman.

(2) The vice committeeman's precinct committeeman is not present at the caucus.

(3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy, regardless of when the ballot vacancy occurred, **only if both of the following apply:**

(1) The vice committeeman was the vice committeeman five (5) days before the date of the caucus.

**(2) The vice committeeman is entitled to vote for the legislative office for which a successor is to be selected.**

(d) If a vice committeeman is not eligible under subsection ~~(e)~~, **(c)(1)**, the vice committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the ballot vacancy occurred.

(e) Voting shall be conducted by secret ballot, and IC 5-14-1.5-3(b) does not apply to this chapter.

SECTION 5. IC 3-13-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible to be a member of a caucus under this chapter, a precinct committeeman must satisfy the following:



(1) Be a member of the same political party that elected or selected the person who vacated the office to be filled.

(2) Be the precinct committeeman of a precinct in which voters were eligible to vote for the person who vacated the office to be filled at the last election conducted or permitted for the office.

(3) Satisfy the other requirements of this section.

An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the vacancy in the office occurred.

(b) An appointed precinct committeeman is eligible to participate in a caucus called under this chapter **only if both of the following apply:**

(1) The precinct committeeman was a precinct committeeman thirty (30) days before the vacancy occurred.

**(2) The precinct committeeman is entitled to vote for the office for which a successor is to be selected.**

(c) If fewer than two (2) persons are eligible to be members of a caucus under this section, the county chairman entitled to give notice of a caucus under section 3 of this chapter shall fill the vacancy, ~~no~~ **not** later than thirty (30) days after the vacancy occurs. A chairman acting under this subsection is not required to conduct a caucus.

SECTION 6. IC 3-13-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in this section, voting by proxy is not permitted in a caucus held under this chapter.

(b) A precinct vice committeeman is entitled to participate in a caucus held under this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

(1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter. This subdivision is satisfied if the vacancy to be filled under this chapter resulted from the death of an individual holding a local office who also served as a precinct committeeman.

(2) The vice committeeman's precinct committeeman is not present at the caucus.

(3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy, regardless of when the vacancy occurred, **only if both of the following apply:**

(1) The vice committeeman was the vice committeeman five (5) days before the date of the caucus.



1           **(2) The vice committeeman is entitled to vote for the office for**  
2           **which a successor is to be selected.**

3           (d) If a vice committeeman is not eligible under subsection ~~(c)~~;  
4           **(c)(1)**, the vice committeeman is eligible to participate in a caucus held  
5           under this chapter and vote the precinct committeeman's proxy only if  
6           the vice committeeman was the vice committeeman thirty (30) days  
7           before the vacancy occurred.

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

