



January 22, 2020

SENATE BILL No. 384

DIGEST OF SB 384 (Updated January 16, 2020 4:24 pm - DI 133)

Citations Affected: IC 3-13.

Synopsis: Filling vacancies. 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. Makes a technical correction.

Effective: Upon passage.

Freeman, Sandlin, Gaskill, Crane

January 13, 2020, read first time and referred to Committee on Elections.
January 21, 2020, reported favorably — Do Pass.

SB 384—LS 6890/DI 75



January 22, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 384

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (b) An appointed precinct committeeman is eligible to participate



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

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

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

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

9 SECTION 4. IC 3-13-5-5, AS AMENDED BY P.L.278-2019,
 10 SECTION 155, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in this
 12 section, voting by proxy is not allowed in a caucus held under this
 13 chapter.

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

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

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

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

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

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

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

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

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

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



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

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

6 (3) Satisfy the other requirements of this section.

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

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

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

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

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

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

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

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

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

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

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

41 (1) The vice committeeman was the vice committeeman five (5)
42 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 ~~(e)~~;
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.**



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 384, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 384 as introduced.)

WALKER, Chairperson

Committee Vote: Yeas 8, Nays 0

