



February 16, 2021

SENATE BILL No. 182

DIGEST OF SB 182 (Updated February 15, 2021 11:35 am - DI 104)

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. Specifies the manner in which to fill the vacancy if no precinct committeeman is entitled to vote. Makes a technical correction.

Effective: Upon passage.

Gaskill, Freeman

January 5, 2021, read first time and referred to Committee on Elections.
February 15, 2021, amended, reported favorably — Do Pass.

SB 182—LS 6059/DI 75



February 16, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 182

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 **However, if there is no precinct committeeman entitled to vote for**
9 **the office for which a candidate is to be selected, the county**
10 **chairman of the political party shall fill the vacancy.**

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

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

- 20 (1) The vice committeeman's precinct committeeman is otherwise
21 eligible to participate in the caucus under this chapter.
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 called under section 4, 5, or 6 of this
27 chapter and vote the precinct committeeman's proxy, regardless of
28 when the ballot vacancy occurred, **only if both of the following apply:**

- 29 **(1) The vice committeeman was the vice committeeman five (5)**
30 **days before the date of the caucus.**
31 **(2) The vice committeeman is entitled to vote for the office for**
32 **which a candidate is to be selected.**

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

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



1 is eligible to participate in a caucus called under this chapter,
2 regardless of when the vacancy in the legislative office occurred.

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

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

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

10 **However, if there is no precinct committeeman entitled to vote for**
11 **the legislative office of which the successor is to be selected, the**
12 **county chairman of the political party shall fill the vacancy.**

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

23 **However, if there is no precinct committeeman entitled to vote for**
24 **the office for which a successor is to be selected, the county**
25 **chairman of the political party shall fill the vacancy.**

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

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

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

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



- 1 (2) The vice committeeman's precinct committeeman is not
2 present at the caucus.
- 3 (3) The vice committeeman is eligible under this section.
- 4 (c) The vice committeeman of an elected precinct committeeman is
5 eligible to participate in a caucus held under this chapter and vote the
6 precinct committeeman's proxy, regardless of when the vacancy
7 occurred, **only if both of the following apply:**
- 8 (1) The vice committeeman was the vice committeeman five (5)
9 days before the date of the caucus.
- 10 (2) **The vice committeeman is entitled to vote for the office for**
11 **which a successor is to be selected.**
- 12 (d) If a vice committeeman is not eligible under subsection ~~(c)~~,
13 **(c)(1)**, the vice committeeman is eligible to participate in a caucus held
14 under this chapter and vote the precinct committeeman's proxy only if
15 the vice committeeman was the vice committeeman thirty (30) days
16 before the vacancy occurred.
- 17 **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. 182, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 7 and 8, begin a new line block left and insert: **"However, if there is no precinct committeeman entitled to vote for the office for which a candidate is to be selected, the county chairman of the political party shall fill the vacancy."**

Page 3, between lines 6 and 7, begin a new line block left and insert: **"However, if there is no precinct committeeman entitled to vote for the legislative office of which the successor is to be selected, the county chairman of the political party shall fill the vacancy."**

Page 4, between lines 16 and 17, begin a new line block left and insert:

"However, if there is no precinct committeeman entitled to vote for the office for which a successor is to be selected, the county chairman of the political party shall fill the vacancy."

and when so amended that said bill do pass.

(Reference is to SB 182 as introduced.)

FORD JON, Chairperson

Committee Vote: Yeas 7, Nays 2.

