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SENATE BILL No. 211

Proposed Changes to introduced printing by AM021101

DIGEST OF PROPOSED AMENDMENT

Candidacy declaration filing. Allows a person who wishes to be a candidate for a pro tempore appointment to certain local offices or school board offices to file a declaration of candidacy with the chair of the caucus or the circuit court clerk.

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 3-13-11-3, AS AMENDED BY P.L.278-2019,
2 SECTION 162, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Except as provided in
4 subsections (b) and (e) and section 3.5 of this chapter, after a vacancy
5 occurs and not later than ten (10) days after a vacancy occurs in an
6 office subject to this chapter, the county chairman:
7 (1) of the county in which the greatest percentage of the
8 population of the election district of the office is located; and
9 (2) of the same political party that elected or selected the official
10 who vacated the office;
11 shall give notice of a caucus to all eligible precinct committeemen.
12 (b) A county chairman may give notice of a caucus before the time
13 specified under subsection (a) if a vacancy will exist because the
14 official has:
15 (1) submitted a written resignation under IC 5-8-3.5;
16 (2) been elected to another office; or
17 (3) submitted a notice under IC 5-9-4 to take a leave of absence
18 for active duty in the armed forces or national guard.
19 (c) Notwithstanding IC 5-8-4, a person may not withdraw the

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1 person's resignation after the resignation has been accepted by the
 2 person authorized to accept the resignation less than seventy-two (72)
 3 hours before the announced starting time of a caucus under this section.

4 (d) Except as provided in subsections (e) and (f) and ~~section~~
 5 **sections 3.5 and 10(c)** of this chapter, a caucus under this section shall
 6 be held after giving notice to caucus members under section 4 of this
 7 chapter and not later than thirty (30) days after the vacancy occurs.

8 (e) If a vacancy exists in an office because of the death of the
 9 officeholder, the caucus shall meet and select an individual to fill the
 10 vacancy not later than thirty (30) days after the county chairman
 11 receives notice of the death under IC 5-8-6. The county chairman shall
 12 give notice to caucus members under section 4 of this chapter. The
 13 county chairman may not give the notice required by section 4 of this
 14 chapter until the county chairman receives notice of the death under
 15 IC 5-8-6.

16 (f) If a person or entity that receives notice of a resignation under
 17 IC 5-8-3.5-1(b) fails to provide timely notice of the resignation to the
 18 person or entity with the power to fill the vacancy or call the caucus,
 19 the person or entity with the power to fill the vacancy or call that
 20 caucus:

21 (1) may immediately proceed to fill the vacancy or call the
 22 caucus without prior receipt of the notice; and
 23 (2) must do so not later than thirty (30) days after receiving the
 24 notice from the person or entity that received the notice of
 25 resignation.

26 SECTION 2. IC 3-13-11-3.5, AS AMENDED BY P.L.119-2005,
 27 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2026]: Sec. 3.5. (a) If a vacancy exists on a town council
 29 because a circumstance has occurred under IC 36-5-2-6.5(3), **except as**
 30 **provided in section 10(c) of this chapter**, the caucus shall meet and
 31 select an individual to fill the vacancy not later than thirty (30) days
 32 after the county chairman receives a notice of the vacancy under
 33 IC 5-8-5.

34 (b) The county chairman shall:
 35 (1) give notice of the caucus meeting to caucus members under
 36 section 4 of this chapter; and
 37 (2) keep the notice of the vacancy with the records of the caucus.

38 [SECTION 3. IC 3-13-11-7 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) This section does
 40 not apply to a vacancy filled by a county chairman under section 5(c)
 41 of this chapter.

42 (b) A person who wishes to be a candidate for pro tempore



1 appointment to fill a vacancy under this chapter must file:

2 (1) a declaration of candidacy with:

3 (A) the chairman of the caucus; and or

4 (B) the circuit court clerk; and

5 (2) a statement of economic interests with the commission on
6 judicial qualifications if the vacancy is in the office of
7 prosecuting attorney;

8 at least seventy-two (72) hours before the time fixed for the caucus.

9 1 SECTION ~~4~~ [4]. IC 3-13-11-10, AS AMENDED BY
10 P.L.240-2025, SECTION 34, IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) Except as
12 provided in subsection (c), the members of a caucus held under this
13 chapter shall select, by a majority vote of those casting a vote for a
14 candidate, a person to fill the vacancy described in the written notice
15 of the caucus.

16 (b) If more than one (1) person seeks to fill the vacancy, the
17 selection shall be conducted by secret ballot.

18 (c) The following apply if only one (1) person seeks to fill the
19 vacancy:

20 (1) **The notice for a caucus sent under section 4 of this**
21 **chapter may be rescinded and the caucus is not required to**
22 **meet.**

23 (+) (2) A vote under subsection (a) is not required.

24 (2) (3) The county chairman may select that person to fill the
25 vacancy.1

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