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

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

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

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

(1) may immediately proceed to fill the vacancy or call the caucus without prior receipt of the notice; and

(2) must do so not later than thirty (30) days after receiving the notice from the person or entity that received the notice of resignation.

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

(b) The county chairman shall:

(1) give notice of the caucus meeting to caucus members under section 4 of this chapter; and

(2) keep the notice of the vacancy with the records of the caucus.

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

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



appointment to fill a vacancy under this chapter must file:

(1) a declaration of candidacy with:

(A) the chairman of the caucus; and or

(B) the circuit court clerk; and

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

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

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

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

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

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

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

~~(2)~~ (3) The county chairman may select that person to fill the  
vacancy. [

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