

IC 3-13-7

Chapter 7. Vacancies in Other County Offices Not Held by a Major Party

IC 3-13-7-1

Vacancy in office last held by person elected or selected as candidate of major political party

Sec. 1. A vacancy in a county office that was last held by a person elected or selected as a candidate of a major political party of the state shall be filled by a caucus under IC 3-13-11.

As added by P.L.5-1986, SEC.9. Amended by P.L.10-1988, SEC.194.

IC 3-13-7-1.5

Meeting held before vacancy exists; notice of meeting

Sec. 1.5. A county auditor may give notice of a meeting under this chapter, and the meeting may be conducted under this chapter, before a vacancy in an office exists if the person holding the office has:

- (1) submitted a written resignation under IC 5-8-3.5; or
- (2) been elected to another office.

As added by P.L.219-2013, SEC.68.

IC 3-13-7-2

County elected office other than county council; meeting; notice; appointments pro tempore

Sec. 2. (a) This section applies to a vacancy in a county elected office (other than county council) not covered by section 1 of this chapter.

(b) A vacancy shall be filled by the board of commissioners of the county at a regular or special meeting. The county auditor shall give notice of the meeting. Except as provided in subsection (d), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:

- (1) be in writing;
- (2) state the purpose of the meeting;
- (3) state the date, time, and place of the meeting; and
- (4) be sent by first class mail to each commissioner at least ten (10) days before the meeting.

(c) Selections made under this section (or under IC 3-2-10-3(a) before its repeal on March 4, 1986) are appointments pro tempore for the purposes of Article 2, Section 11 of the Constitution of the State of Indiana.

(d) If a vacancy occurs because of the death of an elected county officer, the board of commissioners shall meet and select an individual to fill the vacancy not later than thirty (30) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required under subsection (b) until the county auditor receives notice of the death under IC 5-8-6.
As added by P.L.5-1986, SEC.9. Amended by P.L.15-1987, SEC.1; P.L.3-1987, SEC.437; P.L.3-1990, SEC.12; P.L.119-2005, SEC.5.

IC 3-13-7-2.5

Vacancy in political subdivision nonpartisan elected office other than school board

Sec. 2.5. (a) This section does not apply to a school board office.

(b) This section applies to a vacancy in an elected office in a political subdivision:

- (1) in which each candidate is required by statute to be placed on the ballot as a nonpartisan candidate for the office; and
- (2) for which this article does not otherwise provide a method for filling.

(c) The vacancy shall be filled as follows:

- (1) The remaining members of the body shall fill the vacancy by a majority of the votes of the remaining members of the body.
- (2) If there are no remaining members of the body, the county executive of the county containing the greatest percentage of the population of the political subdivision shall fill the vacancy in the manner provided by section 2 of this chapter.

As added by P.L.14-2004, SEC.169.

IC 3-13-7-3

County council

Sec. 3. (a) This section applies to a vacancy in a county council not covered by section 1 of this chapter.

(b) A vacancy shall be filled by a majority of the remaining members of the council at a regular or special meeting. The county auditor shall give notice of the meeting. Except as provided in subsection (c), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:

- (1) be in writing;
- (2) state the purpose of the meeting;
- (3) state the date, time, and place of the meeting; and
- (4) be sent by first class mail to each council member at least ten (10) days before the meeting.

(c) If a vacancy occurs because of the death of a county council member, the county council shall meet and select an individual to fill the vacancy not later than thirty (30) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required under subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.438; P.L.119-2005, SEC.6.

IC 3-13-7-4

Vacating of office by incumbent pending outcome of election contest

Sec. 4. If, pending the outcome of an election contest, the incumbent vacates the office after the expiration of the incumbent's term, the vacancy shall be filled as are other vacancies under this chapter until the election is decided or the office is otherwise filled. This section does not affect the incumbent's right to hold over as

provided in Article 15, Section 3 of the Constitution of the State of Indiana.

As added by P.L.5-1986, SEC.9.

IC 3-13-7-5

Bond, oath, rights, and duties of person filling vacancy

Sec. 5. A person filling a vacancy under this chapter must give the same bond and take the same oath and has the same rights and duties as the official who vacated the office.

As added by P.L.5-1986, SEC.9.

IC 3-13-7-6

Term of office

Sec. 6. A person selected to fill a vacant office under this chapter holds the office for the remainder of the term.

As added by P.L.5-1986, SEC.9.