

IC 3-13-10

Chapter 10. Vacancies in Township Offices Not Held by a Major Party

IC 3-13-10-1

Vacancy in office held by candidate of major political party

Sec. 1. A vacancy in a township 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.198.

IC 3-13-10-1.5

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.71.

IC 3-13-10-2

Office of township trustee

Sec. 2. (a) A vacancy in the office of township trustee:

- (1) not covered by section 1 of this chapter; or
- (2) covered by section 1 of this chapter, but that exists after the thirtieth day after:
 - (A) the vacancy occurs, if IC 5-8-6 does not apply; or
 - (B) the county auditor receives the notice required under IC 5-8-6;

shall be filled by the board of commissioners of the county at a regular or special meeting.

(b) The county auditor shall give notice of the meeting.

(c) Except as provided in subsections (e) and (f), the meeting shall be held not later than:

- (1) thirty (30) days after the vacancy occurs, if the vacancy is not covered by section 1 of this chapter; or
- (2) not later than sixty (60) days after the vacancy occurs, if the vacancy is covered by section 1 of this chapter and exists for more than thirty (30) days.

(d) 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.

(e) If the vacancy:

- (1) is not covered by section 1 of this chapter; and
- (2) exists because of the death of the township trustee;

the meeting required by subsection (c) shall be held 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 by subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

(f) If the vacancy:

- (1) is covered by section 1 of this chapter;
- (2) exists because of the death of the township trustee; and
- (3) exists for more than thirty (30) days;

the meeting required under subsection (c) shall be held not later than sixty (60) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required by 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.452; P.L.14-2004, SEC.170; P.L.119-2005, SEC.19.

IC 3-13-10-3

Office of township assessor

Sec. 3. (a) This section applies to a vacancy in the office of township assessor not covered by section 1 of this chapter.

(b) A vacancy shall be filled by the county assessor, subject to the approval of the department of local government finance. Except as provided in subsection (c), the county assessor shall make the appointment not later than thirty (30) days after the vacancy occurs. If the vacancy occurred because the elected township assessor failed to qualify or was removed, the person who is appointed must be of the same political party as the elected township assessor.

(c) If a vacancy exists because of the death of the township assessor, the county assessor shall make the appointment required by subsection (b) not later than thirty (30) days after the county assessor receives notice of the death under IC 5-8-6. The county assessor may not fill the vacancy as required by subsection (b) until the county assessor 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.453; P.L.90-2002, SEC.1; P.L.119-2005, SEC.20.

IC 3-13-10-4

Township board

Sec. 4. (a) A vacancy on the township board of a township:

- (1) not covered by section 1 of this chapter; or
- (2) covered by section 1 of this chapter, but that exists after the thirtieth day after:
 - (A) the vacancy occurs, if IC 5-8-6 does not apply; or
 - (B) the county chairman receives the notice required under IC 5-8-6;

shall be filled by the board of commissioners of the county at a regular or special meeting.

- (b) The county auditor shall give notice of the meeting.
 - (c) Except as provided in subsections (e) and (f), the meeting shall be held:
 - (1) not later than thirty (30) days after the vacancy occurs, if the vacancy is not covered by section 1 of this chapter; or
 - (2) not later than sixty (60) days after the vacancy occurs, if the vacancy is covered by section 1 of this chapter and exists for more than thirty (30) days.
 - (d) 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.
 - (e) If a vacancy:
 - (1) is not covered by section 1 of this chapter; and
 - (2) exists because of the death of a township board member;the meeting required by subsection (c) shall be held 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.
 - (f) If a vacancy:
 - (1) is covered by section 1 of this chapter;
 - (2) exists because of the death of a township board member; and
 - (3) exists for more than thirty (30) days;the meeting required by subsection (c) shall be held not later than sixty (60) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required by 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.8-1987, SEC.3; P.L.3-1987, SEC.454; P.L.14-2004, SEC.171; P.L.119-2005, SEC.21; P.L.194-2013, SEC.92.*

IC 3-13-10-5

Office of judge or constable of small claims court

Sec. 5. (a) This section applies to a vacancy in the office of judge of a small claims court or small claims court constable not covered by section 1 of this chapter.

(b) A vacancy shall be filled by the township board at a regular or special meeting. The chairman of the township board 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 board member at least ten (10) days before the meeting.

(c) If a vacancy exists because of the death of a judicial officer, the meeting required by subsection (b) shall be held not later than thirty (30) days after the chairman of the township board receives notice of the death under IC 5-8-6. The chairman of the township board may not give the notice required by subsection (b) until the chairman of the township board receives notice of the death under IC 5-8-6.

As added by P.L.5-1986, SEC.9. Amended by P.L.8-1987, SEC.4; P.L.3-1987, SEC.455; P.L.119-2005, SEC.22.

IC 3-13-10-6

Vacating office by incumbent pending outcome of election contest

Sec. 6. 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 3-13-10-6.5

Failure to elect enough township board members; determination of holdover board members; notice of meeting

Sec. 6.5. (a) If fewer candidates have been elected to the township board than there were members to be elected, the county executive shall determine, at a regular or special meeting, the incumbent board member or members that hold office under Article 15, Section 3 of the Constitution of the State of Indiana until a successor is elected and qualified.

(b) The county auditor shall give notice of the meeting, which shall be held as follows:

- (1) Not earlier than the thirtieth day before the general election.
- (2) Not later than December 31 following the general election.

(c) 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 member of the county executive at least ten (10) days before the meeting.

As added by P.L.4-1991, SEC.132.

IC 3-13-10-7

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

Sec. 7. 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 3-13-10-8

Term of office

Sec. 8. 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.