

Adopted	Rejected
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# COMMITTEE REPORT

<b>YES:</b>	<b>15</b>
<b>NO:</b>	<b>0</b>

**MR. SPEAKER:**

*Your Committee on Elections and Apportionment, to which was referred House Bill 1174, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 state and local administration.
- 4 Page 1, delete lines 1 through 15 begin a new paragraph and
- 5 insert:
- 6 "SECTION 1. IC 3-6-5.2-2 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. As used in this
- 8 chapter, "~~combined~~ "board" refers to the ~~combined county election~~
- 9 ~~board and~~ board of **elections and** registration established by section 3
- 10 of this chapter.
- 11 SECTION 2. IC 3-6-5.2-3 IS AMENDED TO READ AS
- 12 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. The ~~combined~~
- 13 ~~county election board and~~ board of **elections and** registration is
- 14 established and shall be known as the \_\_\_\_\_ (name of county)
- 15 ~~combined county election board and~~ board of **elections and**
- 16 registration.

1 SECTION 3. IC 3-6-5.2-4 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. The ~~combined~~ board  
 3 is comprised of the following five (5) members:

4 (1) The county chairmen of the major political parties of the  
 5 county shall each appoint two (2) members of the board.  
 6 Members of the board appointed under this subdivision must be  
 7 voters of the county and serve a term of two (2) years or until  
 8 their successors are appointed.

9 (2) The circuit court clerk, who is an ex officio member of the  
 10 board.

11 SECTION 4. IC 3-6-5.2-5 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. Each member of the  
 13 ~~combined~~ board shall be paid an annual salary of not less than ten  
 14 thousand dollars (\$10,000). The salaries of the board members shall be  
 15 fixed in the manner prescribed by IC 36-2-5 or IC 36-3-6 and paid out  
 16 of the county general fund in accordance with IC 3-5-3-1 as other  
 17 election expenses are paid.

18 SECTION 5. IC 3-6-5.2-6, AS AMENDED BY P.L.13-1995,  
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 1998]: Sec. 6. (a) The ~~combined~~ board has all of the powers  
 21 and duties given in this title to the following:

- 22 (1) The county election board.  
 23 (2) The board of registration.  
 24 (3) The circuit court clerk.  
 25 (4) The county executive.

26 (b) The **chief deputy director** appointed under section 7 of this  
 27 chapter shall perform all the duties of the circuit court clerk under this  
 28 title. The ~~combined~~ board shall perform all the duties of the county  
 29 executive under this title.

30 SECTION 6. IC 3-6-5.2-7 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) The ~~combined~~  
 32 board may vest day to day operations in a **chief deputy director** of the  
 33 ~~combined~~ board and in an assistant **chief deputy director** of the  
 34 ~~combined~~ board.

35 (b) The **chief deputy director** of the ~~combined~~ board is appointed  
 36 by the county chairman of the political party whose nominee received  
 37 the highest number of votes in the county for secretary of state in the  
 38 last election.

1 (c) The assistant ~~chief deputy~~ **director** of the ~~combined~~ board is  
 2 appointed by the county chairman of the political party whose nominee  
 3 received the second highest number of votes in the county for secretary  
 4 of state in the last election.

5 (d) ~~The chief deputy of the combined board shall receive an~~  
 6 ~~annual salary of not less than the salary of other chief deputies in the~~  
 7 ~~county.~~ The assistant ~~chief deputy~~ **director** shall receive an annual  
 8 salary of not less than two thousand dollars (\$2,000) less than the  
 9 salary of the ~~chief deputy.~~ **director.**

10 (e) **The board shall establish the number and compensation of**  
 11 **the employees of the board. The county chairman of each of the**  
 12 **major political parties in the county shall appoint one-half (1/2) of**  
 13 **the board employees. The director, the assistant director, and the**  
 14 **board employees serve at the pleasure of their respective**  
 15 **appointing authorities.**

16 SECTION 7. IC 3-10-6-4.5 IS ADDED TO THE INDIANA CODE  
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 18 1, 1998]: **Sec. 4.5. (a) Notwithstanding section 2 of this chapter, this**  
 19 **section applies to a town with a legislative body that adopts an**  
 20 **ordinance under IC 36-5-2-4.5.**

21 (b) **Unless a primary election is not required under section 4**  
 22 **of this chapter, a primary election shall be held in a town under**  
 23 **this section at both of the following times:**

24 (1) **During a year that municipal elections are held under**  
 25 **section 5 of this chapter.**

26 (2) **At the time of the primary election held in the year stated**  
 27 **in an ordinance adopted under IC 36-5-2-4.5(c)(2).**

28 (c) **At a primary election held under subsection (b), a political**  
 29 **party with a nominee who receives at least ten percent (10%) of the**  
 30 **votes cast in the state for secretary of state at the most recent**  
 31 **election for secretary of state shall nominate candidates for the**  
 32 **following town offices:**

33 (1) **At the time of the primary held in the town under**  
 34 **subsection (b)(1), the following candidates:**

35 (A) **Four (4) candidates for the town legislative body,**  
 36 **three (3) of whom are elected from districts and one (1)**  
 37 **who is elected at large. If the town legislative body**  
 38 **adopts an ordinance under IC 36-5-2-4.5(e), all**

- 1 candidates are elected from districts.
- 2 (B) Candidates for all other town offices other than the
- 3 town legislative body.
- 4 (2) At the time of the primary election held under subsection
- 5 (b)(2), three (3) candidates for the town legislative body, two
- 6 (2) of whom are elected from districts and one (1) who is
- 7 elected at large. If the town legislative body adopts an
- 8 ordinance under IC 36-5-2-4.5(e), all candidates are elected
- 9 from districts.

10 The primary election is conducted under this chapter.

11 (d) Notwithstanding section 5 of this chapter, an election to fill  
12 town offices under this section is held as follows:

13 (1) During a year municipal elections are held under section  
14 5 of this chapter, the following town offices are elected:

15 (A) Four (4) members of the town legislative body, three  
16 (3) of whom are elected from districts and one (1) who  
17 is elected at large. If the town legislative body adopts an  
18 ordinance under IC 36-5-2-4.5(e), all members are  
19 elected from districts.

20 (B) All other town offices other than the town legislative  
21 body.

22 (2) During a year in which candidates for the town legislative  
23 body are nominated under subsection (c)(2), three (3)  
24 members of the town legislative body, two (2) of whom are  
25 elected from districts and one (1) who is elected at large. If  
26 the town legislative body adopts an ordinance under  
27 IC 36-5-2-4.5(e), all members are elected from districts.

28 The election shall be conducted under this chapter.

29 SECTION 8. IC 3-11-1.5-3.5, AS AMENDED BY P.L.12-1995,  
30 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 1998]: Sec. 3.5. (a) This section does not apply to a precinct  
32 located in a county having a consolidated city.

33 (b) This section applies to a precinct:

34 (1) that is located wholly or partially within the campus of:

- 35 (A) Ball State University;
- 36 (B) Indiana State University;
- 37 (C) Indiana University;
- 38 (D) Purdue University;

- 1 (E) The University of Evansville;  
 2 (F) The University of Southern Indiana; or  
 3 (G) Vincennes University;  
 4 with more full-time students enrolled at that campus than are  
 5 enrolled at any other campus of that university; or  
 6 (2) that contains a structure owned by a university described in  
 7 subdivision (1) that houses more than one hundred (100)  
 8 students of the university.

9 (c) A county executive may establish a precinct subject to this  
 10 section without regard to the number of registered voters permitted  
 11 under section 3 of this chapter if less than forty percent (40%) of the  
 12 active voters entitled to vote in the precinct voted in the last ~~general~~  
 13 **primary** election.

14 SECTION 9. IC 3-11-4-3, AS AMENDED BY P.L.3-1997,  
 15 SECTION 273, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) Except as provided in  
 17 subsections (b) and (c) and sections 6 and 8 of this chapter, an  
 18 application for an absentee ballot must be received by the circuit court  
 19 clerk not earlier than ninety (90) days before election day nor later  
 20 than:

- 21 (1) noon on the day before election day if the voter completes the  
 22 application in the office of the circuit court clerk;  
 23 (2) noon on the day before election day if:  
 24 (A) the application is a mailed or hand delivered application  
 25 from a confined voter or person caring for a confined  
 26 person; and  
 27 (B) the applicant requests that the absentee ballots be  
 28 delivered to the applicant by an absentee voter board; or  
 29 (3) midnight on the eighth day before election day if the  
 30 application:  
 31 (A) is a mailed application; or  
 32 (B) was transmitted by a facsimile (FAX) machine;  
 33 from other voters.

34 (b) This subsection applies to an absentee ballot application from  
 35 a confined voter or person caring for a confined voter that is mailed or  
 36 hand delivered to the circuit court clerk of a county having a  
 37 consolidated city. An application subject to this subsection that is hand  
 38 delivered must be received by the circuit court clerk not earlier than

1 ninety (90) days before election day nor later than 10 p.m. on the fifth  
 2 day before election day. An application subject to this subsection that  
 3 is mailed must be received by the circuit court clerk not earlier than  
 4 ninety (90) days before election day and not later than 10 p.m. on the  
 5 eighth day before election day.

6 (c) This subsection applies to an absentee ballot application from  
 7 a confined voter or a person caring for a confined voter that is mailed  
 8 or hand delivered to the circuit court clerk of a county having a  
 9 population of more than four hundred thousand (400,000) but less than  
 10 seven hundred thousand (700,000). An application subject to this  
 11 section must be received by the ~~chief deputy director~~ of the ~~combined~~  
 12 **board of elections and registration** not earlier than ninety (90) days  
 13 before election day nor later than 10 p.m. on the fourth day before  
 14 election day.

15 SECTION 10. IC 20-4-1-42 IS ADDED TO THE INDIANA  
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 1998]: **Sec. 42. (a) This section applies only**  
 18 **to a school corporation with territory in a county having a**  
 19 **population of more than one hundred twenty-nine thousand**  
 20 **(129,000) but less than one hundred thirty thousand six hundred**  
 21 **(130,600).**

22 (b) **This section applies whenever there is a:**

- 23 (1) **tie vote in an election for a member of the governing body**  
 24 **of a school corporation; or**  
 25 (2) **vacancy on the governing body of a school corporation.**

26 (c) **Notwithstanding any other law, if a tie vote occurs among**  
 27 **any of the candidates for the governing body or a vacancy occurs**  
 28 **on the governing body, the remaining members of the governing**  
 29 **body, even if the remaining members do not constitute a majority**  
 30 **of the governing body, shall by a majority vote of the remaining**  
 31 **members:**

- 32 (1) **select one (1) of the candidates who shall be declared and**  
 33 **certified elected; or**  
 34 (2) **fill the vacancy by appointing an individual to fill the**  
 35 **vacancy.**

36 (d) **An individual appointed to fill a vacancy under subsection**  
 37 **(c)(2):**

- 38 (1) **must satisfy all the qualifications required of a member**

1 of the governing body; and  
 2 (2) shall fill the remainder of the unexpired term of the  
 3 vacating member.

4 (e) If a tie vote occurs among the remaining members of the  
 5 governing body or the governing body fails to act within thirty (30)  
 6 days after the election or the vacancy occurs, the fiscal body (as  
 7 defined in IC 3-5-2-25) of the political subdivision:

8 (1) located where the majority of registered voters of the  
 9 school corporation reside; and

10 (2) that contains the smallest geographic area;  
 11 shall break the tie or make the appointment. A member of the  
 12 fiscal body who was a candidate and is involved in a tie vote may  
 13 not cast a vote under this subsection.

14 (f) If the fiscal body of a political subdivision is required to act  
 15 under this section and a vote in the fiscal body results in a tie, the  
 16 deciding vote to break the tie vote shall be cast by the following:

17 (1) If the political subdivision is a town, by the  
 18 clerk-treasurer of the town.

19 (2) If the political subdivision is not a town, by the executive  
 20 of the political subdivision.

21 SECTION 11. IC 36-5-2-4.5 IS ADDED TO THE INDIANA  
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 1998]: Sec. 4.5. (a) This section applies to a  
 24 town if both of the following apply:

25 (1) The town has a population of more than ten thousand  
 26 (10,000).

27 (2) The town legislative body adopts an ordinance adopting  
 28 the provisions of this section. A town may not adopt an  
 29 ordinance under this section during a year in which  
 30 municipal elections are held under IC 3-10-6-5.

31 (b) A town legislative body has the following members:

32 (1) Five (5) members, each elected by the voters of a district.  
 33 The districts are established by ordinance by the town  
 34 legislative body as provided in this chapter.

35 (2) Two (2) members elected at large by all the voters of the  
 36 town.

37 (c) An ordinance adopted under this section must provide for  
 38 the following:

- 1           **(1) Four (4) members of the legislative body are elected**  
2           **during a year that municipal elections are held under**  
3           **IC 3-10-6-5.**
- 4           **(2) Three (3) members of the legislative body are elected**  
5           **either:**
- 6                   **(A) during the year before the year described in**  
7                   **subdivision (1); or**
- 8                   **(B) during the year after the year described in**  
9                   **subdivision (1).**
- 10           **The year for elections under this subdivision must be chosen**  
11           **so that during the elections held for the town legislative body**  
12           **under subdivision (4), a member of the town legislative body**  
13           **does not serve a term of more than four (4) years.**
- 14           **(3) The members of the legislative body elected at large may**  
15           **not be elected at the same time.**
- 16           **(4) At the first two (2) elections after the ordinance is**  
17           **adopted, members are elected to serve the following terms:**
- 18                   **(A) Two (2) members elected under subdivision (1) are**  
19                   **elected to a four (4) year term and two (2) members**  
20                   **elected under subdivision (1) are elected to a three (3)**  
21                   **year term.**
- 22                   **(B) Two (2) members elected under subdivision (2) are**  
23                   **elected to a four (4) year term and one (1) member**  
24                   **elected under subdivision (2) is elected to a three (3)**  
25                   **year term.**
- 26           **The ordinance must provide a random procedure to**  
27           **determine which members serve four (4) year terms and**  
28           **which members serve three (3) year terms.**
- 29           **(5) A member of the town board elected after the elections**  
30           **described in subdivision (4) serves a term of four (4) years.**
- 31           **(6) The term of office of a member begins on January 1 after**  
32           **the member's election.**
- 33           **(d) An ordinance adopted under this section may provide that**  
34           **before the first election after adoption of the ordinance, members**  
35           **of the town legislative body added to the legislative body by the**  
36           **ordinance may be appointed to the legislative body by a vote of the**  
37           **current members of the legislative body.**
- 38           **(e) After the first two (2) elections held as described in**

1 **subsection (c)(4), the town legislative body may adopt an ordinance**  
 2 **to do the following:**

3 (1) **Divide the town into seven (7) districts.**

4 (2) **Provide that the members elected at large are each**  
 5 **elected from a district.**

6 **An ordinance adopted under this subsection must comply with this**  
 7 **chapter in establishing the districts and provide details to provide**  
 8 **a transition from electing two (2) members at large to electing all**  
 9 **members from districts.**

10 **(f) Subject to this section, members of the town legislative body**  
 11 **are elected as provided in IC 3-10-6-4.5.**

12 SECTION 12. IC 36-9-31-3, AS AMENDED BY P.L.1-1996,  
 13 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 1998]: Sec. 3. In order to provide for the collection and  
 15 disposal of waste in the consolidated city and for the management,  
 16 operation, acquisition, and financing of facilities for waste disposal, the  
 17 board may exercise the following powers on behalf of the city, in  
 18 addition to the powers specifically set forth elsewhere in this chapter:

19 (1) To sue and be sued.

20 (2) To exercise the power of eminent domain as provided in  
 21 IC 32-11 within the corporate boundaries of the city; however,  
 22 the power of eminent domain may not be exercised to acquire  
 23 the property of any public utility used for the production or  
 24 distribution of energy.

25 (3) To provide for the collection of waste accumulated within the  
 26 service district and to provide for disposal of waste accumulated  
 27 within the waste disposal district, including contracting with  
 28 persons for collection, disposal, or waste storage, and the  
 29 recovery of byproducts from waste, and granting these persons  
 30 the right to collect and dispose of any such wastes and store and  
 31 recover byproducts from them.

32 (4) To plan, design, construct, finance, manage, own, lease,  
 33 operate, and maintain facilities for waste disposal.

34 (5) To enter into all contracts or agreements necessary or  
 35 incidental to the collection, disposal, or recovery of byproducts  
 36 from waste, such as put or pay contracts, contracts and  
 37 agreements for the design, construction, operation, financing,  
 38 ownership, or maintenance of facilities or the processing or

- 1 disposal of waste or the sale or other disposition of any products  
2 generated by a facility. Notwithstanding any other statute, any  
3 such contract or agreement may be for a period not to exceed  
4 forty (40) years.
- 5 (6) To enter into agreements for the leasing of facilities in  
6 accordance with IC 36-1-10; however, any such agreement  
7 having an original term of five (5) or more years is subject to  
8 approval by the state board of tax commissioners under IC 6-3.5.  
9 Such an agreement may be executed before approval, but if the  
10 state board of tax commissioners does not approve the agreement  
11 it is void.
- 12 (7) To purchase, lease, or otherwise acquire real or personal  
13 property.
- 14 (8) To contract for architectural, engineering, legal, or other  
15 professional services.
- 16 (9) To exclusively control, within the city, the collection,  
17 transportation, storage, and disposal of waste and, subject to the  
18 provisions of sections 6 and 8 of this chapter, to fix fees in  
19 connection with these matters.
- 20 (10) To determine exclusively the location and character of any  
21 facility, subject to local zoning ordinances and environmental  
22 management laws (as defined in IC 13-11-2-71).
- 23 (11) To sell or lease to any person any facility or part of it.
- 24 (12) To make and contract for plans, surveys, studies, and  
25 investigations.
- 26 (13) To enter upon property to make surveys, soundings,  
27 borings, and examinations.
- 28 (14) To accept gifts, grants, or loans of money, other property, or  
29 services from any source, public or private, and to comply with  
30 their terms.
- 31 (15) To issue from time to time waste disposal district bonds to  
32 finance the cost of facilities as provided in section 9 of this  
33 chapter.
- 34 (16) To issue from time to time revenue bonds to finance the  
35 cost of facilities as provided in section 10 of this chapter.
- 36 (17) To issue from time to time waste disposal development  
37 bonds to finance the cost of facilities as provided in section 11  
38 of this chapter.

- 1 (18) To issue from time to time notes in anticipation of grants or
- 2 in anticipation of the issuance of bonds to finance the cost of
- 3 facilities as provided in section 13 of this chapter.
- 4 (19) To establish fees for the collection and disposal of waste,
- 5 subject to the provisions of sections 6 and 8 of this chapter.
- 6 (20) To levy a tax within the service district to pay costs of
- 7 operation in connection with waste collection, waste disposal,
- 8 **mowing services**, and animal control, subject to regular budget
- 9 and tax levy procedures. **For purposes of this subdivision,**
- 10 **"mowing services" refers only to mowing services for**
- 11 **rights-of-way or on abandoned property.**
- 12 (21) To levy a tax within the waste disposal district to pay costs
- 13 of operation in connection with waste disposal, subject to regular
- 14 budget and tax levy procedures.
- 15 (22) To borrow in anticipation of taxes.
- 16 (23) To employ staff engineers, clerks, secretaries, and other
- 17 employees in accordance with an approved budget.
- 18 (24) To issue requests for proposals and requests for
- 19 qualifications as provided in section 4 of this chapter.
- 20 (25) To require all persons located within the service district or
- 21 waste disposal district to deposit waste at sites designated by the
- 22 board.
- 23 (26) To otherwise do all things necessary for the collection and
- 24 disposal of waste and the recovery of byproducts from it.
- 25 SECTION 13. IC 36-9-31-24 IS REPEALED [EFFECTIVE JULY
- 26 1, 1998]."
- 27 Delete pages 2 through 16.
- 28 Page 17, delete lines 1 through 12.
- 29 Renumber all SECTIONS consecutively.
- (Reference is to HB 1174 as introduced.)

**and when so amended that said bill do pass.**

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Representative Kromkowski