



January 20, 2000

HOUSE BILL No. 1024

DIGEST OF HB 1024 (Updated January 19, 2000 1:54 PM - DI 75)

Citations Affected: IC 1-1; IC 3-6; IC 3-10; IC 3-11; IC 3-13; IC 5-4; IC 5-6; IC 5-8; IC 20-4; IC 21-1; IC 36-1; IC 36-4.

Synopsis: Miscellaneous election law changes. Provides that an action taken by the state or a political subdivision on a state legal holiday is valid. Provides that a voter who moves from a precinct in a municipality to another precinct in the municipality may vote in a municipal election in that municipality if certain conditions are satisfied. Provides that proxies are not permitted in a caucus to fill a candidate or an office vacancy. Revises certain school corporation statutes to reflect current law relating to local public questions. Provides that an employee of a political subdivision may be a candidate for an elected or appointed office and serve in the office without resigning from employment with the political subdivision. Provides that a town may change into a city either through the current referendum procedure or through an ordinance adopted by the town legislative body. Provides that the election division is not required to have an annual meeting of election officials for years in which there are no elections. Makes other technical changes in Indiana election law including changes in the statute relating to oaths of office and the Lake County board of elections and registration. Repeals several statutes relating to requirements for voting systems.

Effective: May 10, 1999 (retroactive); November 1, 1999 (retroactive); Upon passage; July 1, 2000.

**Kromkowski, Richardson, Mahern,
Behning**

November 23, 1999, read first time and referred to Committee on Elections and Apportionment.
January 19, 2000, amended, reported — Do Pass.

HB 1024—LS 6095/DI 75+



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January 20, 2000

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

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HOUSE BILL No. 1024

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 1-1-9-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The following are legal
3 holidays within the state of Indiana for all purposes:
4 New Year's Day, January 1.
5 Martin Luther King, Jr.'s Birthday, the third Monday in January.
6 Abraham Lincoln's Birthday, February 12.
7 George Washington's Birthday, the third Monday in February.
8 Good Friday, a movable feast day.
9 Memorial Day, the last Monday in May.
10 Independence Day, July 4.
11 Labor Day, the first Monday in September.
12 Columbus Day, the second Monday in October.
13 Election Day, the day of any general, municipal, or primary
14 election.
15 Veterans Day, November 11.
16 Thanksgiving Day, the fourth Thursday in November.
17 Christmas Day, December 25.

HB 1024—LS 6095/DI 75+



1 Sunday, the first day of the week.

2 (b) When any of these holidays, other than Sunday, comes on
3 Sunday, the following Monday shall be the legal holiday. When any of
4 these holidays comes on Saturday, the preceding Friday shall be the
5 legal holiday.

6 (c) ~~The provisions of This section shall~~ **does** not affect any action
7 taken by the **state, the** general assembly while in session, ~~and or a~~
8 **political subdivision (as defined in IC 36-1-2-13)**. Any action taken
9 by the **state, the** general assembly, **or a political subdivision** on any
10 such holiday shall be valid for all purposes.

11 SECTION 2. IC 3-6-4.2-14, AS AMENDED BY P.L.38-1999,
12 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2000]: Sec. 14. (a) Each year **in which a general or**
14 **municipal election is held**, the election division shall call a meeting of
15 all the members of the county election boards and the boards of
16 registration to instruct them as to their duties under this title. **The**
17 **election division may, but is not required to, call a meeting under**
18 **this section during a year in which a general or a municipal**
19 **election is not held.**

20 (b) Each circuit court clerk shall attend ~~the~~ **a meeting called by the**
21 **election division under this section.**

22 ~~(b)~~ (c) The co-directors of the election division shall set the time and
23 place of the instructional meeting. In years in which a primary election
24 is held, the election division:

25 (1) **may conduct the meeting before the first day of the year;**
26 **and**

27 (2) shall conduct the meeting before primary election day.

28 The instructional meeting may not last for more than two (2) days.

29 ~~(c)~~ (d) Each member of a county election board or board of
30 registration is entitled to receive all of the following:

31 (1) A per diem of twenty-four dollars (\$24) for attending the
32 instructional meeting ~~required~~ **called by the election division**
33 **under** this section.

34 (2) A mileage allowance at the state rate for the distance
35 necessarily traveled in going and returning from the place of the
36 instructional meeting ~~required~~ **called by the election division**
37 **under** this section.

38 (3) Reimbursement for the payment of the instructional meeting
39 registration fee from the county general fund without
40 appropriation.

41 (4) An allowance for lodging for each night preceding conference
42 attendance equal to the lodging allowance provided to state

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1 employees in travel status.

2 SECTION 3. IC 3-6-5.2-6, AS AMENDED BY P.L.176-1999,
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 6. (a) The board has all of the powers and
5 duties given in this title (**and powers and duties concerning elections
6 or voter registration given in other titles of the Indiana Code**) to the
7 following:

- 8 (1) The county election board.
9 (2) The board of registration.
10 (3) The circuit court clerk.
11 (4) The county executive.

12 (b) The director appointed under section 7 of this chapter shall
13 perform all the duties of the circuit court clerk under this title **and
14 perform the election or voter registration duties of the circuit court
15 clerk under other titles of the Indiana Code.** The board shall perform
16 all the duties of the county executive under this title **and perform the
17 election duties of the county executive under other titles of the
18 Indiana Code.**

19 SECTION 4. IC 3-10-12-3, AS AMENDED BY P.L.176-1999,
20 SECTION 65, AND AS AMENDED BY P.L.202-1999, SECTION 18,
21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
22 2000]: Sec. 3. (a) This section applies to a voter who:

- 23 (1) changes residence from a precinct in a county to another
24 precinct:
25 (A) in the same county; and
26 (B) in the same congressional district;
27 as the former precinct; and
28 (2) does not notify the county voter registration office of the
29 change of address before election day.

30 (b) **This section does not apply to a municipal primary election,
31 municipal election, or special election held only within the
32 municipality.**

33 (c) A voter described by subsection (a) may:

- 34 (1) correct the voter registration record; and
35 (2) vote in the precinct where the voter formerly resided;
36 if the voter makes an oral or a written affirmation as described in
37 section 4 of this chapter of the voter's current residence address.
38 *However, a voter described by subsection (a) who moved changes
39 residence from outside of a municipality to a location within a
40 municipality may not return to the precinct where the voter formerly
41 resided to vote in a municipal election. or special election held only
42 within the municipality. A voter who moved from a location outside a*



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1 *municipality to a location within a municipality within thirty (30) days*
 2 *before a municipal primary election, municipal election, or special*
 3 *election held only within the municipality may not vote in the election*
 4 *in the precinct of the person's former residence.*

5 ~~(c)~~ **(d)** A person entitled to make a written affirmation under
 6 subsection ~~(b)~~ **(c)** may make an oral affirmation. The person must make
 7 the oral affirmation before the poll clerks of the precinct. After the
 8 person makes an oral affirmation under this subsection, the poll clerks
 9 shall:

10 (1) reduce the substance of the affirmation to writing at an
 11 appropriate location on the poll list; and

12 (2) initial the affirmation.

13 SECTION 5. IC 3-10-12-3.5 IS ADDED TO THE INDIANA CODE
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2000]: **Sec. 3.5. (a) This section applies to a voter who:**

16 **(1) changes residence from a precinct in a municipality to**
 17 **another precinct in the same municipality as the former**
 18 **precinct; and**

19 **(2) does not notify the county voter registration office of the**
 20 **change of address before election day.**

21 **(b) As used in this section, "municipal election" refers to a**
 22 **municipal primary election, municipal election, or special election**
 23 **held only within the municipality.**

24 **(c) A voter described by subsection (a) may:**

25 **(1) correct the voter registration record; and**

26 **(2) vote in the precinct where the voter formerly resided;**

27 **if the voter makes an oral or a written affirmation as described in**
 28 **section 4 of this chapter of the voter's current residence address.**

29 **(d) A voter who moved outside a municipality may not return to**
 30 **the precinct where the voter formerly resided to vote in a**
 31 **municipal election.**

32 **(e) A voter who moved from a location outside a municipality to**
 33 **a location within a municipality may not vote in the municipal**
 34 **election in the precinct of the person's former residence.**

35 **(f) A person entitled to make a written affirmation under**
 36 **subsection (c) may make an oral affirmation. The person must**
 37 **make the oral affirmation before the poll clerks of the precinct.**
 38 **After the person makes an oral affirmation under this subsection,**
 39 **the poll clerks shall:**

40 **(1) reduce the substance of the affirmation to writing at an**
 41 **appropriate location on the poll list; and**

42 **(2) initial the affirmation.**



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1 SECTION 6. IC 3-10-12-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) The written
 3 affirmation described in ~~section 3~~ of this chapter may be executed as
 4 follows:

5 (1) At the office of the circuit court clerk or the board of
 6 registration for the county of the precinct of the person's former
 7 residence, not later than 4 p.m. on the day before the election.

8 (2) Before the inspector of the precinct of the person's former
 9 residence, if the application and statement are executed on the day
 10 of the election.

11 (3) When the application for an absentee ballot is filed with the
 12 county election board of the county of the precinct of the person's
 13 former residence.

14 (b) If the person executes the affidavit under this section at the
 15 office of the circuit court clerk or board of registration before the day
 16 of the election, the clerk or board shall furnish a copy of the affirmation
 17 to the person. The person shall present the copy to the inspector of the
 18 precinct of the person's former residence when the person offers to vote
 19 in that precinct under IC 3-11-8.

20 (c) If the person executes the affirmation under this section when
 21 filing an application for an absentee ballot, the county election board
 22 shall attach the original or a copy of the affirmation to the person's
 23 application for an absentee ballot before the application and ballot are
 24 delivered to the inspector of the precinct of the person's former
 25 residence.

26 (d) If the person executes the affirmation under this section before
 27 the inspector of the precinct of the person's former residence on the day
 28 of the election, the inspector shall return the original affirmation to the
 29 circuit court clerk or board of registration after the closing of the polls.

30 SECTION 7. IC 3-11-13-20 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. **(a) This**
 32 **section does not apply to an optical scan ballot card voting system.**

33 **(b)** Each county election board shall maintain a record of the serial
 34 numbers of all of the ballot cards provided to a precinct and shall note
 35 in this record the precinct to which each ballot card relates.

36 SECTION 8. IC 3-11-13-26, AS AMENDED BY P.L.176-1999,
 37 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 NOVEMBER 1, 1999 (RETROACTIVE)]: Sec. 26. (a) **This**
 39 **subsection does not apply to an optical scan ballot card voting**
 40 **system that tabulates ballots at a polling place.** The public test
 41 required by section 22(b) of this chapter shall be repeated and certified
 42 again in the same manner immediately before the start of the official

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1 count of the ballot cards.

2 (b) The certification shall be filed with the election returns but is not
3 required to be filed with the election division.

4 (c) After the completion of the count, the county election board shall
5 conduct a posttest using the same sample included in the public test
6 conducted under section 22(b) of this chapter. The county election
7 board shall certify the results of the posttest and file the certification
8 with the election returns. A copy of the posttest certification is not
9 required to be filed with the election division.

10 (d) After completion of the posttest, the tested tabulating machines
11 shall be sealed in the same manner as voting machines under
12 IC 3-12-2.5-6. The ballot cards and all other election materials shall be
13 sealed, retained, and disposed of as provided for paper ballots.

14 SECTION 9. IC 3-13-5-5 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) ~~Subject to subsection (b);~~
16 Voting by proxy is not allowed in a caucus meeting held under this
17 chapter.

18 (b) A precinct committeeman may designate a precinct vice
19 committeeman who:

20 (1) is a member of the same political party that elected or selected
21 the person who vacated the office to be filled;

22 (2) is the vice committeeman for the committeeman's precinct;
23 and

24 (3) has been a vice committeeman continuously for a period
25 beginning thirty (30) days before the date the vacancy occurred;

26 as the committeeman's proxy in a caucus meeting. A precinct
27 committeeman who is not eligible to participate in the caucus may
28 designate a precinct vice-committeeman who is eligible to participate
29 under this subsection as the representative of the precinct. To be
30 effective, the designation must be filed with the chairman of the caucus
31 meeting at least seventy-two (72) hours before the meeting. The
32 chairman of the caucus meeting shall read the list of the persons
33 eligible to vote under a proxy in the caucus meeting before any voting
34 occurs. A proxy may not be revoked after it is filed with the chairman
35 of the caucus meeting.

36 (e) (b) If the vacancy to be filled under this chapter resulted from
37 the death of a person holding a legislative office who also served as a
38 precinct committeeman, the vice committeeman for that precinct is
39 eligible to participate in the caucus.

40 (d) (c) Voting shall be conducted by secret ballot. and
41 IC 5-14-1.5-3(b) does not apply to this chapter.

42 SECTION 10. IC 3-13-11-9 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Subject to
 2 subsection (b); A member of a caucus under this chapter may not vote
 3 by proxy.

4 (b) A precinct committeeman may designate a precinct vice
 5 committeeman who:

6 (1) is a member of the same political party that elected or selected
 7 the person who vacated the office to be filled;

8 (2) is the vice committeeman for the committeeman's precinct;
 9 and

10 (3) has been a vice committeeman continuously for a period
 11 beginning thirty (30) days before the date the vacancy occurred;
 12 as the committeeman's proxy in a caucus meeting. A precinct
 13 committeeman who is not eligible to participate in the caucus may
 14 designate a precinct vice committeeman who is eligible to participate
 15 under this subsection as the representative of the precinct.

16 (c) To be effective, the designation must be filed with the chairman
 17 of the caucus meeting at least seventy-two (72) hours before the
 18 meeting. The chairman of the caucus meeting shall read the list of
 19 persons eligible to vote under a proxy in the caucus meeting before any
 20 voting occurs. A proxy may not be revoked after it is filed with the
 21 chairman of the caucus meeting.

22 SECTION 11. IC 3-13-11-11, AS AMENDED BY P.L.38-1999,
 23 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 11. (a) No later than noon five (5) days after:

25 (1) the selection required by section 10 of this chapter; or

26 (2) a selection under section 5(c) of this chapter;

27 the chairman shall certify the pro tempore appointment results to the
 28 circuit court clerk of the county in which the greatest percentage of the
 29 population of the election district is located.

30 (b) **This subsection applies to the selection of an individual for**
 31 **an appointment pro tempore as judge of a town court, prosecuting**
 32 **attorney, circuit court clerk, county auditor, county recorder,**
 33 **county treasurer, county sheriff, county coroner, or county**
 34 **surveyor. The clerk shall forward a copy of the certificate to the**
 35 **election division. The election division shall prepare a commission**
 36 **for issuance under IC 4-3-1-5 in the same manner that the election**
 37 **division prepares a commission following the election of an**
 38 **individual to the office.**

39 (c) **This subsection applies to the selection of an individual for**
 40 **an appointment pro tempore to a local office not described in**
 41 **subsection (b).** The clerk shall file the certificate in the clerk's office
 42 in the same manner as certificates of election are filed. Within



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1 twenty-four (24) hours after the certificate is filed, the clerk shall issue
2 a copy of the certificate to the individual named in the certificate.

3 SECTION 12. IC 5-4-1-1.2, AS AMENDED BY P.L.176-1999,
4 SECTION 120, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE NOVEMBER 1, 1999 (RETROACTIVE)]: Sec. 1.2. (a)
6 This section does not apply to an individual appointed or elected to an
7 office the establishment or qualifications of which are expressly
8 provided for in the Constitution of the State of Indiana or the
9 Constitution of the United States.

10 (b) ~~If Subject to subsection (c), an officer individual appointed or~~
11 ~~elected to an office of a political subdivision does not take and file~~
12 ~~may take~~ the oath required under section 1 of this chapter ~~within at~~
13 ~~any time after the individual's appointment or election.~~

14 (c) **An individual appointed or elected to an office of a political**
15 **subdivision must take the oath required by section 1 of this chapter**
16 **and deposit the oath as required by section 4 of this chapter not**
17 **later than thirty (30) days after the beginning of the officer's term of**
18 **office.**

19 (d) **If an individual appointed or elected to an office of a political**
20 **subdivision does not comply with subsection (c), the office becomes**
21 **vacant.**

22 SECTION 13. IC 5-6-1-2, AS AMENDED BY P.L.176-1999,
23 SECTION 123, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE MAY 10, 1999 (RETROACTIVE)]: Sec. 2. (a) ~~This~~
25 ~~section~~ **Subsection (b)** does not apply to the deputy of a circuit court
26 clerk.

27 (b) Deputies shall take the oath required of their principals. ~~and~~

28 (c) **A deputy** may perform all the official duties of ~~such principals;~~
29 **the deputy's principal**, being subject to the same regulations and
30 penalties.

31 SECTION 14. IC 5-8-3.5-1 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) ~~Officers~~ **An**
33 **officer** who **wants to** resign shall give written notice of ~~their the~~
34 **officer's** resignation as follows:

35 (1) The governor and lieutenant governor shall notify the ~~general~~
36 ~~assembly~~ if it is in session. ~~If the general assembly is not in~~
37 ~~session, they shall notify principal clerk of the house of~~
38 **representatives and the principal secretary of the senate to act**
39 **in accordance with Article 5, Section 10 of the Constitution of**
40 **the State of Indiana. The clerk and the secretary shall file a**
41 **copy of the notice with the office of the secretary of state.**

42 (2) ~~Members~~ **A member** of the general assembly shall notify the

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1 ~~governor, and in addition:~~ **following, whichever applies:**

2 (A) ~~members~~ **A member** of the senate shall notify the
3 president pro tempore of the senate. ~~and~~

4 (B) ~~members~~ **A member** of the house of representatives shall
5 notify the speaker of the house **of representatives.**

6 (3) ~~All~~ **The following** officers commissioned by the governor
7 **under IC 4-3-1-5** shall notify the governor:

8 (A) **An elector or alternate elector for President and Vice**
9 **President of the United States.**

10 (B) **The secretary of state, auditor of state, treasurer of**
11 **state, superintendent of public instruction, attorney**
12 **general, or clerk of the supreme court.**

13 (C) **An officer elected by the general assembly, the senate,**
14 **or the house of representatives.**

15 (D) **A justice of the Indiana supreme court, judge of the**
16 **Indiana court of appeals, or judge of the Indiana tax court.**

17 (E) **A judge of a circuit, city, county, probate, superior,**
18 **town, or township small claims court.**

19 (F) **A prosecuting attorney.**

20 (G) **A circuit court clerk.**

21 (H) **A county auditor, county recorder, county treasurer,**
22 **county sheriff, county coroner, or county surveyor.**

23 (4) ~~All officers entitled to receive a certificate of election from the~~
24 ~~clerk of the circuit court under IC 3-12-4 or IC 3-12-5 or from a~~
25 ~~town clerk-treasurer under IC 3-10-7-34~~ **An officer of a political**
26 **subdivision (as defined by IC 36-1-2-13) other than an officer**
27 **listed in subdivision (3) shall notify the clerk of the circuit court**
28 **or the town clerk-treasurer: clerk of the county containing the**
29 **largest percentage of population of the political subdivision.**

30 (5) ~~All county officers shall notify the board or council having the~~
31 ~~power to appoint a successor or that would have the power if~~
32 ~~IC 3-13-7-1 did not apply.~~

33 (6) ~~All city, town, or township officers shall notify the board,~~
34 ~~council, or individual having power to appoint a successor if~~
35 ~~IC 3-13-8-1, IC 3-13-9-1, or IC 3-13-10-1 did not apply.~~

36 (7) ~~All other officers~~ (5) **An officer not listed in subdivisions (1)**
37 **through (4) shall notify the officer, board, person or court entity**
38 **from whom they the officer received their the officer's**
39 **appointment.**

40 (b) ~~An officer, a board, A person or a court an entity~~ that receives
41 notice of a resignation and does not have the power to fill the vacancy
42 created by the resignation shall, ~~within~~ **not later than** seventy-two (72)

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1 hours after receipt of the notice of resignation, give notice of the
 2 vacancy to the ~~officer, board, person or court entity~~ that has the power
 3 to:

4 (1) fill the vacancy; or

5 (2) call a caucus for the purpose of filling the vacancy.

6 SECTION 15. IC 20-4-1-7 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7. Any plan creating a
 8 united school corporation from existing school corporations which are
 9 each entirely located in one (1) county shall, except as provided, be
 10 prepared by joint action of the county committees of the counties in
 11 which the respective school corporations are situated. Any such plan,
 12 for the purpose of submission to the state board as provided, shall be
 13 included in the comprehensive plan of the county which has the largest
 14 number of pupils residing in the proposed united school corporation.
 15 However, in instances when any such existing school corporation
 16 contains territory in two (2) or more counties the county committee of
 17 the county containing that portion of the school corporation having the
 18 most pupils shall include the entire corporation within its plan in the
 19 absence of a written agreement with the adjoining county committee to
 20 the contrary. and provided that an existing school corporation;
 21 adjoining another county; or located in two (2) or more counties; shall
 22 for all purposes of this chapter be released from the jurisdiction of the
 23 county committee of the county otherwise provided herein and be
 24 placed under the jurisdiction of the county committee of any other
 25 county which it joins or of which it is a part; subject to acceptance by
 26 the latter county committee; by complying with the following
 27 procedure:

28 (a) ~~Within sixty (60) days after March 14, 1963, fifteen percent~~
 29 ~~(15%) or more of the registered voters of any existing school~~
 30 ~~corporation shall file a petition addressed to the county committee~~
 31 ~~otherwise having jurisdiction of such school corporation under~~
 32 ~~this chapter requesting that their particular school corporation be~~
 33 ~~released to such other county committee for inclusion in its plan~~
 34 ~~with the clerk of the circuit court in each county where said~~
 35 ~~registered voters of such school corporation reside.~~

36 (b) ~~After the receipt of the petition, each such clerk shall make a~~
 37 ~~certification under the clerk's hand and seal of office as to:~~

38 (1) ~~the number of persons signing the petition;~~

39 (2) ~~the number of such persons who are registered voters~~
 40 ~~residing within the boundaries of the particular school~~
 41 ~~corporation or that part of the particular school corporation~~
 42 ~~located within this county; as disclosed by the voter~~



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- 1 registration records;
- 2 (3) the number of registered voters residing within the
- 3 boundaries of the particular school corporation or that part of
- 4 the particular school corporation located within the county, as
- 5 disclosed in the records in subdivision (1); and
- 6 (4) the date of the filing of such petition with the clerk.
- 7 (c) The petition shall show:
- 8 (1) the name of the county committee from which release is
- 9 requested;
- 10 (2) the name of the county committee invited to accept
- 11 jurisdiction;
- 12 (3) the name of the school corporation within which the
- 13 registered voters reside;
- 14 (4) a general description of the area to be released; and
- 15 (5) the date on which each person has signed the petition and
- 16 that person's residence on such date.
- 17 The petition may be executed in several counterparts; the total of
- 18 which shall constitute the petition authorized by this subsection.
- 19 Each such counterpart shall have attached thereto the affidavit of
- 20 the person circulating said counterpart that each signature
- 21 appearing on such counterpart was affixed in that person's
- 22 presence and is the true and lawful signature of the person who
- 23 made such signature. Each signer of the petition shall be
- 24 privileged prior to, but shall not be entitled after, such filing with
- 25 the clerk of the circuit court, to withdraw the signer's name from
- 26 the petition. No names shall be added to the petition after the
- 27 petition has been filed with any such clerk.
- 28 (d) Such certification shall be made by such clerk within thirty
- 29 (30) days after the filing of the petition; excluding from the
- 30 calculation of such period any time during which the registration
- 31 records are unavailable to such clerk; or within any additional
- 32 time as is reasonably necessary to permit such clerk to make such
- 33 certification. Such clerk shall establish a record of the
- 34 certification in the clerk's office and shall send the petition by
- 35 mail or otherwise with the certification thereon to each county
- 36 committee concerned. If the certification or combined
- 37 certifications received from the clerk or clerks disclose that fifteen
- 38 percent (15%) or more of the registered voters residing within the
- 39 boundaries of the school corporation have signed the petition; the
- 40 county committee requested in such petition to accept such
- 41 territory for inclusion in its reorganization plan shall, within thirty
- 42 (30) days after receipt of such certification or certifications; take

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1 action by majority vote specifying whether or not it will accept
 2 jurisdiction of such school corporation or part thereof; and send
 3 a notification of such action by mail or otherwise to the county
 4 committee from which release was sought; to the judge of the
 5 circuit court of the same county and to the state board. Failure to
 6 send notice within such thirty (30) day period shall constitute
 7 action rejecting such jurisdiction:

8 (e) Upon receipt of such notification that the county committee
 9 accepts jurisdiction; the judge of the circuit court shall order the
 10 county election board to conduct a special election of the
 11 registered voters residing within the boundaries of such school
 12 corporation with respect to which such petition has been filed:
 13 Such election shall be held not earlier than thirty (30) days nor
 14 later than ninety (90) days after the judge has received such
 15 notification. The county election board shall give notice of such
 16 special election by publication in one (1) newspaper of general
 17 circulation published in such school corporation; which notice
 18 shall be given not less than ten (10) days nor more than fifteen
 19 (15) days prior to such election. If a newspaper of general
 20 circulation is not published in the school corporation; the board
 21 shall publish the notice in at least one (1) newspaper having
 22 general circulation in the school corporation. No other notice of
 23 such election; whether prescribed by IC 3 or otherwise; need be
 24 given. Such notice shall be in the form prescribed by the county
 25 election board; shall state that the election is called for the
 26 purpose of affording the registered voters an opportunity to
 27 approve or reject a proposal that the school corporation be
 28 changed from the jurisdiction of one county committee to another;
 29 and shall also designate the time and voting place or places at
 30 which the election shall be held:

31 (f) Such special election shall be under the direction of the county
 32 election board of the county in which such circuit court is located:
 33 If the voters reside in two (2) or more counties; the election board
 34 in each county shall cooperate in conducting such election. If the
 35 special election is not conducted at a primary or general election;
 36 the cost of conducting the election shall be charged to the school
 37 corporation and shall be paid from any current operating fund not
 38 otherwise appropriated without appropriation therefor. The county
 39 election board shall place the public question on the ballot in the
 40 form prescribed by IC 3-10-9-4. The public question must state
 41 "Shall jurisdiction of the (here insert name of school corporation)
 42 be changed from the _____ County Committee for the



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1 Reorganization of School Corporations to the _____ County
 2 Committee for the Reorganization of School Corporations?":
 3 Except as otherwise provided, the election shall be governed by
 4 IC 3. The change in jurisdiction shall take effect if at the time it
 5 receives the affirmative vote of a majority of the voters voting at
 6 such special election.

7 (g) All petitions submitted to any county committee before March
 8 15, 1963, requesting that all or a part of the petitioner's particular
 9 township, city, or town be included in the reorganization plan of
 10 an adjacent county are hereby declared void, except in any
 11 instance involving a petition covering an entire existing school
 12 corporation where no comprehensive plan has been submitted by
 13 the county committee to the state board or where community
 14 school corporations have been created which include the areas so
 15 petitioned:

16 SECTION 16. IC 20-4-1-21 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 21. (a) If no such
 18 certification or combined certifications, thus creating any such
 19 community school corporation, are received within ninety (90) days
 20 after the receipt of such plan by the chairman of the county committee,
 21 the judge of the circuit court of the county, from which the county
 22 committee submitting the plan was appointed, shall certify the public
 23 question under IC 3-10-9-3 and order the county election board to
 24 conduct a special election of the registered voters residing within the
 25 boundaries of such proposed community school corporation to
 26 determine whether such community school corporation shall be created
 27 **and shall certify the question under IC 3-10-9-3.** If a primary or
 28 general election at which county officials are nominated or elected and
 29 for which the question can be certified in compliance with IC 3-10-9-3
 30 is to be held within six (6) months after the receipt of such plan by the
 31 chairman of the county committee, whether or not such ninety (90)
 32 days has expired, the judge shall order the county election board to
 33 conduct the special election to be held in conjunction with any such
 34 primary or general election. If no such primary or general election is to
 35 be held within such six (6) month period, then such special election
 36 shall be held not earlier than ~~thirty (30)~~ **sixty (60)** days nor later than
 37 one hundred twenty (120) days after the expiration of such ninety (90)
 38 day period.

39 (b) Notice of such special election shall be given by the county
 40 election board by ~~publication in one (1) newspaper of general~~
 41 ~~circulation published in the community school corporation. If no~~
 42 ~~newspaper is published in the corporation, then the notice shall be~~

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1 published in a newspaper, or newspapers if necessary, having a general
 2 circulation in such community school corporation, which notice shall
 3 be given not less than ten (10) days nor more than fifteen (15) days
 4 prior to the election. No other notice of such election, whether
 5 prescribed by IC 3 or otherwise, need be given. **under IC 5-3-1.**

6 (c) Such notice of such special election shall clearly state that the
 7 election is called for affording the registered voters an opportunity to
 8 approve or reject a proposal for the formation of a community school
 9 corporation and shall also contain a general description of the
 10 boundaries of the community school corporation as set out in the plan,
 11 a statement of the terms of adjustment of property, assets, debts, and
 12 liabilities of any existing school corporation where it is to be divided,
 13 the name of the community school corporation, the number of members
 14 comprising the board of school trustees, and the method of selecting
 15 the board of school trustees of the community school corporation. The
 16 notice shall also designate the time and voting place or places at which
 17 the election will be held.

18 (d) Such special election shall be under the direction of the county
 19 election board in the county. Such election board shall take all steps
 20 necessary to carry out the election provided for in this section. If the
 21 special election is not conducted at a primary or general election, the
 22 cost of conducting the election shall be charged to each component
 23 school corporation embraced in the community school corporation in
 24 the same proportion as its assessed valuation is to the total assessed
 25 valuation of the community school corporation, and shall be paid from
 26 any current operating fund not otherwise appropriated, without
 27 appropriation therefor by the respective school corporations. Where a
 28 component school corporation is to be divided and its territory assigned
 29 to two (2) or more community corporations its cost of the election shall
 30 be in proportion to its assessed valuation included in the community
 31 school corporation.

32 (e) The county election board shall place the public question on the
 33 ballot in the form prescribed by IC 3-10-9-4. The public question must
 34 state "Shall the (here insert name) community school corporation be
 35 formed as provided in the Reorganization Plan of the County
 36 Committee for the Reorganization of School Corporations?". Except as
 37 otherwise provided in this chapter, the election shall be governed by
 38 IC 3.

39 (f) If a majority of the votes cast at such special election on such
 40 question are in favor of the formation of such corporation, a community
 41 school corporation shall be created and come into being on July 1 or
 42 January 1 following the date of publication of said notice, whichever

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1 date is the earlier. In the event any public official shall fail to do the
 2 official's duty within the time prescribed in this section, this omission
 3 shall not invalidate the proceedings taken under this section. No action
 4 to contest the validity of the formation or creation of a community
 5 school corporation under this section to declare that it has not been
 6 validly formed or created or is not validly existing, or to enjoin its
 7 operation, shall be instituted at any time later than the thirtieth day
 8 following such election.

9 SECTION 17. IC 20-4-8-12 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 12. (a) In any county
 11 or adjoining counties at least two (2) school corporations, including but
 12 not limited to school townships, school towns, school cities,
 13 consolidated school corporations, joint schools, metropolitan school
 14 districts, or township school districts, community school corporations,
 15 regardless of whether such consolidating school corporations are of the
 16 same or of a different character, may consolidate into one (1)
 17 metropolitan school district. Subject to subsection (h), the
 18 consolidation shall be initiated by following either of the following
 19 procedures:

20 (1) The township trustee, board of school trustees, board of
 21 education, or other governing body (such trustee, board or other
 22 governing body being referred to elsewhere in this section as the
 23 "governing body") of each school corporation to be consolidated
 24 shall:

25 (A) adopt substantially identical resolutions providing for the
 26 consolidation; and

27 (B) publish a notice setting out the text of the resolution one
 28 (1) time in ~~one (1) newspaper:~~

29 ~~(i) published and of general circulation in each respective~~
 30 ~~school corporation; or~~

31 ~~(ii) of general circulation in each respective school~~
 32 ~~corporation if a newspaper is not published within the school~~
 33 ~~corporation: under IC 5-3-1.~~

34 **The resolution must set forth any provision for staggering the**
 35 **terms of the board members of the metropolitan school**
 36 **district elected under this chapter.** If not more than thirty (30)
 37 days following such publication a petition of protest, signed by at
 38 least twenty percent (20%) of the registered voters residing in
 39 such school corporation, is filed with the clerk of the circuit court
 40 of each county where the voters who are eligible to sign the
 41 petition reside, a referendum election shall be held as provided in
 42 subsection (c).



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(2) Instead of the adoption of substantially identical resolutions in each of the proposed consolidating school corporations as described in subdivision (1), a referendum election under subsection (c) shall be held on the occurrence of all of the following:

(A) At least twenty percent (20%) of the registered voters residing in a particular school corporation sign a petition requesting that the school corporation consolidate with another school corporation (referred to in this subsection as "the responding school corporation").

(B) The petition described in clause (A) is filed with the clerk of the circuit court of each county where the voters who are eligible to sign the petition reside.

(C) Not more than thirty (30) days after the service of the petition by the clerk of the circuit court to the governing body of the responding school corporation under subsection (b) and the certification of signatures on the petition occurs under subsection (b), the governing body of the responding school corporation adopts a resolution approving the petition and providing for the consolidation.

(D) An approving resolution has the same effect as the substantially identical resolutions adopted by the governing bodies under subdivision (1) and the governing bodies shall publish the notice provided under subdivision (1) not more than fifteen (15) days after the approving resolution is adopted. However, if a governing body that is party to the consolidation fails to publish notice within the required fifteen (15) day time period, a referendum election still must be held as provided in subsection (c).

If the governing body of the responding school corporation does not act on the petition within the thirty (30) day time period described in clause (C), the governing body's inaction constitutes a disapproval of the petition request. If the governing body of the responding school corporation adopts a resolution disapproving the petition or fails to act within the thirty (30) day time period, a referendum election as described under subsection (c) may not be held and the petition requesting the consolidation is defeated.

(b) Any petition of protest under subsection (a)(1) or a petition requesting consolidation under subsection (a)(2) shall show therein the date on which each person has signed the petition and the person's residence on such date. The petition may be executed in several counterparts, the total of which shall constitute the petition. Each such

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1 counterpart shall contain the names of voters residing within a single
 2 county and shall be filed with the clerk of the circuit court of such
 3 county. Each such counterpart shall have attached thereto the affidavit
 4 of the person circulating said counterpart that each signature appearing
 5 on such counterpart was affixed in that person's presence and is the true
 6 and lawful signature of each person who made such signature. Any
 7 signer may file such petition or any counterpart thereof. Each signer on
 8 the petition shall be privileged prior to, but shall not be entitled after,
 9 such filing with such clerk, to withdraw the signer's name from the
 10 petition. No names shall be added to the petition after the petition has
 11 been filed with the clerk. After the receipt of any counterpart of the
 12 petition, each circuit court clerk shall certify:

- 13 (1) the number of persons signing the counterpart;
- 14 (2) the number of such persons who are registered voters residing
 15 within that part of such school corporation located within the
 16 clerk's county, as disclosed by the voter registration records in the
 17 office of the clerk or the board of registration of the county, or
 18 wherever such registration records may be kept;
- 19 (3) the total number of registered voters residing within the
 20 boundaries of that part of such school corporation located within
 21 the county, as disclosed in the voter registration records; and
- 22 (4) the date of the filing of such petition.

23 Such certification shall be made by each such clerk within thirty (30)
 24 days after the filing of the petition, excluding from the calculation of
 25 such period any time during which the registration records are
 26 unavailable to such clerk, or within any additional time as is reasonably
 27 necessary to permit such clerk to make such certification. In certifying
 28 the number of registered voters the clerk shall disregard any signature
 29 on such petition not made within the ninety (90) days immediately prior
 30 to the filing of the petition with the clerk as shown by the dates set out
 31 in the petition. Such clerk shall establish a record of the certification in
 32 the clerk's office and shall serve the original petition and a copy of the
 33 certification on the **county election board under IC 3-10-9-3 and the**
 34 **governing bodies of each affected school corporation.** The service shall
 35 be made by mail or manual delivery to the governing bodies, to any
 36 officer thereof or to the administrative office of the governing bodies,
 37 if any, and shall be made for all purposes hereunder on the day of the
 38 mailing or the date of the manual delivery.

39 (c) The county election board in each county where the proposed
 40 metropolitan school district is located, acting jointly where the
 41 proposed metropolitan school district is created and where it is located
 42 in more than one (1) county, shall cause any referendum election

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1 required under either subsection (a)(1) or subsection (a)(2) to be held
 2 in the entire proposed metropolitan district at a special election. The
 3 special election shall be not less than ~~thirty (30)~~ **sixty (60)** days and not
 4 more than ninety (90) days after the service of the petition of protest
 5 and certification by each clerk as provided in subsection (a)(1) or (a)(2)
 6 or after the occurrence of the first action requiring a referendum under
 7 subsection (a)(2). In the event, however, a primary or general election
 8 at which county officials are to be nominated or elected, or at which
 9 city or town officials are to be elected in those areas of the proposed
 10 metropolitan school district which are within the city or town, is to be
 11 held after the ~~thirty (30)~~ **sixty (60)** days and within six (6) months of
 12 the service or the occurrence of the first action, then each election
 13 board may hold the referendum election in conjunction with the
 14 primary or general election.

15 (d) Notice of the special election shall be given by each election
 16 board by publication ~~one (1) time in two (2) newspapers published and~~
 17 ~~of general circulation in the proposed metropolitan school district, or~~
 18 ~~if only one (1) newspaper is published and of general circulation, then~~
 19 ~~in that newspaper, or if there is no such newspaper, then in the~~
 20 ~~newspaper as is necessary so that there is a publication in a newspaper~~
 21 ~~of general circulation in the proposed metropolitan school district. The~~
 22 ~~publication shall be made not less than ten (10) days or more than~~
 23 ~~forty-five (45) days prior to the election. No other notice of the election~~
 24 ~~and no requirement as to the time of printing ballots, whether~~
 25 ~~prescribed by IC 3 or otherwise, need be given or observed. under~~
 26 **IC 5-3-1.**

27 (e) Except where it conflicts with the special provisions of this
 28 section or cannot be practicably applied, IC 3 applies to the conduct of
 29 the special election. If the special election is not conducted at a primary
 30 or general election, the cost of conducting the election shall be charged
 31 to each component school corporation included in the proposed
 32 metropolitan school district in the same proportion as its assessed
 33 valuation bears to the total assessed valuation of the proposed
 34 metropolitan school district and shall be paid from any current
 35 operating fund of each component school corporation not otherwise
 36 appropriated, without appropriation therefor.

37 (f) The question in the referendum election shall be placed on the
 38 ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the
 39 school corporations of _____ be formed into one (1) metropolitan
 40 school district under IC 20-4-8?" (in which blanks the respective name
 41 of the school districts concerned will be inserted).

42 (g) If:



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1 (1) a protest petition with the required signatures is not filed
 2 subsequent to the adoption of substantially identical resolutions
 3 of the governing bodies providing for or approving the
 4 consolidation as described in subsection (a)(1); or
 5 (2) a referendum election occurs in the entire proposed
 6 metropolitan district and a majority of the voters in each proposed
 7 consolidating school corporation vote in the affirmative;
 8 a metropolitan school district shall be created and come into existence
 9 in the territory subject to the provisions and under the conditions
 10 described in this chapter. The boundaries include all of the territory
 11 within the school corporations, and it shall be known as "Metropolitan
 12 School District of _____, Indiana" (in which blank will be inserted
 13 the name of the district concerned). The name of the district shall be
 14 decided by a majority vote of the metropolitan board of education of
 15 the metropolitan school district at the first meeting. The metropolitan
 16 board of education of the new metropolitan school district shall be
 17 composed and elected in the manner provided in this chapter. The
 18 failure of any public official or body to perform any duty within the
 19 time limits provided in this chapter shall not invalidate any proceedings
 20 taken by that official or body, but this provision shall not be construed
 21 to authorize a delay in the holding of any referendum election provided
 22 in this chapter.

23 (h) If the governing body of a school corporation is involved in a
 24 consolidation proposal under subsection (a)(1) or (a)(2) that fails to
 25 result in a consolidation, the:

- 26 (1) governing body of the school corporation may not initiate a
- 27 subsequent consolidation with another school corporation under
- 28 subsection (a)(1); and
- 29 (2) residents of the school corporation may not file a petition
- 30 requesting a consolidation with another school corporation under
- 31 subsection (a)(2);

32 before one (1) year from the date on which the prior consolidation
 33 proposal failed.

34 SECTION 18. IC 21-1-1-16 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 16. ~~They shall have~~
 36 ~~power, when directed so to do by a vote, or~~ **The township executive**
 37 **may** by the written direction of a majority of the voters of the
 38 congressional township to which the same belongs, to lease such lands
 39 for any term not exceeding seven (7) years, reserving rents, payable in
 40 money, property, or improvements upon the land, as may be directed
 41 by the majority of such voters.

42 SECTION 19. IC 21-1-1-17 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 17. When the sixteenth
 2 section or the section which may be granted ~~in lieu thereof~~, shall be
 3 **instead of the sixteenth section** is divided by a county or civil
 4 township line, or where the substituted section lies in any other county
 5 in the state, the voters of the congressional township county executive
 6 to which the same greatest percentage of population of the
 7 congressional township belongs shall designate, by vote or by the
 8 written direction of a majority, the trustee of one (1) of the civil
 9 townships including a part of ~~said the~~ section to have the care and
 10 custody of ~~said the~~ section and to carry out the directions of the voters
 11 of the township. ~~in relation thereto; and~~ The trustee so designated shall
 12 have the same powers and perform the same duties as if the entire
 13 section was situated within the limits of the civil township and receive
 14 from the county treasurer the revenue derived from funds accrued from
 15 ~~said the~~ sale.

16 SECTION 20. IC 21-1-1-25 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 25. ~~Such~~ **The**
 18 certificate ~~and return~~ shall, by such auditor, be laid before the board of
 19 county commissioners, at their first meeting thereafter. ~~and said~~ **The**
 20 board, if satisfied that the requirements of the law have been
 21 substantially complied with, shall direct such lands to be sold. ~~which~~
 22 **The** sale shall be conducted as follows:

23 **First: (1)** It shall be made by the auditor and treasurer.

24 **Second: (2)** Four (4) weeks' notice of the same shall be given, by
 25 posting notices thereof in three (3) public places of the township
 26 where the land is situated, and at the court-house door, and by
 27 publication ~~in a newspaper printed in said county~~, if any =
 28 otherwise, in a newspaper of any county in the state situated
 29 nearest thereto: **under IC 5-3-1.**

30 The sale shall be made by the auditor, at public auction, at the door of
 31 the court-house of the county in which the land is ~~situate~~: **and situated.**
 32 The treasurer shall take an account thereof, and each of said officers,
 33 for making such sale, shall receive a fee of one dollar (~~\$1.00~~); **(\$1)**, to
 34 be paid by the purchaser.

35 SECTION 21. IC 21-1-1-44 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 44. The voters of any
 37 congressional township may ~~in the absence of a vote to sell land~~; **and**
 38 ~~in lieu thereof~~, petition the trustee of the township for such sale. ~~and~~
 39 **such** **The** petition, if signed by a majority of all the voters of the
 40 township, shall be filed with the county auditor, and the same
 41 proceeding shall be had as provided in section 43 of this chapter. ~~upon~~
 42 a vote of the inhabitants of the township for such sale. Such petition



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1 and certificate shall be recorded in the record book of the trustee of the
 2 township and of the county auditor of the investment of funds held for
 3 the benefit of common schools and congressional townships.

4 SECTION 22. IC 36-1-8-10.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE UPON PASSAGE]: **Sec. 10.5. (a) This section does not**
 7 **apply to the following:**

8 (1) **An elected or appointed officer.**

9 (2) **An individual described in IC 20-5-3-11.**

10 (b) **An employee of a political subdivision may:**

11 (1) **be a candidate for any elected office and serve in that**
 12 **office if elected; or**

13 (2) **be appointed to any office and serve in that office if**
 14 **appointed;**

15 **without having to resign as an employee of the political subdivision.**

16 SECTION 23. IC 36-4-1-4 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. **¶ (a) This section**
 18 **applies to a town that** has a population of more than two thousand
 19 (2,000). **it**

20 (b) **Subject to section 4.4 of this chapter, the legislative body of**
 21 **a town may change the town into a city under section 4.2 of this**
 22 **chapter or** in the following manner:

23 (1) The town legislative body may adopt a resolution submitting
 24 to the town's voters the question of whether the town should
 25 change into a city. The legislative body shall adopt such a
 26 resolution if at least the number of the registered voters of the
 27 town required under IC 3-8-6-3 to place a candidate on the ballot
 28 petition it to do so. The legislative body shall file a copy of the
 29 resolution with the ~~clerk of the~~ circuit court **clerk** for each county
 30 in which the town is located. The circuit court clerk shall
 31 immediately certify the resolution to the county election board.

32 (2) The resolution must fix a date for an election on the question.
 33 If the election is to be a special election, the date must be not less
 34 than thirty (30) nor more than sixty (60) days after the notice of
 35 the election. If the election is to be on the same date as a general
 36 election, the resolution must state that fact and be certified in
 37 accordance with IC 3-10-9-3.

38 (3) Notice of the election must be given by the ~~clerk of the~~ circuit
 39 court **clerk** in the manner prescribed by IC 3-8-2-19. IC 3-10-6
 40 applies to the election.

41 (4) The question shall be placed on the ballot in the form
 42 prescribed by IC 3-10-9-4 and must state "Shall the town of



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1 _____ change into a city?".

2 (5) If a majority of those voting on the question vote "yes", the
3 town changes into a city when its officers are elected and
4 qualified; otherwise the town remains a town.

5 SECTION 24. IC 36-4-1-4.2 IS ADDED TO THE INDIANA CODE
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2000]: **Sec. 4.2. (a) This section applies to a town that has a
8 population of more than two thousand (2,000).**

9 **(b) Subject to section 4.4 of this chapter, the legislative body of
10 a town may change the town into a city by adopting an ordinance.**

11 **(c) If an ordinance is adopted under this section, the town
12 legislative body shall file a copy of the ordinance with the circuit
13 court clerk of each county in which the town is located. The circuit
14 court clerk shall immediately certify the ordinance to the county
15 election board.**

16 **(d) Candidates for the initial election of city officers shall be
17 nominated at the next municipal primary election scheduled under
18 IC 3-10-6-2. The initial election of city officers shall be conducted
19 at the next municipal election scheduled under IC 3-10-6-5.**

20 **(e) Candidates elected under subsection (d) take office as
21 officers of the city on January 1 following their election.**

22 SECTION 25. IC 36-4-1-4.4 IS ADDED TO THE INDIANA CODE
23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
24 1, 2000]: **Sec. 4.4. A town legislative body may not adopt a
25 resolution under section 4 of this chapter or an ordinance under
26 section 4.2 of this chapter during the period:**

27 **(1) beginning on the first day a declaration of candidacy for
28 the primary election in a municipal election year may be filed
29 under IC 3-8-2-4; and**

30 **(2) ending on the day after the day of the municipal election.**

31 SECTION 26. THE FOLLOWING ARE REPEALED [EFFECTIVE
32 JULY 1, 2000]: IC 3-11-15-18; IC 3-11-15-19; IC 3-11-15-27;
33 IC 3-11-15-28; IC 3-11-15-29; IC 3-11-15-30; IC 3-11-15-31.

34 SECTION 27. [EFFECTIVE NOVEMBER 1, 1999
35 (RETROACTIVE)] **(a) Notwithstanding IC 5-4-1-1.2, as amended
36 by this act, an individual appointed or elected to an office of a
37 political subdivision after November 1, 1999, and before July 1,
38 2000, does not vacate the office under IC 5-4-1-1.2, as amended by
39 this act, if all of the following apply:**

40 **(1) The individual took the oath required by IC 5-4-1-1 at any
41 time after the individual's appointment or election.**

42 **(2) The individual took the oath required by IC 5-4-1-1 not**

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1 **later than thirty (30) days after the beginning of the term of**
2 **office.**
3 **(3) The oath was deposited with the appropriate office not**
4 **later than December 31, 2000, under IC 5-4-1-4, as in effect**
5 **July 1, 2000.**
6 **(b) This SECTION expires January 1, 2004.**
7 **SECTION 28. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1024, 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:

Page 2, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 3-6-4.2-14, AS AMENDED BY P.L.38-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 14. (a) Each year **in which a general or municipal election is held**, the election division shall call a meeting of all the members of the county election boards and the boards of registration to instruct them as to their duties under this title. **The election division may, but is not required to, call a meeting under this section during a year in which a general or a municipal election is not held.**

(b) Each circuit court clerk shall attend ~~the~~ **a meeting called by the election division under this section.**

~~(b)~~ (c) The co-directors of the election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

(1) may conduct the meeting before the first day of the year; and

(2) shall conduct the meeting before primary election day.

The instructional meeting may not last for more than two (2) days.

~~(c)~~ (d) Each member of a county election board or board of registration is entitled to receive all of the following:

(1) A per diem of twenty-four dollars (\$24) for attending the instructional meeting **required called by the election division under** this section.

(2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the instructional meeting **required called by the election division under** this section.

(3) Reimbursement for the payment of the instructional meeting registration fee from the county general fund without appropriation.

(4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state employees in travel status."

Page 2, delete lines 28 through 42, begin a new paragraph and insert:

"SECTION 4. IC 3-10-12-3, AS AMENDED BY P.L.176-1999,

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SECTION 65, AND AS AMENDED BY P.L.202-1999, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) This section applies to a voter who:

(1) changes residence from a precinct in a county to another precinct:

(A) in the same county; and

(B) in the same congressional district;

as the former precinct; and

(2) does not notify the county voter registration office of the change of address before election day.

(b) This section does not apply to a municipal primary election, municipal election, or special election held only within the municipality.

(c) A voter described by subsection (a) may:

(1) correct the voter registration record; and

(2) vote in the precinct where the voter formerly resided;

if the voter makes an oral or a written affirmation as described in section 4 of this chapter of the voter's current residence address. *However, a voter described by subsection (a) who moved changes residence from outside of a municipality to a location within a municipality may not return to the precinct where the voter formerly resided to vote in a municipal election, or special election held only within the municipality. A voter who moved from a location outside a municipality to a location within a municipality within thirty (30) days before a municipal primary election, municipal election, or special election held only within the municipality may not vote in the election in the precinct of the person's former residence.*

~~(c)~~ **(d)** A person entitled to make a written affirmation under subsection ~~(b)~~ **(c)** may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

(1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and

(2) initial the affirmation.

SECTION 5. IC 3-10-12-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3.5. (a) **This section applies to a voter who:**

(1) changes residence from a precinct in a municipality to another precinct in the same municipality as the former precinct; and

(2) does not notify the county voter registration office of the

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change of address before election day.

(b) As used in this section, "municipal election" refers to a municipal primary election, municipal election, or special election held only within the municipality.

(c) A voter described by subsection (a) may:

(1) correct the voter registration record; and

(2) vote in the precinct where the voter formerly resided;

if the voter makes an oral or a written affirmation as described in section 4 of this chapter of the voter's current residence address.

(d) A voter who moved outside a municipality may not return to the precinct where the voter formerly resided to vote in a municipal election.

(e) A voter who moved from a location outside a municipality to a location within a municipality may not vote in the municipal election in the precinct of the person's former residence.

(f) A person entitled to make a written affirmation under subsection (c) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

(1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and

(2) initial the affirmation.

SECTION 6. IC 3-10-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) The written affirmation described in ~~section 3~~ of this chapter may be executed as follows:

(1) At the office of the circuit court clerk or the board of registration for the county of the precinct of the person's former residence, not later than 4 p.m. on the day before the election.

(2) Before the inspector of the precinct of the person's former residence, if the application and statement are executed on the day of the election.

(3) When the application for an absentee ballot is filed with the county election board of the county of the precinct of the person's former residence.

(b) If the person executes the affidavit under this section at the office of the circuit court clerk or board of registration before the day of the election, the clerk or board shall furnish a copy of the affirmation to the person. The person shall present the copy to the inspector of the precinct of the person's former residence when the person offers to vote in that precinct under IC 3-11-8.



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(c) If the person executes the affirmation under this section when filing an application for an absentee ballot, the county election board shall attach the original or a copy of the affirmation to the person's application for an absentee ballot before the application and ballot are delivered to the inspector of the precinct of the person's former residence.

(d) If the person executes the affirmation under this section before the inspector of the precinct of the person's former residence on the day of the election, the inspector shall return the original affirmation to the circuit court clerk or board of registration after the closing of the polls."

Page 3, delete lines 1 through 17.

Page 5, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 12. IC 5-4-1-1.2, AS AMENDED BY P.L.176-1999, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 1999 (RETROACTIVE)]: Sec. 1.2. (a) This section does not apply to an individual appointed or elected to an office the establishment or qualifications of which are expressly provided for in the Constitution of the State of Indiana or the Constitution of the United States.

(b) ~~If Subject to subsection (c), an officer individual appointed or elected to an office of a political subdivision does not take and file may take~~ the oath required under section 1 of this chapter ~~within at any time after the individual's appointment or election.~~

(c) **An individual appointed or elected to an office of a political subdivision must take the oath required by section 1 of this chapter and deposit the oath as required by section 4 of this chapter not later than thirty (30) days after the beginning of the officer's term of office.**

(d) **If an individual appointed or elected to an office of a political subdivision does not comply with subsection (c), the office becomes vacant."**

Page 18, line 17, after "10.5." insert: "(a) **This section does not apply to the following:**

(1) **An elected or appointed public officer.**

(2) **An individual described in IC 20-5-3-11.**

(b)".

Page 18, line 18, delete "(other than an elected or appointed public".

Page 18, line 19, delete "officer)".

Page 18, delete lines 25 through 42, begin a new paragraph and insert:

"SECTION 23. IC 36-4-1-4 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. **If (a) This section applies to a town that has a population of more than two thousand (2,000). it**

(b) Subject to section 4.4 of this chapter, the legislative body of a town may change the town into a city under section 4.2 of this chapter or in the following manner:

(1) The town legislative body may adopt a resolution submitting to the town's voters the question of whether the town should change into a city. The legislative body shall adopt such a resolution if at least the number of the registered voters of the town required under IC 3-8-6-3 to place a candidate on the ballot petition it to do so. The legislative body shall file a copy of the resolution with the ~~clerk of the~~ circuit court **clerk** for each county in which the town is located. The circuit court clerk shall immediately certify the resolution to the county election board.

(2) The resolution must fix a date for an election on the question. If the election is to be a special election, the date must be not less than thirty (30) nor more than sixty (60) days after the notice of the election. If the election is to be on the same date as a general election, the resolution must state that fact and be certified in accordance with IC 3-10-9-3.

(3) Notice of the election must be given by the ~~clerk of the~~ circuit court **clerk** in the manner prescribed by IC 3-8-2-19. IC 3-10-6 applies to the election.

(4) The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the town of _____ change into a city?".

(5) If a majority of those voting on the question vote "yes", the town changes into a city when its officers are elected and qualified; otherwise the town remains a town.

SECTION 24. IC 36-4-1-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 4.2. (a) This section applies to a town that has a population of more than two thousand (2,000).**

(b) Subject to section 4.4 of this chapter, the legislative body of a town may change the town into a city by adopting an ordinance.

(c) If an ordinance is adopted under this section, the town legislative body shall file a copy of the ordinance with the circuit court clerk of each county in which the town is located. The circuit court clerk shall immediately certify the ordinance to the county election board.

(d) Candidates for the initial election of city officers shall be



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nominated at the next municipal primary election scheduled under IC 3-10-6-2. The initial election of city officers shall be conducted at the next municipal election scheduled under IC 3-10-6-5.

(e) Candidates elected under subsection (d) take office as officers of the city on January 1 following their election.

SECTION 25. IC 36-4-1-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4.4. A town legislative body may not adopt a resolution under section 4 of this chapter or an ordinance under section 4.2 of this chapter during the period:

(1) beginning on the first day a declaration of candidacy for the primary election in a municipal election year may be filed under IC 3-8-2-4; and

(2) ending on the day after the day of the municipal election.

SECTION 26. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2000]: IC 3-11-15-18; IC 3-11-15-19; IC 3-11-15-27; IC 3-11-15-28; IC 3-11-15-29; IC 3-11-15-30; IC 3-11-15-31.

SECTION 27. [EFFECTIVE NOVEMBER 1, 1999 (RETROACTIVE)] (a) Notwithstanding IC 5-4-1-1.2, as amended by this act, an individual appointed or elected to an office of a political subdivision after November 1, 1999, and before July 1, 2000, does not vacate the office under IC 5-4-1-1.2, as amended by this act, if all of the following apply:

(1) The individual took the oath required by IC 5-4-1-1 at any time after the individual's appointment or election.

(2) The individual took the oath required by IC 5-4-1-1 not later than thirty (30) days after the beginning of the term of office.

(3) The oath was deposited with the appropriate office not later than December 31, 2000, under IC 5-4-1-4, as in effect July 1, 2000.

(b) This SECTION expires January 1, 2004."

Page 19, delete lines 1 through 17.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1024 as introduced.)

KROMKOWSKI, Chair

Committee Vote: yeas 12, nays 0.

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