

# SENATE BILL No. 118

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-2-1; IC 36-3-2-7; IC 36-4-2-9; IC 36-5; IC 36-6-1.

**Synopsis:** State certifying official references. Changes references to the "state certifying official" in the Indiana Code to "the office of the secretary of state". (The introduced version of this bill was prepared for the census data advisory committee.)

**Effective:** Upon passage.

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**Landske, Craycraft, Skillman,  
Breux**

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January 20, 2000, read first time and referred to Committee on Elections.

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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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# SENATE BILL No. 118



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 36-2-1-2 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) If the resident voters in  
3 a specified territory in two (2) or more contiguous counties desire to  
4 change the boundaries of their respective counties, they may file a  
5 petition with the executives of their respective counties requesting that  
6 the territory be transferred. The petition must:  
7 (1) be signed by at least the number of voters resident in the  
8 territory requested to be transferred required to place a candidate  
9 on the ballot under IC 3-8-6-3;  
10 (2) contain a clear, distinct description of the requested boundary  
11 change; and  
12 (3) not propose to decrease the area of any county below four  
13 hundred (400) square miles in compliance with Article 15,  
14 Section 7 of the Constitution of the State of Indiana.  
15 (b) Whenever a petition under subsection (a) is filed with a county  
16 executive, the executive shall determine, at its first meeting after the  
17 petition is filed:



1 (1) whether the signatures on the petition are genuine; and

2 (2) whether the petition complies with subsection (a).

3 (c) If the determinations under subsection (b) are affirmative, the  
4 executive shall certify the question to the county election board of each  
5 affected county. The county election boards shall jointly order a special  
6 election to be held, scheduling the election so that the election is held  
7 on the same date in each county interested in the change, but not later  
8 than thirty (30) days and not on the same date as a general election. The  
9 election shall be conducted under IC 3-10-8-6. All voters of each  
10 interested county are entitled to vote on the question. The question  
11 shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and  
12 must state "Shall the boundaries of \_\_\_\_\_ County and  
13 \_\_\_\_\_ County change?".

14 (d) After an election under subsection (c), the clerk of each county  
15 shall make a certified copy of the election returns and not later than  
16 five (5) days after the election file the copy with the auditor of the  
17 county. The auditor shall, not later than five (5) days after the filing of  
18 the returns in the auditor's office, make a true and complete copy of the  
19 returns, certified under the auditor's hand and seal, and deposit the copy  
20 with the auditor of every other county interested in the change.

21 (e) After copies have been filed under subsection (d), the auditor of  
22 each county shall call a meeting of the executive of the county, which  
23 shall examine the returns. If a majority of the voters of each interested  
24 county voted in favor of change, the executive shall:

25 (1) enter an order declaring their boundaries to be changed as  
26 described in the petition; and

27 (2) if the county has received territory from the transfer, adopt  
28 revised descriptions of:

29 (A) county commissioner districts under IC 36-2-2-4; and

30 (B) county council districts under IC 36-2-3-4;

31 so that the transferred territory is assigned to at least one (1) county  
32 commissioner district and at least one (1) county council district.

33 (f) The executive of each county shall file a copy of the order  
34 described in subsection (e)(1) with:

35 (1) the **office of the secretary of state; certifying official**  
36 **designated under IC 3-6-4.2-11;** and

37 (2) the circuit court clerk of the county.

38 Except as provided in subsection (g), the transfer of territory becomes  
39 effective when the last county order is filed under this subsection.

40 (g) An order declaring county boundaries to be changed may not  
41 take effect during the year preceding a year in which a federal  
42 decennial census is conducted. An order that would otherwise take

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1 effect during the year preceding a year in which a federal decennial  
 2 census is conducted takes effect January 2 of the year in which a  
 3 federal decennial census is conducted.

4 (h) An election under this section may be held only once every three  
 5 (3) years.

6 SECTION 2. IC 36-2-1-8 IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Whenever the boundaries  
 8 of a county are changed, the surveyor shall file a revised description of  
 9 the boundaries of the county with the **office of the secretary of state**  
 10 **certifying official designated under IC 3-6-4.2-11** ~~no~~ **not** later than  
 11 thirty (30) days after the change takes effect.

12 (b) The **office of the secretary of state certifying official** shall  
 13 maintain an accurate file of the boundary descriptions filed under this  
 14 section.

15 SECTION 3. IC 36-3-2-7 IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section governs the  
 17 transfer of territory that is either:

18 (1) inside the corporate boundaries of the consolidated city and  
 19 contiguous to an excluded city; or

20 (2) inside the corporate boundaries of an excluded city and  
 21 contiguous to the consolidated city.

22 IC 36-4-3 does not apply to such a transfer.

23 (b) If the owners of land located in territory described in subsection  
 24 (a) want to have that territory transferred from one (1) municipality to  
 25 the other, they must file:

26 (1) a petition for annexation of that territory with the legislative  
 27 body of the contiguous municipality; and

28 (2) a petition for disannexation of that territory with the legislative  
 29 body of the municipality containing that territory.

30 Each petition must be signed by at least fifty-one percent (51%) of the  
 31 owners of land in the territory sought to be transferred. The territory  
 32 must be reasonably compact in configuration, and its boundaries must  
 33 generally follow streets or natural boundaries.

34 (c) Each legislative body shall, not later than sixty (60) days after a  
 35 petition is filed with it under subsection (b), either approve or  
 36 disapprove the petition, with the following results:

37 (1) Except as provided in subsection (g), if both legislative bodies  
 38 approve, the transfer of territory takes effect:

39 (A) on the effective date of the approval of the latter  
 40 legislative body to act; and

41 (B) when a copy of each transfer approval has been filed under  
 42 subsection (f).

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- 1 (2) If the legislative body of the contiguous municipality  
 2 disapproves or fails to act within the prescribed period, the  
 3 proceedings are terminated.
- 4 (3) If the legislative body of the contiguous municipality approves  
 5 but the legislative body of the other municipality disapproves or  
 6 fails to act within the prescribed period, the proceedings are  
 7 terminated unless there is an appeal under subsection (d).
- 8 (d) In the case described by subsection (c)(3), the petitioners may,  
 9 not later than sixty (60) days after the disapproval or expiration of the  
 10 prescribed period, appeal to the circuit court. The appeal must allege  
 11 that the benefits to be derived by the petitioners from the transfer  
 12 outweigh the detriments to the municipality that has failed to approve,  
 13 which is defendant in the appeal.
- 14 (e) The court shall try an appeal under subsection (d) as other civil  
 15 actions, but without a jury. If the court determines that:
- 16 (1) the requirements of this section have been met; and  
 17 (2) the benefits to be derived by the petitioners outweigh the  
 18 detriments to the municipality;
- 19 it shall order the transfer of territory to take effect on the date its order  
 20 becomes final, subject to subsection (g), and shall file the order under  
 21 subsection (f). However, if the municipality, or a district of it, is  
 22 furnishing sanitary sewer service or municipal water service in the  
 23 territory, or otherwise has expended substantial sums for public  
 24 facilities (other than roads) specially benefiting the territory, the court  
 25 shall deny the transfer.
- 26 (f) A municipal legislative body that approves a transfer of territory  
 27 under subsection (c) or a court that approves a transfer under  
 28 subsection (e) shall file a copy of the approval or order, setting forth a  
 29 legal description of the territory to be transferred, with:
- 30 (1) the **office of the secretary of state; certifying official**  
 31 **designated under IC 3-6-4.2-11;** and  
 32 (2) the circuit court clerk of each county in which the  
 33 municipality is located.
- 34 (g) A transfer of territory under this section may not take effect  
 35 during the year preceding a year in which a federal decennial census is  
 36 conducted. A transfer of territory that would otherwise take effect  
 37 during the year preceding a year in which a federal decennial census is  
 38 conducted takes effect January 2 of the year in which a federal  
 39 decennial census is conducted.
- 40 (h) A petition for annexation or disannexation under this section  
 41 may not be filed with respect to land as to which a transfer of territory  
 42 has been disapproved or denied within the preceding three (3) years.

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1 (i) The legislative body of a municipality annexing territory under  
 2 this section shall assign the territory to at least one (1) municipal  
 3 legislative body district under IC 36-3-4-3 or IC 36-4-6 ~~no~~ **not** later  
 4 than thirty (30) days after the transfer of territory becomes effective  
 5 under this section.

6 SECTION 4. IC 36-4-2-9 IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in  
 8 subsection (c), a merger approved under this chapter takes effect when:

9 (1) the officers of the new municipality are elected and qualified,  
 10 as prescribed by section 13 of this chapter; and

11 (2) a copy of the agreement under section 2 of this chapter or the  
 12 certified election results under section 7 of this chapter are filed  
 13 with:

14 (A) the **office of the secretary of state; certifying official**  
 15 **designated under IC 3-6-4.2-11;** and

16 (B) the circuit court clerk of each county in which the  
 17 municipality is located.

18 (b) On the effective date of the merger, the merging municipalities  
 19 cease to exist and are merged into a single municipality of the class  
 20 created by the combined population of the merging municipalities. The  
 21 new municipality shall be governed by the laws applicable to that class.

22 (c) A merger approved under this chapter may not take effect during  
 23 the year preceding a year in which a federal decennial census is  
 24 conducted. A merger that would otherwise take effect during the year  
 25 preceding a year in which a federal decennial census is conducted takes  
 26 effect January 2 of the year in which a federal decennial census is  
 27 conducted.

28 SECTION 5. IC 36-5-1-10.1, AS AMENDED BY P.L.86-1999,  
 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 UPON PASSAGE]: Sec. 10.1. (a) Except as provided in subsection (g),  
 31 if the county executive makes the findings required by section 8 of this  
 32 chapter, it may adopt an ordinance incorporating the town. The  
 33 ordinance must:

34 (1) provide that:

35 (A) all members of the town legislative body are to be elected  
 36 at large (if the town would have a population of less than three  
 37 thousand five hundred (3,500); or

38 (B) divide the town into not less than three (3) nor more than  
 39 seven (7) districts; and

40 (2) direct the county election board to conduct an election in the  
 41 town on the date of the next general or municipal election to be  
 42 held in any precincts in the county.



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1 An election conducted under this section must comply with IC 3  
 2 concerning town elections. If, on the date that an ordinance was  
 3 adopted under this section, absentee ballots for a general or municipal  
 4 election have been delivered under IC 3-11-4-15 for voters within a  
 5 precinct in the town, the election must be conducted on the date of the  
 6 next general or municipal election held in any precincts in the county  
 7 after the election for which absentee balloting is being conducted.  
 8 However, a primary election may not be conducted before an election  
 9 conducted under this section, regardless of the population of the town.

10 (b) Districts established by an ordinance adopted under this section  
 11 must comply with IC 3-11-1.5.

12 (c) If any territory in the town is not included in one (1) of the  
 13 districts established under this section, the territory is included in the  
 14 district that:

15 (1) is contiguous to that territory; and

16 (2) contains the least population of all districts contiguous to that  
 17 territory.

18 (d) If any territory in the town is included in more than one (1) of  
 19 the districts established under this section, the territory is included in  
 20 the district that:

21 (1) is one (1) of the districts in which the territory is described in  
 22 the ordinance adopted under this section;

23 (2) is contiguous to that territory; and

24 (3) contains the least population of all districts contiguous to that  
 25 territory.

26 (e) Except as provided in subsection (f), an ordinance adopted under  
 27 this section becomes effective when filed with:

28 (1) the **office of the secretary of state; certifying official**  
 29 **designated under IC 3-6-4.2-11;** and

30 (2) the circuit court clerk of each county in which the town is  
 31 located.

32 (f) An ordinance incorporating a town under this section may not  
 33 take effect during the year preceding a year in which a federal  
 34 decennial census is conducted. An ordinance under this section that  
 35 would otherwise take effect during the year preceding a year in which  
 36 a federal decennial census is conducted takes effect January 2 of the  
 37 year in which a federal decennial census is conducted.

38 (g) Proceedings to incorporate a town across county boundaries  
 39 must have the approval of the county executive of each county that  
 40 contains a part of the proposed town. Each county that contains a part  
 41 of the proposed town must adopt identical ordinances providing for the  
 42 incorporation of the town.



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1 SECTION 6. IC 36-5-1-17 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) An election  
 3 under section 16 of this chapter shall be held in the town. The voters  
 4 shall, by ballot, vote on the question submitted to them. The question  
 5 shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and  
 6 must state "Shall the town of \_\_\_\_\_ dissolve?" or  
 7 "Shall the town of \_\_\_\_\_ change its name to  
 8 \_\_\_\_\_?".

9 (b) Within four (4) days after the canvass of the vote by the county  
 10 election board, the town clerk shall prepare and attest a statement of all  
 11 the votes cast at the election, to be signed by the members of the county  
 12 election board and filed with:

- 13 (1) the clerk of the county in which the greatest percentage of the  
 14 population of the town is located; and  
 15 (2) the **office of the secretary of state.** ~~certifying official~~  
 16 ~~designated under IC 3-6-4.2-11.~~

17 SECTION 7. IC 36-5-1.1-9 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) A person  
 19 aggrieved by a decision made by the county executive under section 6  
 20 of this chapter may, within thirty (30) days, appeal that decision or  
 21 result to the circuit court for the county containing more than fifty  
 22 percent (50%) in assessed valuation of the land in the town. The appeal  
 23 is instituted by giving written notice to the clerk of the circuit court and  
 24 filing with the county executive a bond for five hundred dollars (\$500),  
 25 with surety approved by the county executive. The bond must provide:

- 26 (1) that the appeal will be duly prosecuted; and  
 27 (2) that the appellants will pay all costs if the appeal is decided  
 28 against them.

29 (b) When an appeal is instituted, the county executive shall file with  
 30 the clerk of the circuit court a transcript of all proceedings in the case,  
 31 together with all papers filed in the case. The county executive may not  
 32 take further action in the case until the appeal is heard and determined.

33 (c) An appeal under this section shall be heard by the circuit court  
 34 without a jury. Change of venue from the judge may be granted, but  
 35 change of venue from the county may not be granted. If the court orders  
 36 the dissolution to take place, the circuit court clerk shall, immediately  
 37 after the judgment of the court, certify the judgment of the circuit court  
 38 to:

- 39 (1) the clerk of the municipality;  
 40 (2) the circuit court clerk of any other county in which the town  
 41 is located; and  
 42 (3) the **office of the secretary of state.** ~~certifying official~~



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1 ~~designated under IC 3-6-4.2-11.~~

2 (d) Except as provided in subsection (e), the dissolution takes effect  
3 sixty (60) days after the order is certified.

4 (e) A dissolution under this section may not take effect during the  
5 year preceding a year in which a federal decennial census is conducted.  
6 A dissolution under this section that would otherwise take effect during  
7 the year preceding the year in which the federal decennial census is  
8 conducted takes effect January 2 of the year in which a federal  
9 decennial census is conducted.

10 SECTION 8. IC 36-5-1.1-10 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) If the  
12 county executive approves dissolution under section 6 of this chapter,  
13 the county executive shall adopt:

14 (1) an ordinance; or

15 (2) an order in a county having a consolidated city;  
16 dissolving the town.

17 (b) Except as provided in subsection (e), a dissolution takes effect:

18 (1) at least sixty (60) days after the ordinance or order under  
19 subsection (a) is adopted; and

20 (2) when the county auditor files a copy of the ordinance or order  
21 with:

22 (A) the circuit court clerk of each county in which the town is  
23 located; and

24 (B) the **office of the secretary of state.** ~~certifying official~~  
25 ~~designated under IC 3-6-4.2-11.~~

26 (c) The property owned by the town after payment of debts and  
27 liabilities shall be disposed of by the county executive. Any proceeds  
28 remaining shall be deposited in the county general fund. Dissolution of  
29 a town does not affect the validity of a contract to which the town is a  
30 party.

31 (d) After dissolution, the books and records of the town become the  
32 property of the county executive for safekeeping.

33 (e) A dissolution under this section may not take effect during the  
34 year preceding a year in which a federal decennial census is conducted.  
35 A dissolution under this section that would otherwise take effect during  
36 the year preceding a year in which a federal decennial census is  
37 conducted takes effect January 2 of the year in which a federal  
38 decennial census is conducted.

39 SECTION 9. IC 36-5-1.1-10.5 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.5. (a) This  
41 section applies to the dissolution of an included town.

42 (b) The town legislative body may adopt a resolution to consider

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1 dissolution of the town under this section. The resolution must state the  
2 following:

3 (1) That the town legislative body conduct a public hearing at a  
4 stated date, place, and time concerning the dissolution of the  
5 town.

6 (2) That the town legislative body will hear all statements  
7 presented in favor of or in opposition to dissolution.

8 (3) That the town legislative body may adopt an ordinance to  
9 dissolve the town at the conclusion of the public hearing.

10 (c) The town clerk shall publish a notice of the public hearing in  
11 accordance with IC 5-3-1.

12 (d) The town legislative body may continue a public hearing under  
13 this section. If a hearing is continued, the clerk is not required to  
14 publish an additional notice under subsection (c).

15 (e) The town legislative body may adopt an ordinance following the  
16 conclusion of the public hearing under subsection (b). The town clerk  
17 shall file a copy of the ordinance with:

18 (1) the circuit court clerk of the county; and

19 (2) the **office of the secretary of state.** ~~certifying official~~  
20 ~~designated under IC 3-6-4.2-11.~~

21 (f) Except as provided in subsection (g), the ordinance dissolving  
22 the town takes effect:

23 (1) at least sixty (60) days after adoption; and

24 (2) when the ordinance is filed under subsection (e).

25 (g) A dissolution under this section may not take effect during the  
26 year preceding a year in which a federal decennial census is conducted.  
27 A dissolution under this section that would otherwise take effect during  
28 the year preceding a year in which the federal decennial census is  
29 conducted takes effect January 2 of the year in which a federal  
30 decennial census is conducted.

31 (h) When an ordinance dissolving a town becomes effective:

32 (1) the territory included within the town when the ordinance was  
33 adopted becomes a part of the consolidated city;

34 (2) the books and records of the town become the property of the  
35 county executive;

36 (3) the property owned by the town after payment of debts and  
37 liabilities shall be disposed of by the county executive; and

38 (4) the county executive shall deposit any proceeds remaining  
39 after payment of debts and liabilities into the county general fund.

40 (i) The dissolution of a town under this section does not affect the  
41 validity of a contract to which the town is a party.

42 SECTION 10. IC 36-5-1.1-10.6 IS AMENDED TO READ AS



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- 1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.6. (a) This  
 2 section applies to included towns.
- 3 (b) The dissolution of a town under this section may be instituted by  
 4 filing a petition with the county board of registration. The petition must  
 5 be signed by at least the number of the registered voters of the town  
 6 required to place a candidate on the ballot under IC 3-8-6-3. The  
 7 petition must be filed not later than June 1 of a year in which a general  
 8 or municipal election will be held.
- 9 (c) If a petition meets the criteria set forth in subsection (b), the  
 10 county board of registration shall certify the public question to the  
 11 county election board under IC 3-10-9-3. The county election board  
 12 shall place the question of dissolution on the ballot provided for voters  
 13 in the included town at the first general or municipal election following  
 14 certification. The question shall be placed on the ballot in the form  
 15 prescribed by IC 3-10-9-4 and must state "Shall the town of \_\_\_\_\_  
 16 dissolve?".
- 17 (d) If the public question is approved by a majority of the voters  
 18 voting on the question, the county election board shall file a copy of the  
 19 certification prepared under IC 3-12-4-9 concerning the public question  
 20 described by this section with the following:
- 21 (1) The circuit court clerk of the county.  
 22 (2) The **office of the secretary of state**. ~~certifying official~~  
 23 ~~designated under IC 3-6-4.2-11.~~
- 24 (e) Except as provided in subsection (f), dissolution occurs:  
 25 (1) at least sixty (60) days after certification under IC 3-12-4-9;  
 26 and  
 27 (2) when the certification is filed under subsection (d).
- 28 (f) A dissolution under this section may not take effect during the  
 29 year preceding a year in which a federal decennial census is conducted.  
 30 A dissolution under this section that would otherwise take effect during  
 31 the year preceding a year in which the federal decennial census is  
 32 conducted takes effect January 2 of the year in which a federal  
 33 decennial census is conducted.
- 34 (g) When a town is dissolved under this section:  
 35 (1) the territory included within the town when the ordinance was  
 36 adopted becomes a part of the consolidated city;  
 37 (2) the books and records of the town become the property of the  
 38 county executive;  
 39 (3) the property owned by the town after payment of debts and  
 40 liabilities shall be disposed of by the county executive; and  
 41 (4) the county executive shall deposit any proceeds remaining  
 42 after payment of debts and liabilities into the county general fund.

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1 (h) The dissolution of a town under this section does not affect the  
2 validity of a contract to which the town is a party.

3 SECTION 11. IC 36-5-1.2-12 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. If an appeal has  
5 not been filed, not later than thirty (30) days after adoption of the  
6 resolution by the town legislative body, the town clerk-treasurer shall  
7 send a certified copy of the resolution to each of the following:

8 (1) The clerk of the circuit court of each county in which the town  
9 is located.

10 (2) The plan commission having jurisdiction, if any.

11 (3) The **office of the secretary of state. certifying official**  
12 ~~designated under IC 3-6-4.2-11.~~

13 SECTION 12. IC 36-6-1-1 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Each  
15 township is known as \_\_\_\_\_ Township of \_\_\_\_\_  
16 County, according to the name of the township and the county in which  
17 it is located.

18 (b) The county executive may adopt an order to change the name of  
19 the townships in the county. A change of name under this section  
20 becomes effective when the county executive files a copy of the order  
21 with:

22 (1) the circuit court clerk; and

23 (2) the **office of the secretary of state. certifying official**  
24 ~~designated under IC 3-6-4.2-11.~~

25 SECTION 13. IC 36-6-1-3 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) When part of  
27 a township is owned by the state or the United States, devoted to a  
28 public use, and withdrawn from taxation for local purposes, and:

29 (1) less than eighteen (18) square miles of the township remains  
30 subject to taxation; or

31 (2) the township is divided into two (2) or more separate sections  
32 by the government owned part;

33 the county executive may issue an order to alter the boundaries of the  
34 township and adjoining townships on receipt of a petition signed by at  
35 least thirty-five percent (35%) of the resident freeholders of a part of  
36 the township adjoining another township.

37 (b) Except as provided in subsection (c), a boundary alteration under  
38 this section is effective when a copy of the order is filed with:

39 (1) the circuit court clerk; and

40 (2) the **office of the secretary of state. certifying official**  
41 ~~designated under IC 3-6-4.2-11.~~

42 (c) A boundary alteration under this section may not take effect

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1 during the year preceding a year in which a federal decennial census is  
 2 conducted. A boundary alteration that would otherwise take effect  
 3 during the year preceding a year in which a federal decennial census is  
 4 conducted takes effect January 2 of the year in which a federal  
 5 decennial census is conducted.

6 SECTION 14. IC 36-6-1-5 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Townships  
 8 other than those described in section 3 of this chapter may be altered  
 9 or abolished by the issuance of an order by the county executive on  
 10 receipt of a petition signed by a majority of the freeholders of the  
 11 affected township or townships. The alteration or abolition must  
 12 conform to the terms of the petition.

13 (b) Except as provided in subsection (c), the alteration or abolition  
 14 becomes effective when the county executive files a copy of the order  
 15 with:

- 16 (1) the circuit court clerk; and
- 17 (2) the **office of the secretary of state.** ~~certifying official~~  
 18 ~~designated under IC 3-6-4.2-11.~~

19 (c) The alteration or abolition of a township may not take effect  
 20 during the year preceding a year in which a federal decennial census is  
 21 conducted. An alteration or abolition that would otherwise take effect  
 22 during the year preceding a year in which a federal decennial census is  
 23 conducted takes effect January 2 of the year in which a federal  
 24 decennial census is conducted.

25 SECTION 15. IC 36-6-1-5.5 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) This  
 27 section applies to an area that meets the following conditions:

- 28 (1) Contains not more than seven hundred (700) acres.
- 29 (2) Has a river along at least twenty-five percent (25%) of the  
 30 perimeter of the area.
- 31 (3) Abuts a different township from the township in which the  
 32 area is situated.

33 (b) An area is transferred from the township in which the area is  
 34 situated to the township that the area abuts if the following conditions  
 35 are met:

- 36 (1) The transfer results in a rectangular shape for the boundaries  
 37 of both of the affected townships.
- 38 (2) A petition:  
 39 (A) containing a legal description of the area; and  
 40 (B) signed by at least fifty-one percent (51%) of the  
 41 freeholders in the area;  
 42 is filed with the circuit court clerk and the **office of the secretary**

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1            ~~of state. certifying official designated under IC 3-6-4.2-11.~~  
2            (c) Section 5(c) of this chapter applies to the alteration of township  
3 boundaries under this section.  
4            (d) Except as provided in subsection (e), if the conditions specified  
5 in this section are met, the transfer occurs when the filing requirements  
6 of subsection (b) are met.  
7            (e) The transfer may not take effect during the year preceding a year  
8 in which a federal decennial census is conducted. A transfer that would  
9 otherwise take effect during the year preceding a year in which a  
10 federal decennial census is conducted takes effect January 2 of the year  
11 in which a federal decennial census is conducted.  
12            SECTION 16. IC 36-6-1-11 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) An action  
14 taken by a county executive under this chapter may be appealed to the  
15 circuit court of the county. The appeal shall be heard de novo on all  
16 questions presented.  
17            (b) If the court orders the name change, alteration, or abolition of a  
18 township to take place, the circuit court clerk shall, immediately after  
19 the judgment of the court, certify the judgment of the circuit court to:  
20            (1) the township executive; and  
21            (2) the **office of the secretary of state.** ~~certifying official~~  
22            ~~designated under IC 3-6-4.2-11.~~  
23 Except as provided in subsection (c), the order takes effect sixty (60)  
24 days after certification.  
25            (c) The name change, alteration, or abolition of a township may not  
26 take effect during the year preceding a year in which a federal  
27 decennial census is conducted. An alteration or abolition that would  
28 otherwise take effect during the year preceding a year in which a  
29 federal decennial census is conducted takes effect January 2 of the year  
30 in which a federal decennial census is conducted.  
31            SECTION 17. **An emergency is declared for this act.**

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