
HOUSE BILL No. 1082

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-10-7; IC 3-11-1.5-4; IC 36-1-2-2.5; IC 36-4; IC 36-5.

Synopsis: Voting in municipal buffer zones. Provides that a voter who resides in a municipality's buffer zone is entitled to vote in any municipal or special election held in that municipality.

Effective: July 1, 2000.

Smith M

January 10, 2000, read first time and referred to Committee on Elections and Apportionment.

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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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HOUSE BILL No. 1082



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 3-5-2-5.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2000]: **Sec. 5.8. "Buffer zone" has the meaning set forth in**
4 **IC 36-1-2-2.5.**

5 SECTION 2. IC 3-5-8 IS ADDED TO THE INDIANA CODE AS
6 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2000]:

8 **Chapter 8. Voters Residing in Buffer Zones**
9 **Sec. 1. A voter who resides in a municipality's buffer zone is**
10 **entitled to vote in a municipal or special election held in that**
11 **municipality.**

12 **Sec. 2. A voter who resides in a municipality's buffer zone is**
13 **considered a voter of that municipality for all purposes related to**
14 **any municipal or special election held in that municipality.**

15 **Sec. 3. As provided in Article 6, Section 6 of the Constitution of**
16 **the State of Indiana, a voter who resides in a municipality's buffer**
17 **zone may not hold a local office in that municipality.**



1 SECTION 3. IC 3-10-7-22 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 22. (a) A town election
 3 board shall appoint a precinct election board for each precinct in the
 4 town **or in the town's buffer zone.**

5 (b) If a precinct is wholly or partly in the town, the town election
 6 board may designate the polls for the precinct to be at the polls for an
 7 adjoining precinct, using the precinct election board of the adjoining
 8 precinct.

9 (c) Each precinct election board consists of:

10 (1) one (1) inspector; and

11 (2) two (2) judges of opposite political parties.

12 (d) The members of a precinct election board must be voters who
 13 reside in the town **unless the precinct is wholly within the town's**
 14 **buffer zone. If the precinct is wholly within the town's buffer zone,**
 15 **the members of the precinct election board must be voters who**
 16 **reside within the buffer zone.**

17 SECTION 4. IC 3-10-7-24 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 24. A town election
 19 board shall appoint two (2) poll clerks, and may appoint two (2)
 20 assistant poll clerks, of opposite political parties for each precinct in
 21 the town **or in the town's buffer zone.** Except as otherwise provided
 22 in this chapter, the poll clerks and assistant poll clerks have the same
 23 powers and duties, and are subject to the same qualifications and
 24 penalties, as poll clerks and assistant poll clerks appointed for a general
 25 election under IC 3-6-6-2 and IC 3-6-6-3.

26 SECTION 5. IC 3-10-7-25 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 25. (a) A town election
 28 board shall appoint two (2) election sheriffs of opposite political parties
 29 for each precinct in the town **or in the town's buffer zone.** Except as
 30 otherwise provided in this chapter, the election sheriffs have the same
 31 powers and duties, and are subject to the same qualifications and
 32 penalties, as election sheriffs appointed for a general election under
 33 IC 3-6-6-5.

34 (b) A town election board may adopt a resolution providing that the
 35 judges of each precinct that

36 ~~(1) is located wholly or partially in the town; and~~

37 ~~(2) will contain no more than two hundred fifty (250) registered~~
 38 ~~voters on municipal election day~~

39 shall perform the duties and have the rights of the election sheriffs of
 40 the precinct. This resolution remains in effect until repealed by the
 41 town election board.

42 SECTION 6. IC 3-10-7-26 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 26. The appointed
 2 member of a town election board who represents the major political
 3 party whose nominee received the highest number of votes in the
 4 county for secretary of state at the last election may nominate one (1)
 5 person to serve as inspector for each precinct in the town **or in the**
 6 **town's buffer zone.**

7 SECTION 7. IC 3-10-7-27 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 27. Each of the
 9 appointed members of a town election board may nominate:

10 (1) one (1) person to serve as a judge;

11 (2) one (1) person to serve as an election sheriff, except in a
 12 precinct subject to a resolution adopted under section 25 of this
 13 chapter;

14 (3) one (1) person to serve as a poll clerk; and

15 (4) one (1) person to serve as an assistant poll clerk, if assistant
 16 poll clerks are to be appointed;

17 for each precinct in the town **or in the town's buffer zone.**

18 SECTION 8. IC 3-10-7-29 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 29. Each political party
 20 that has a candidate on the ballot in a municipal election under this
 21 chapter may appoint one (1) challenger and one (1) pollbook holder for
 22 each precinct in the town **or in the town's buffer zone.** These persons
 23 have the same powers and duties, and are subject to the same
 24 qualifications and penalties, as challengers and pollbook holders
 25 appointed under IC 3-6-7-1.

26 SECTION 9. IC 3-10-7-30 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 30. (a) The circuit court
 28 clerk or board of registration of each county in which a town described
 29 in section 1 of this chapter is located shall prepare copies of the list of
 30 registered voters for each precinct in the town **or in the town's buffer**
 31 **zone** at least ten (10) days before a municipal election under this
 32 chapter. The lists must include the full name, address, and assigned
 33 identification number of each voter. Two (2) copies of the list shall be
 34 presented to the town election board for use at the polls on election
 35 day.

36 (b) Not later than twenty-four (24) days before election day, the
 37 circuit court clerk or board of registration shall provide a list of **the**
 38 **town's** registered voters ~~in the town~~ to the town election board to
 39 permit the board to conduct absentee ballot voting.

40 SECTION 10. IC 3-10-7-32 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 32. (a) A town election
 42 board shall determine what voting method will be used in a municipal

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1 election.

2 (b) The town election board and its precinct election officers shall
3 perform the duties of the county election board and its precinct election
4 officers under IC 3-11 for each voting method used.

5 (c) The town election board shall prepare the ballots in the form
6 prescribed by IC 3-11-2 and distribute them to the precincts in the town
7 **or in the town's buffer zone.**

8 (d) Notwithstanding subsection (c), the town election board, by
9 unanimous consent of the board's entire membership, may authorize the
10 printing or reproduction of ballots on equipment under the control of
11 the town clerk-treasurer. If the town election board acts under this
12 subsection, the ballots are not required to conform to the precise
13 dimensions concerning the size of political party devices under
14 IC 3-11-2-9 or the placement of a candidate's name under
15 IC 3-11-2-10(e). However, the ballots must otherwise substantially
16 conform with IC 3-11-2.

17 SECTION 11. IC 3-11-1.5-4 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. A county executive
19 shall establish precincts so that each boundary of each precinct does
20 not cross the boundary of **any of the following:**

- 21 (1) The state.
22 (2) A county.
23 (3) A township.
24 (4) A city.
25 (5) A district of the House of Representatives of the Congress of
26 the United States.
27 (6) A district of the senate of the general assembly. ~~or~~
28 (7) A district of the house of representatives of the general
29 assembly.
30 **(8) A buffer zone.**

31 SECTION 12. IC 36-1-2-2.5 IS ADDED TO THE INDIANA CODE
32 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
33 1, 2000]: **Sec. 2.5. "Buffer zone" refers to any part of the**
34 **unincorporated area contiguous to a municipality that has been**
35 **designated by the municipality's municipal plan commission under**
36 **IC 36-7-4-205.**

37 SECTION 13. IC 36-4-2-2 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. (a) If the legislative
39 bodies of two (2) or more adjoining municipalities each agree, by
40 resolution, on:

- 41 (1) the date of an election to consider the merger of the
42 municipalities; and

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1 (2) the name by which the municipality formed by the merger
 2 would be known;
 3 the municipalities shall certify the question to the county election
 4 board. The board shall conduct an election to consider the merger. The
 5 election shall be held in each of the municipalities.

6 (b) Notice of an election under this section shall be given in each
 7 municipality by publication in the manner prescribed by IC 5-3-1.

8 (c) An election under this section shall be held in each municipality
 9 in the manner prescribed by IC 3-10-8-6. The question shall be placed
 10 on the ballot in the form prescribed by IC 3-10-9-4 and must state
 11 "Shall _____ and _____ merge and become the (City or Town) of
 12 _____?".

13 (d) The election board shall report the results of the election to each
 14 legislative body, and a certified copy of the result of the election ~~in~~ **for**
 15 each municipality shall be filed with the legislative body of each of the
 16 municipalities involved in the election.

17 (e) If a majority of the votes cast ~~in~~ **by the voters of** each of the
 18 municipalities is in favor of the merger, the municipalities are merged
 19 under the terms prescribed by this section and sections 9 through 17 of
 20 this chapter. A certified copy of the agreement, and of the result of the
 21 election, shall be filed in the office of the recorder of the county or
 22 counties in which the new municipality is located. The agreement must
 23 be:

- 24 (1) signed by the municipal executive;
 25 (2) attested by the clerk; and
 26 (3) sealed with the seal;

27 of each of the constituent municipalities. Copies of the record shall be
 28 received in all courts and places as conclusive of the merger of the
 29 municipality under the name agreed on.

30 SECTION 14. IC 36-4-2-6 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. (a) An election held
 32 under section 3 of this chapter shall be held in each municipality in the
 33 manner prescribed by IC 3-10-8-6. Each municipality is responsible for
 34 the expense of the election ~~within~~ **held for** its own ~~corporate~~
 35 ~~boundaries.~~ **voters.**

36 (b) A voter in an election held under section 3 of this chapter may:
 37 (1) vote "Yes" or "No" on the proposed merger; and
 38 (2) vote in favor of one (1) proposed name listed on the ballot
 39 under section 5 of this chapter.

40 SECTION 15. IC 36-4-2-7 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7. (a) After an election
 42 held under section 3 of this chapter, the election board shall file with



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1 the clerk of each municipality the returns of the election in each voting
2 precinct in the manner prescribed by IC 3-12-4.

3 (b) Within ten (10) days after an election held under section 3 of this
4 chapter, the election board shall certify and file with:

- 5 (1) the legislative bodies of the municipalities; and
6 (2) the county auditor;

7 a copy of the result of the election ~~in~~ **for** each municipality. The county
8 auditor shall enter the copy ~~he~~ **the auditor** receives in the records of
9 the county executive.

10 (c) If, in an election held under section 3 of this chapter, a majority
11 of the votes cast ~~in~~ **by the voters of** each of the municipalities is in
12 favor of the merger, the municipalities are merged under the terms
13 prescribed by sections 9 through 17 of this chapter. After the merger
14 becomes effective, the name of the new municipality is the name
15 receiving the highest number of votes at the election.

16 SECTION 16. IC 36-4-2-11 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11. (a) The election
18 prescribed by section 10 of this chapter shall be conducted in the
19 manner prescribed by the applicable election statutes, except that there
20 must be a joint election board for the new municipality in place of
21 separate boards for each of the merging municipalities. The joint
22 election board consists of:

- 23 (1) the clerks of each of the merging municipalities; and
24 (2) three (3) persons appointed by the executive of the county in
25 which the merging municipalities are located, not more than two
26 (2) of whom are ~~resident~~ voters of one (1) of the merging
27 municipalities.

28 (b) In order to conduct the election prescribed by section 10 of this
29 chapter, the joint election board shall meet and organize in the manner
30 prescribed by IC 3-6 for election boards and has the same powers and
31 duties as those boards. All subsequent primary and general elections in
32 the new municipality shall be held in the manner prescribed by statute.

33 SECTION 17. IC 36-4-2-12 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 12. (a) The legislative
35 bodies of municipalities that vote to merge under this chapter shall
36 meet in joint session at the hall of the municipality having the largest
37 population at 8 p.m. on the second Monday of January of the next year
38 in which a general municipal election is to be held. At the joint
39 meeting, the legislative bodies shall:

- 40 (1) elect a presiding officer and clerk; and
41 (2) fix, by joint resolution, the boundaries of the districts from
42 which members will be elected to the legislative body of the new

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1 municipality.
 2 The legislative bodies shall fix the district boundaries so that, as nearly
 3 as is possible, all parts of the merging municipalities (**including the**
 4 **buffer zones of any of the municipalities**) have equal representation
 5 in the legislative body of the new municipality. The district boundaries
 6 fixed under this subsection constitute the district boundaries for the
 7 new municipality until they are altered by the legislative body of the
 8 new municipality.

9 (b) If any territory in the municipality **or in the municipality's**
 10 **buffer zone** is not included in one (1) of the districts established under
 11 subsection (a), the territory is included in the district that:

- 12 (1) is contiguous to that territory; and
 13 (2) contains the least population of all districts contiguous to that
 14 territory.

15 (c) If any territory in the municipality **or in the municipality's**
 16 **buffer zone** is included in more than one (1) of the districts established
 17 under subsection (a), the territory is included in the district that:

- 18 (1) is one (1) of the districts in which the territory is described in
 19 the joint resolution adopted under subsection (a);
 20 (2) is contiguous to that territory; and
 21 (3) contains the least population of all districts contiguous to that
 22 territory.

23 (d) A copy of the joint resolution passed under subsection (a) shall
 24 be:

- 25 (1) certified by the presiding officer;
 26 (2) attested by the clerk; and
 27 (3) filed with the legislative body of each of the merging
 28 municipalities and the circuit court clerk of each county in which
 29 the municipalities are located.

30 SECTION 18. IC 36-4-6-3 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) This section
 32 applies only to second class cities.

33 (b) The legislative body shall adopt an ordinance to divide the city
 34 **and areas in the city's buffer zone** into six (6) districts that:

- 35 (1) are composed of contiguous territory, except for territory that
 36 is not contiguous to any other part of the city;
 37 (2) are reasonably compact;
 38 (3) do not cross precinct boundary lines, except as provided in
 39 subsection (c) or (d); and
 40 (4) contain, as nearly as is possible, equal population.

41 (c) The boundary of a city legislative body district may cross a
 42 precinct boundary line if:

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- 1 (1) more than one (1) member of the legislative body elected from
 2 the districts established under subsection (b) resides in one (1)
 3 precinct established under IC 3-11-1.5 after the most recent
 4 municipal election; and
- 5 (2) following the establishment of a legislative body district
 6 whose boundary crosses a precinct boundary line, not more than
 7 one (1) member of the legislative body elected from districts
 8 resides within the same city legislative body district.
- 9 (d) The boundary of a city legislative body district may cross a
 10 precinct line if the districts would not otherwise contain, as nearly as
 11 is possible, equal population.
- 12 (e) A city legislative body district with a boundary described by
 13 subsection (c) or (d) may not cross a census block boundary line
 14 except:
- 15 (1) when following a precinct boundary line; or
 16 (2) the city legislative body certifies in the ordinance that the
 17 census block has no population, and is not likely to ever have
 18 population.
- 19 (f) The legislative body may not adopt an ordinance dividing the city
 20 into districts with boundaries described by subsection (c) or (d) unless
 21 the clerk of the city mails a written notice to the circuit court clerk. The
 22 notice must:
- 23 (1) state that the legislative body is considering the adoption of an
 24 ordinance described by this subsection; and
 25 (2) be mailed not later than ten (10) days before the legislative
 26 body adopts the ordinance.
- 27 (g) The division under subsection (b) shall be made in 2002, every
 28 ten (10) years after that, and when required to assign annexed territory
 29 **or buffer zone area** to a district. This division may be made at any
 30 other time, subject to IC 3-11-1.5-32.
- 31 (h) The legislative body is composed of six (6) members elected
 32 from the districts established under subsection (b) and three (3) at-large
 33 members.
- 34 (i) Each voter of the city may vote for three (3) candidates for
 35 at-large membership and one (1) candidate from the district in which
 36 the voter resides. The three (3) at-large candidates receiving the most
 37 votes from the whole city (**including the city's buffer zone**) and the
 38 district candidates receiving the most votes from their respective
 39 districts are elected to the legislative body.
- 40 (j) If any territory in the city **or the city's buffer zone** is not
 41 included in one (1) of the districts established under this section, the
 42 territory is included in the district that:



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- 1 (1) is contiguous to that territory; and
 2 (2) contains the least population of all districts contiguous to that
 3 territory.
 4 (k) If any territory in the city **or in the city's buffer zone** is
 5 included in more than one (1) of the districts established under this
 6 section, the territory is included in the district that:
 7 (1) is one (1) of the districts in which the territory is described in
 8 the ordinance adopted under this section;
 9 (2) is contiguous to that territory; and
 10 (3) contains the least population of all districts contiguous to that
 11 territory.
 12 (l) A copy of the ordinance establishing districts under this section
 13 must be filed with the circuit court clerk of the county that contains the
 14 greatest population of the city not later than thirty (30) days after the
 15 ordinance is adopted.
 16 SECTION 19. IC 36-4-6-4 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) This section
 18 applies to third class cities, except as provided by section 5 of this
 19 chapter.
 20 (b) This subsection does not apply to a city with an ordinance
 21 described by subsection (j). The legislative body shall adopt an
 22 ordinance to divide the city **and areas in the city's buffer zone** into
 23 five (5) districts that:
 24 (1) are composed of contiguous territory, except for territory that
 25 is not contiguous to any other part of the city;
 26 (2) are reasonably compact;
 27 (3) do not cross precinct boundary lines except as provided in
 28 subsection (c) or (d); and
 29 (4) contain, as nearly as is possible, equal population.
 30 (c) The boundary of a city legislative body district may cross a
 31 precinct boundary line if:
 32 (1) more than one (1) member of the legislative body elected from
 33 the districts established under subsection (b) or (j) resides in one
 34 (1) precinct established under IC 3-11-1.5 after the most recent
 35 municipal election; and
 36 (2) following the establishment of a legislative body district
 37 whose boundary crosses a precinct boundary line, not more than
 38 one (1) member of the legislative body elected from the districts
 39 resides within the same city legislative body district.
 40 (d) The boundary of a city legislative body district may cross a
 41 precinct line if the districts would not otherwise contain, as nearly as
 42 is possible, equal population.



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1 (e) A city legislative body district with a boundary described by
 2 subsection (c) or (d) may not cross a census block boundary line
 3 except:

- 4 (1) when following a precinct boundary line; or
 5 (2) the city legislative body certifies in the ordinance that the
 6 census block has no population, and is not likely to ever have
 7 population.

8 (f) The legislative body may not adopt an ordinance dividing the city
 9 into districts with boundaries described by subsection (c) or (d) unless
 10 the clerk of the city mails a written notice to the circuit court clerk. The
 11 notice must:

- 12 (1) state that the legislative body is considering the adoption of an
 13 ordinance described by this subsection; and
 14 (2) be mailed not later than ten (10) days before the legislative
 15 body adopts the ordinance.

16 (g) The division under subsection (b) or (j) shall be made in 2002,
 17 every ten (10) years after that, and when required to assign annexed
 18 territory **or city buffer zone area** to a district. This division may be
 19 made at any other time, subject to IC 3-11-1.5-32.

20 (h) This subsection does not apply to a city with an ordinance
 21 described by subsection (j). The legislative body is composed of five
 22 (5) members elected from the districts established under subsection (b)
 23 and two (2) at-large members.

24 (i) This subsection does not apply to a city with an ordinance
 25 described by subsection (j). Each voter of the city may vote for two (2)
 26 candidates for at-large membership and one (1) candidate from the
 27 district in which the voter resides. The two (2) at-large candidates
 28 receiving the most votes from the whole city (**including the city's**
 29 **buffer zone**) and the district candidates receiving the most votes from
 30 their respective districts are elected to the legislative body.

31 (j) A city may adopt an ordinance under this subsection to divide the
 32 city **and any areas in the city's buffer zone** into four (4) districts that:

- 33 (1) are composed of contiguous territory;
 34 (2) are reasonably compact;
 35 (3) do not cross precinct boundary lines, except as provided in
 36 subsection (c) or (d); and
 37 (4) contain, as nearly as is possible, equal population.

38 (k) This subsection applies to a city with an ordinance described by
 39 subsection (j). The legislative body is composed of four (4) members
 40 elected from the districts established under subsection (j) and three (3)
 41 at-large members.

42 (l) This subsection applies to a city with an ordinance described by

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1 subsection (j). Each voter of the city may vote for three (3) candidates
 2 for at-large membership and one (1) candidate from the district in
 3 which the voter resides. The three (3) at-large candidates receiving the
 4 most votes from the whole city (**including the city's buffer zone**) and
 5 the district candidates receiving the most votes from their respective
 6 districts are elected to the legislative body.

7 (m) A copy of the ordinance establishing districts under this section
 8 must be filed with the circuit court clerk of the county that contains the
 9 greatest population of the city no later than thirty (30) days after the
 10 ordinance is adopted.

11 (n) If any territory in the city **or in the city's buffer zone** is not
 12 included in one (1) of the districts established under this section, the
 13 territory is included in the district that:

- 14 (1) is contiguous to that territory; and
- 15 (2) contains the least population of all districts contiguous to that
 16 territory.

17 (o) If any territory in the city **or in the city's buffer zone** is
 18 included in more than one (1) of the districts established under this
 19 section, the territory is included in the district that:

- 20 (1) is one (1) of the districts in which the territory is described in
 21 the ordinance adopted under this section;
- 22 (2) is contiguous to that territory; and
- 23 (3) contains the least population of all districts contiguous to that
 24 territory.

25 SECTION 20. IC 36-4-6-5 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. (a) This section
 27 applies to third class cities having a population of less than ten
 28 thousand (10,000). The legislative body of such a city may, by
 29 ordinance adopted before September 1, 1982, decide to be governed by
 30 this section instead of section 4 of this chapter. If this ordinance is
 31 repealed after August 31, 1982, except as a part of a codification of
 32 ordinances that reenacts the ordinance under IC 36-1-5-6, then section
 33 4 of this chapter again applies to the city. The clerk of the legislative
 34 body shall send a certified copy of any ordinance adopted under this
 35 subsection to the secretary of the county election board.

36 (b) This subsection does not apply to a city with an ordinance
 37 described by subsection (j). The legislative body shall adopt an
 38 ordinance to divide the city **and areas in the city's buffer zone** into
 39 four (4) districts that:

- 40 (1) are composed of contiguous territory, except for territory that
 41 is not contiguous to any other part of the city;
- 42 (2) are reasonably compact;



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- 1 (3) do not cross precinct boundary lines except as provided in
 2 subsection (c) or (d); and
 3 (4) contain, as nearly as is possible, equal population.
- 4 (c) The boundary of a city legislative body district may cross a
 5 precinct boundary line if:
 6 (1) more than one (1) member of the legislative body elected from
 7 the districts established under subsection (b) or (j) resides in one
 8 (1) precinct established under IC 3-11-1.5 after the most recent
 9 municipal election; and
 10 (2) following the establishment of a legislative body district
 11 whose boundary crosses a precinct boundary line, not more than
 12 one (1) member of the legislative body elected from the districts
 13 resides within the same city legislative body district.
- 14 (d) The boundary of a city legislative body district may cross a
 15 precinct line if the districts would not otherwise contain, as nearly as
 16 is possible, equal population.
- 17 (e) A city legislative body district with a boundary described by
 18 subsection (c) or (d) may not cross a census block boundary line
 19 except:
 20 (1) when following a precinct boundary line; or
 21 (2) the city legislative body certifies in the ordinance that the
 22 census block has no population, and is not likely to ever have
 23 population.
- 24 (f) The legislative body may not adopt an ordinance dividing the city
 25 into districts with boundaries described by subsection (c) or (d) unless
 26 the clerk of the city mails a written notice to the circuit court clerk. The
 27 notice must:
 28 (1) state that the legislative body is considering the adoption of an
 29 ordinance described by this subsection; and
 30 (2) be mailed not later than ten (10) days before the legislative
 31 body adopts the ordinance.
- 32 (g) The division under subsection (b) or (j) shall be made in 2002,
 33 every ten (10) years after that, and when required to assign annexed
 34 territory **or buffer zone area** to a district. This division may be made
 35 at any other time, subject to IC 3-11-1.5-32.
- 36 (h) This subsection does not apply to a city with an ordinance
 37 described by subsection (j). The legislative body is composed of four
 38 (4) members elected from the districts established under subsection (b)
 39 and one (1) at-large member.
- 40 (i) This subsection does not apply to a city with an ordinance
 41 described by subsection (j). Each voter **of the city** may vote for one (1)
 42 candidate for at-large membership and one (1) candidate from the

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1 district in which the voter resides. The at-large candidate receiving the
2 most votes from the whole city (**including the city's buffer zone**) and
3 the district candidates receiving the most votes from their respective
4 districts are elected to the legislative body.

5 (j) A city may adopt an ordinance under this subsection to divide the
6 city **and areas in the city's buffer zone** into three (3) districts that:

- 7 (1) are composed of contiguous territory, except for territory that
- 8 is not contiguous to any other part of the city;
- 9 (2) are reasonably compact;
- 10 (3) do not cross precinct boundary lines, except as provided in
- 11 subsection (c) or (d); and
- 12 (4) contain, as nearly as is possible, equal population.

13 (k) This subsection applies to a city with an ordinance described by
14 subsection (j). The legislative body is composed of three (3) members
15 elected from the districts established under subsection (j) and two (2)
16 at-large members.

17 (l) This subsection applies to a city with an ordinance described by
18 subsection (j). Each voter of the city may vote for two (2) candidates
19 for at-large membership and one (1) candidate from the district in
20 which the voter resides. The two (2) at-large candidates receiving the
21 most votes from the whole city (**including the city's buffer zone**) and
22 the district candidates receiving the most votes from their respective
23 districts are elected to the legislative body.

24 (m) This subsection applies to a city having a population of less than
25 seven thousand (7,000). A legislative body of such a city that has, by
26 resolution adopted before May 7, 1991, decided to continue an election
27 process that permits each voter of the city to vote for one (1) candidate
28 at large and one (1) candidate from each of its four (4) council districts
29 may hold elections using that voting arrangement. The at-large
30 candidate and the candidate from each district receiving the most votes
31 from the whole city are elected to the legislative body. The districts
32 established in cities adopting such a resolution may cross precinct
33 boundary lines.

34 (n) A copy of the ordinance establishing districts under this section
35 must be filed with the circuit court clerk of the county that contains the
36 greatest population of the city not later than thirty (30) days after the
37 ordinance is adopted.

38 (o) If any territory in the city **or the city's buffer zone** is not
39 included in one (1) of the districts established under this section, the
40 territory is included in the district that:

- 41 (1) is contiguous to that territory; and
- 42 (2) contains the least population of all districts contiguous to that

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1 territory.

2 (p) If any territory in the city **or the city's buffer zone** is included

3 in more than one (1) of the districts established under this section, the

4 territory is included in the district that:

5 (1) is one (1) of the districts in which the territory is described in

6 the ordinance adopted under this section;

7 (2) is contiguous to that territory; and

8 (3) contains the least population of all districts contiguous to that

9 territory.

10 SECTION 21. IC 36-5-1-17 IS AMENDED TO READ AS

11 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 17. (a) An election

12 under section 16 of this chapter shall be held ~~in~~ **for** the town. The

13 voters shall, by ballot, vote on the question submitted to them. The

14 question shall be placed on the ballot in the form prescribed by

15 IC 3-10-9-4 and must state "Shall the town of _____

16 dissolve?" or "Shall the town of _____ change its name

17 to _____?".

18 (b) Within four (4) days after the canvass of the vote by the county

19 election board, the town clerk shall prepare and attest a statement of all

20 the votes cast at the election, to be signed by the members of the county

21 election board and filed with:

22 (1) the clerk of the county in which the greatest percentage of the

23 population of the town is located; and

24 (2) the ~~state certifying official designated under IC 3-6-4.2-11:~~

25 **office of the secretary of state.**

26 SECTION 22. IC 36-5-2-4.1 IS AMENDED TO READ AS

27 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4.1. (a) The legislative

28 body may, by ordinance, divide the town **and area in the town's**

29 **buffer zone** into districts for the purpose of conducting elections of

30 town officers.

31 (b) A town legislative body district must comply with the following

32 standards:

33 (1) The district must be composed of contiguous territory, except

34 for territory that is not contiguous to any other part of the town.

35 (2) The district must be reasonably compact.

36 (3) The district must contain, as nearly as is possible, equal

37 population.

38 (4) The district may not cross a census block boundary except

39 when following a precinct boundary line or when the ordinance

40 specifies that the census block has no population and is not likely

41 to ever have population.

42 (5) The district may not cross precinct lines, except as provided

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- 1 in subsection (c).
- 2 (c) The boundary of a town legislative body district established
3 under subsection (a) may cross a precinct boundary line if:
4 (1) the legislative body provides by ordinance under section 5 of
5 this chapter that all legislative body members are to be elected at
6 large by the voters of the whole town; or
7 (2) the district would not otherwise contain, as nearly as is
8 possible, equal population.
- 9 (d) If any territory in the town **or the town's buffer zone** is not
10 included in one (1) of the districts established under this section, the
11 territory is included in the district that:
12 (1) is contiguous to that territory; and
13 (2) contains the least population of all districts contiguous to that
14 territory.
- 15 (e) If any territory in the town **or the town's buffer zone** is included
16 in more than one (1) of the districts established under this section, the
17 territory is included in the district that:
18 (1) is one (1) of the districts in which the territory is described in
19 the ordinance adopted under this section;
20 (2) is contiguous to that territory; and
21 (3) contains the least population of all districts contiguous to that
22 territory.
- 23 (f) The ordinance may be appealed in the manner prescribed by
24 IC 34-13-6. If the town is located in two (2) or more counties, the
25 appeal may be filed in the circuit or superior court of any of those
26 counties.
- 27 (g) This subsection does not apply to a town with an ordinance
28 described by subsection (h). The division permitted by subsection (a)
29 shall be made in 2002, every ten (10) years after that, subject to
30 IC 3-11-1.5-32, and when required to assign annexed territory **or**
31 **buffer zone area** to a municipal legislative body district. The division
32 may also be made in any other year.
- 33 (h) This subsection applies to a town having a population of less
34 than three thousand five hundred (3,500). The town legislative body
35 may adopt an ordinance providing that:
36 (1) town legislative body districts are abolished; and
37 (2) all members of the legislative body are elected at large **by the**
38 **voters of the town.**
- 39 (i) An ordinance described by subsection (h):
40 (1) may not be adopted or repealed during a year in which a
41 municipal election is scheduled to be conducted in the town under
42 IC 3-10-6 or IC 3-10-7; and

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(2) is effective upon passage.
(j) A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the town not later than thirty (30) days after the ordinance is adopted.

SECTION 23. IC 36-5-2-4.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4.2. (a) This section applies to the alteration of the number of members of a legislative body.

(b) The legislative body may adopt a resolution to submit a public question on the number of legislative body members to the voters of the town. The resolution must state the following:

- (1) The proposed number of legislative body members, which must be at least three (3) and not more than seven (7).
- (2) The date of the general, municipal, or special election at which the public question will appear on the ballot.
- (3) That the following question will be placed on the ballot in the form provided by IC 3-10-9-4:

"Shall the number of town council members be increased (or decreased, if applicable) from _____ (insert the current number of members provided for) to _____ (insert the number of members proposed in the resolution)?"

(c) IC 3 applies to an election conducted under subsection (b). If the county election board will conduct the election at which the public question will be submitted, the question must be certified to the board under IC 3-10-9-3.

(d) If a majority of the votes cast on the question under subsection (b) are in the negative, the legislative body may not adopt a resolution under subsection (b) for at least one (1) year following the date the prior resolution was adopted.

(e) If a majority of votes cast on the question under subsection (b) are in the affirmative, the legislative body shall adopt an ordinance at its next regular meeting following the election altering the number of legislative body members to the number specified in the public question. The legislative body may also alter existing districts and establish new districts in the manner prescribed by ~~IC 36-5-1-10.1~~ **section 4.1 of this chapter and IC 3-11-1.5**. An ordinance adopted under this subsection becomes effective January 1 following its adoption.

(f) If the number of legislative body members is increased, the legislative body shall fill any resulting vacancy under IC 3-13-9-4. The legislative body may fill the vacancy before the ordinance described in

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1 subsection (e) takes effect. However, a town legislative body member
 2 appointed under this subsection does not assume office until the
 3 beginning of the term specified in section 3 of this chapter.

4 SECTION 24. IC 36-5-2-5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. (a) The legislative
 6 body has:

7 (1) one (1) member for each district established under:

8 (A) IC 36-5-1-10.1; or

9 (B) section 4.1 or 4.2 of this chapter; or

10 (2) the number of members provided for when the town adopted
 11 an ordinance under section 4.1 of this chapter abolishing town
 12 legislative body districts.

13 (b) The legislative body shall provide by ordinance that its
 14 members:

15 (1) are to be elected by the voters of the district in which they
 16 reside;

17 (2) are to be elected at large by **all** the voters of the ~~whole~~ town;
 18 or

19 (3) are to be elected both by districts and at large.

20 (c) If a town legislative body adopts an ordinance under this section
 21 providing that its members are to be elected both by districts and at
 22 large, the ordinance must:

23 (1) specify which seats on the legislative body are elected by the
 24 voters of a district and which are elected by **all** the voters of the
 25 ~~whole~~ town; and

26 (2) provide that the ordinance is effective on January 1 following
 27 its adoption.

28 SECTION 25. IC 36-5-2-6 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. (a) A member of the
 30 legislative body must reside within:

31 (1) the town as provided in Article 6, Section 6 of the Constitution
 32 of the State of Indiana; and

33 (2) the district from which the member was elected, if applicable.

34 (b) A member of the legislative body who is elected by the voters of
 35 a district forfeits office if the member ceases to be a resident of the
 36 district.

37 (c) A member of the legislative body who is elected by **all** the voters
 38 of the ~~entire~~ town but is elected or selected as a candidate from a
 39 district forfeits office if the member ceases to be a resident of the
 40 district.

41 (d) An at-large member of the legislative body forfeits office if the
 42 member ceases to be a resident of the town.



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1 SECTION 26. IC 36-5-6-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. The clerk-treasurer
3 shall be elected under IC 3-10-6 or IC 3-10-7 by **all** the voters of the
4 ~~whole~~ town.

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