
SENATE BILL No. 68

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-4-1.5.

Synopsis: Changing a town into a city. Requires a town legislative body to adopt a resolution not later than 30 days after a petition is filed for a referendum on changing the town into a city. Provides that the date of the referendum must not be later than the date of the next general or municipal election, whichever is earlier, at which a question may be placed on the ballot. Provides that with regard to a petition filed before July 1, 2011, for which a referendum has not been conducted, the referendum must be held at the municipal election in November 2011. Requires the first election of city officers to be held on the earlier of the date of the next general election or a municipal election following the date of the referendum.

Effective: July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Local Government.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 68



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-4-1.5-2, AS ADDED BY P.L.111-2005,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 2. **(a)** A town may be changed into a city through
4 the following:

5 (1) The town legislative body must adopt a resolution submitting
6 to the town's voters the question of whether the town should be
7 changed into a city. The town legislative body shall adopt a
8 resolution described in this subdivision if at least the number of
9 registered voters of the town equal to ten percent (10%) of the
10 total votes cast in the town at the last election for secretary of
11 state sign a petition requesting the town legislative body to adopt
12 such a resolution. In determining the number of signatures
13 required under this subdivision, any fraction that exceeds a whole
14 number shall be disregarded.

15 **(2) The town legislative body must adopt the resolution under**
16 **subdivision (1) not later than thirty (30) days after the date a**
17 **petition having a sufficient number of signatures is filed. A**



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resolution adopted under subdivision (1) must fix the date for an election on the question of whether the town should be changed into a city **as follows:**

(A) If the election is to be on the same date as a general election or municipal election:

(i) the resolution must state that fact and be certified in accordance with IC 3-10-9-3; and

(ii) the election must be held on the date of the next general election or municipal election, whichever is earlier, at which the question can be placed on the ballot under IC 3-10-9-3.

(B) If the election is to be a special election, the date must be:

~~(A)~~ **(i) not less than thirty (30) and ~~(B)~~ not more than sixty (60) days after the notice of the election; and**

(ii) not later than the next general election or municipal election, whichever is earlier, at which the question can be placed on the ballot under IC 3-10-9-3.

~~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) The town legislative body shall file a copy of the resolution adopted under subdivision (1) with the circuit court clerk of each county in which the town is located. The circuit court clerk shall immediately certify the resolution to the county election board.

(4) The county election board shall give notice of the election in the manner prescribed by IC 3-8-2-19. IC 3-10-6 applies to the election.

(5) The question described in subdivision (1) shall be placed on the ballot in the form prescribed by IC 3-10-9-4. The text of the question shall be: "Shall the town of _____ change into a city?".

(6) If a majority of the voters voting on the question described in subdivision (1) vote "yes", the town is changed into a city as provided in this chapter. If a majority of the voters voting on the question vote "no", the town remains a town.

(b) This subsection applies only to a town in which:

(1) a petition meeting the requirements of subsection (a)(1) is filed with the town legislative body before July 1, 2011; and

(2) an election has not been held under subsection (a) as a result of the petition.

Not later than July 15, 2011, the town legislative body shall adopt and file a resolution with the circuit court clerk as set forth in

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1 subsection (a). The resolution must fix the date for an election on
2 the question of whether the town should be changed into a city as
3 the date of the municipal general election in November 2011. A
4 resolution adopted by the town legislative body in accordance with
5 this subsection voids any previous resolutions adopted by the town
6 legislative body as a result of the petition described in subdivision
7 (1).

8 SECTION 2. IC 36-4-1.5-3, AS ADDED BY P.L.111-2005,
9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2011]: Sec. 3. (a) A town legislative body may satisfy the
11 requirements of this section in an ordinance adopted either before or
12 after the town's voters vote on the question described in section 2 of
13 this chapter.

14 (b) If a resolution is adopted under section 2 of this chapter, the
15 town legislative body shall adopt an ordinance providing for the
16 transition from governance as a town to governance as a city. The
17 ordinance adopted under this section must include the following
18 details:

19 (1) A division of the town into city legislative body districts as
20 provided in the applicable provisions of IC 36-4-6.

21 (2) Provisions for the election of the following officers:

22 (A) The city executive.

23 (B) The members of the city legislative body.

24 (C) The city clerk or city clerk-treasurer as appropriate under
25 IC 36-4-10.

26 (3) The date of the first election of the city officers. The first
27 election may be held only on the date of a ~~the~~ **next** general
28 election or a municipal election, **whichever is earlier, following**
29 **the date fixed for an election under section 2 of this chapter on**
30 **the question of whether the town should be changed into a**
31 **city**. Candidates for election to the city offices shall be
32 nominated:

33 (A) at the corresponding primary election during a general
34 election year or a municipal election year; or

35 (B) as otherwise provided in IC 3.

36 (4) Subject to section 4 of this chapter, the term of office of each
37 city officer elected at the first election of city officers.

38 (5) Any other details the town legislative body considers useful in
39 providing for the transition of the town into a city.

40 (c) An ordinance adopted under this section is effective only if the
41 voters of the town approve the conversion of the town into a city under
42 section 2(6) of this chapter.

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1 (d) The provisions of an ordinance adopted under this section are
2 subject to all other laws governing the structure of city government.

3 (e) Subject to this chapter, the town legislative body or the city
4 legislative body (after the town is changed into a city) may amend an
5 ordinance adopted under this section.

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