
HOUSE BILL No. 1319

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9-5; IC 3-10; IC 3-11; IC 3-11.7-1; IC 3-12-9-1; IC 3-13; IC 33-35-1; IC 36-1-2; IC 36-1.5-4-36; IC 36-3; IC 36-4; IC 36-5; IC 36-10-3-35.

Synopsis: Date of municipal elections. Moves elections of city and town officers to even-numbered years. Repeals superseded statutes.

Effective: July 1, 2011.

Smith M

January 13, 2011, read first time and referred to Committee on Elections and Apportionment.

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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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HOUSE BILL No. 1319

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 3-5-1-2 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2011]; Sec. 2. The types of elections to which
- 3 this title applies are classified as follows:
- 4 (1) General election, which is conducted statewide on the first
- 5 Tuesday after the first Monday in November of each
- 6 even-numbered year.
- 7 ~~(2) Municipal election, in which the electorate of a municipality~~
- 8 ~~chooses by ballot public officials for the municipality or decides~~
- 9 ~~a public question lawfully submitted to the electorate of the~~
- 10 ~~municipality.~~
- 11 ~~(3) (2) Primary election, which is conducted for the purpose of~~
- 12 ~~choosing by ballot the following:~~
- 13 (A) The candidates who will be the nominees of a political
- 14 party for elected offices in a general ~~or municipal~~ election.
- 15 (B) The precinct committeemen of a political party.
- 16 (C) The delegates to a political party's state convention.
- 17 ~~(4) (3) School district election, in which the electorate of a school~~



1 district chooses by ballot members of the school board.
2 ~~(5)~~ (4) Special election, which is conducted for a special purpose
3 as provided by law.

4 SECTION 2. IC 3-5-1-3 IS ADDED TO THE INDIANA CODE AS
5 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
6 2011]: **Sec. 3. (a) Whenever this title or IC 36 refers to a primary
7 election, the reference includes, where applicable, the 2011
8 primary election to nominate candidates for municipal offices.**

9 **(b) Whenever this title or IC 36 refers to a general election, the
10 reference includes, where applicable, the 2011 general election to
11 elect candidates for municipal offices.**

12 **(c) This section expires January 1, 2012.**

13 SECTION 3. IC 3-5-2-33 IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2011]: Sec. 33. "Nominee" means a candidate:

- 15 (1) nominated by a political party at a primary election or
16 convention under this title as the party's candidate for an elected
17 office in a general ~~municipal~~; or special election; or
- 18 (2) nominated by petition for an elected office.

19 SECTION 4. IC 3-5-2-33.3 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 2011]: **Sec. 33.3. "Nonpresidential election year" refers to an
22 even-numbered year that is not a presidential election year.**

23 SECTION 5. IC 3-5-2-40.4 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2011]: **Sec. 40.4. "Presidential election year" refers to a year in
26 which an election for electors for President of the United States is
27 held.**

28 SECTION 6. IC 3-5-3-1 IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Except as provided in
30 sections 7 through 10 of this chapter, the county auditor shall pay the
31 expenses of voter registration and for all election supplies, equipment,
32 and expenses out of the county treasury in the manner provided by law.
33 The county fiscal body shall make the necessary appropriations for
34 these purposes.

35 (b) The county executive shall pay to the circuit court clerk or board
36 of registration the expenses of:

- 37 (1) removing voters from the registration record under IC 3-7-43,
38 IC 3-7-45, or IC 3-7-46; and
- 39 (2) performing voter list maintenance programs under IC 3-7;
40 out of the county treasury without appropriation.

41 (c) **Except as provided in subsection (d)**, registration expenses
42 incurred by a ~~circuit court clerk or board of county voter~~ registration

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office for:

- (1) the salaries of members of a board of registration appointed under IC 3-7-12-9;
 - (2) the salaries of chief clerks appointed under IC 3-7-12-17; and
 - (3) the salaries of assistants employed under IC 3-7-12-19;
- may not be charged to a municipality. ~~However, the~~

(d) A municipality may be charged for wages of extra persons employed to provide additional assistance reasonably related to the municipal election. This subsection expires January 1, 2012.

SECTION 7. IC 3-5-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. **(a)** All expenses for a municipal primary election or municipal election that is conducted by a county election board shall be allowed by the county executive and shall be paid out of the general fund of the county, without any appropriation being required. The county auditor shall certify the amount of that allowance to the fiscal officer of the municipality not later than thirty (30) days after the municipal primary or municipal election. The fiscal body of the municipality shall make the necessary appropriation to reimburse the county for the expense of the primary election or election not later than December 31 of the year in which the municipal election is conducted.

(b) This section expires January 1, 2012.

SECTION 8. IC 3-5-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. **(a)** Except as provided in subsection (b), during the period that begins ninety (90) days before a municipal primary election and continues until the day after the following municipal election, all expenses of the primary election and election that cannot be chargeable directly to any municipality shall be apportioned as follows:

- (1) Twenty-five percent (25%) to the county.
- (2) Seventy-five percent (75%) to the municipalities in the county holding the municipal primary election and municipal election.

(b) The apportionment made under subsection (a) does not apply to a town that has entered into an agreement with the county under IC 3-10-7-4 to pay the county a fixed amount for the expenses described in subsection (a).

(c) This section expires January 1, 2012.

SECTION 9. IC 3-5-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. **(a)** Except as provided in subsection (c), whenever more than one (1) municipality in a county conducts a municipal primary election, the seventy-five percent (75%) of expenses that cannot be chargeable directly to any particular

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1 municipality under section 8 of this chapter shall be apportioned to
2 each municipality in the same ratio that the number of voters who cast
3 a ballot in the municipality at the municipal primary election bears to
4 the total number of voters who cast a ballot in all of the municipalities
5 in the county at that municipal primary election.

6 (b) Except as provided in subsection (c), whenever more than one
7 (1) municipality in a county conducts a municipal election, the
8 seventy-five percent (75%) of expenses that are not chargeable directly
9 to any particular municipality under section 8 of this chapter must be
10 apportioned to each municipality in the same ratio that the number of
11 voters who cast a ballot in the municipality at the municipal election
12 bears to the total number of voters who cast a ballot in all of the
13 municipalities in the county that conducted a municipal election.

14 (c) The apportionment made under subsection (a) does not apply to
15 a town that has entered into an agreement with the county under
16 IC 3-10-7-4 to pay the county a fixed amount for the expenses
17 described in subsection (a).

18 **(d) This section expires January 1, 2012.**

19 SECTION 10. IC 3-5-3-10 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The county
21 election board shall, on a form prescribed under IC 3-6-4.1-14, itemize
22 all the expenses of any election for which a municipality is required to
23 reimburse the county.

24 **(b) This section expires January 1, 2012.**

25 SECTION 11. IC 3-5-3-11 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) Notwithstanding
27 section 7 of this chapter, in a year in which a town election coincides
28 with a general election, the county election board may not assess the
29 town for the cost of the election.

30 **(b) This section expires January 1, 2012.**

31 SECTION 12. IC 3-5-8-5 IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2011]: Sec. 5. Not later than thirty (30) days
33 before a primary or general or ~~municipal~~ election, the secretary of state
34 shall request Indiana news media to include a copy of the voter's bill of
35 rights as part of election coverage or in public service announcements.

36 SECTION 13. IC 3-6-4.2-14, AS AMENDED BY P.L.120-2009,
37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2011]: Sec. 14. (a) Each year in which a general or ~~municipal~~
39 election is held, the election division shall call a meeting of all the
40 members of the county election boards and the boards of registration
41 to instruct them as to their duties under this title and federal law
42 (including HAVA and NVRA). The election division may, but is not

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1 required to, call a meeting under this section during a year in which a
 2 general ~~or a municipal~~ election is not held.

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

5 (c) The codirectors of the election division shall set the time and
 6 place of the instructional meeting. In years in which a primary election
 7 is held, the election division:

8 (1) may conduct the meeting before the first day of the year; and
 9 (2) shall conduct the meeting before primary election day.

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

11 (d) Each member of a county election board or board of registration
 12 and an individual who has been elected or selected to serve as circuit
 13 court clerk but has not yet begun serving in that office is entitled to
 14 receive all of the following from the county general fund without
 15 appropriation:

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

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

23 (3) Reimbursement for the payment of the instructional meeting
 24 registration fee.

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

28 SECTION 14. IC 3-6-5-17 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) Each county
 30 election board shall submit a report to the election division after each
 31 primary, special, ~~municipal~~, and general election describing the
 32 activities of the board during the previous year. The board shall include
 33 the following in the report:

34 (1) Information relating to the expenses of office maintenance and
 35 elections within the county or political subdivisions within the
 36 county.

37 (2) A copy of the statement of the county election board
 38 containing the votes cast for each candidate and on each public
 39 question in each precinct at the last election preceding the
 40 submission of the report.

41 (3) Any additional information relating to elections that the
 42 commission prescribes.

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1 (b) The report described in subsection (a) must be postmarked, hand
2 delivered, or transmitted to the election division using the
3 computerized list under IC 3-7-26.3 not later than fourteen (14) days
4 after each election.

5 (c) The election division shall send a copy of each report to the
6 office not later than ten (10) days after receiving the report.

7 SECTION 15. IC 3-6-5-28 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 28. (a) The sheriff of
9 a county, for a general election, and the chief law enforcement officer
10 of a municipality, for a municipal election, shall serve all processes
11 issued by a county election board.

12 (b) The chief law enforcement officer of a municipality shall
13 serve all processes issued by a county election board for the 2011
14 municipal election. This subsection expires January 1, 2012.

15 SECTION 16. IC 3-6-5-33 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 33. The county sheriff;
17 the chief law enforcement officer of a municipality within the county;
18 and other All law enforcement officers shall assist a county election
19 board, upon request, in the enforcement of the election laws and the
20 discharge of its duties, including the use of police radio and telephone
21 service on election days.

22 SECTION 17. IC 3-6-6-27 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 27. Except as
24 provided in subsection (b), the county executive shall fix the
25 compensation paid under sections 25 and 26 of this chapter for all
26 elections. except municipal elections held by towns under IC 3-10-7.

27 (b) This subsection applies to municipal elections held in 2011.
28 The fiscal body of a town holding a municipal election under IC 3-10-7
29 shall fix the compensation paid under sections 25 and 26 of this
30 chapter. This subsection expires January 1, 2012.

31 SECTION 18. IC 3-6-8-4, AS AMENDED BY P.L.221-2005,
32 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2011]: Sec. 4. A watcher appointed under this chapter is
34 entitled to do the following:

- 35 (1) Enter the polls at least thirty (30) minutes before the opening
36 of the polls and remain there throughout election day until all
37 tabulations have been completed.
38 (2) Inspect the paper ballot boxes, ballot card voting system, or
39 electronic voting system before votes have been cast.
40 (3) Inspect the work being done by any precinct election officer.
41 (4) Enter, leave, and reenter the polls at any time on election day.
42 (5) Witness the calling and recording of the votes and any other

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1 proceedings of the precinct election officers in the performance
2 of official duties.

3 (6) Receive a summary of the vote prepared under IC 3-12-2-15,
4 IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the
5 precinct election board, providing:

6 (A) the names of all candidates of the political party whose
7 primary election is being observed by the watcher and the
8 number of votes cast for each candidate;

9 (B) the names of all candidates at a general ~~municipal~~, or
10 special election and the number of votes cast for each
11 candidate; or

12 (C) the vote cast for or against a public question.

13 (7) Accompany the inspector and judge in delivering the
14 tabulation and election returns to the county election board by the
15 most direct route.

16 (8) Be present when the inspector takes a receipt for the
17 tabulation and election returns delivered to the county election
18 board. ~~and~~

19 (9) Call upon the election sheriffs to make arrests.

20 SECTION 19. IC 3-6-9-1 IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) If:

22 (1) twenty-six percent (26%) or more of all candidates of a
23 political party who are candidates for:

24 (A) nomination to elected offices at a ~~county~~ primary election,
25 (or ~~municipal primary election within the municipality in~~
26 ~~which the municipal primary is to be conducted~~); not including
27 candidates for delegates to the state convention or candidates
28 for precinct committeemen; or

29 (B) precinct committeemen at an election for precinct
30 committeemen, whose names are certified to the county
31 election board as candidates to be voted for at the primary
32 election for precinct committeemen; or

33 (2) any candidate or group of candidates for a school board office;
34 desire to have watchers at the polls in any precinct, ~~of the county or~~
35 ~~municipality~~; they shall sign a written statement indicating their desire
36 to name watchers.

37 (b) If the candidates signing the statement are candidates for
38 nomination at a ~~county~~ primary election or for election as precinct
39 committeemen or to a school board office, the written statement shall
40 be filed with the circuit court clerk of the county where the candidates
41 reside.

42 (c) If the candidates signing the statement are candidates for

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1 nomination at a municipal primary election, the written statement shall
2 be filed with the circuit court clerk of the county that contains the
3 greatest percentage of the population of the election district. **This**
4 **subsection expires January 1, 2012.**

5 SECTION 20. IC 3-6-9-4 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) An attorney-in-fact
7 designated under section 2 of this chapter shall file with the circuit
8 court clerk the names of the voters of the county ~~or municipality~~ who
9 are to act as watchers in the precincts designated in the written
10 statement.

11 (b) The attorney-in-fact may certify watchers from voters of the
12 county ~~or municipality~~ without regard to precinct boundary lines.

13 (c) A watcher designated under this section:
14 (1) may not be a candidate to be voted for at the election, except
15 as an unopposed candidate for precinct committeeman or state
16 convention delegate; and
17 (2) must be a registered voter of the county.

18 SECTION 21. IC 3-7-13-1 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) A person who:

- 20 (1) will be at least eighteen (18) years of age at the next general
21 ~~municipal~~; or special election;
- 22 (2) is a United States citizen; and
- 23 (3) resides in a precinct continuously before a general ~~municipal~~;
24 or special election for at least thirty (30) days;

25 may, upon making a proper application under this article, register to
26 vote in that precinct.

27 (b) **This subsection applies to the 2011 municipal election. A**
28 **person who:**

- 29 (1) **will be at least eighteen (18) years of age on November 8,**
30 **2011;**
- 31 (2) **is a United States citizen; and**
- 32 (3) **resides in a precinct continuously before November 8,**
33 **2011, for at least thirty (30) days;**

34 **may, upon making a proper application under this article, register**
35 **to vote in that precinct. This subsection expires January 1, 2012.**

36 SECTION 22. IC 3-7-13-2 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. A person who ~~on the~~
38 ~~day of the next general, municipal, or special election,~~ will meet the
39 age and residency requirements of section 1 of this chapter may register
40 and vote in the primary election.

41 SECTION 23. IC 3-7-13-3 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) This section

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- 1 applies to a person who:
- 2 (1) ~~on the day of the next general, municipal, or special election;~~
- 3 will meet the age and residency requirements of section 1 of this
- 4 chapter; and
- 5 (2) does not meet the age or residency requirements on primary
- 6 election day.
- 7 (b) A person described in subsection (a) may not cast a ballot:
- 8 (1) for candidates for:
- 9 (A) elected offices;
- 10 (B) precinct committeeman; or
- 11 (C) state convention delegate; or
- 12 (2) on public questions;

13 to be voted on at the same time that the primary election is conducted.

14 SECTION 24. IC 3-7-13-10 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The registration
16 period begins December 1 of each year (or the first Monday in
17 December if December 1 falls on a Saturday or Sunday).

18 (b) The registration period continues through the twenty-ninth day
19 before the date a primary election is scheduled under this title.

20 (c) The registration period resumes fourteen (14) days after primary
21 election day and continues through the twenty-ninth day before the date
22 a general ~~or municipal~~ election is scheduled under this article.

23 (d) This subsection applies in each precinct in which a special
24 election is to be conducted. The registration period ceases in that
25 precinct on the twenty-ninth day before a special election is conducted
26 and resumes fourteen (14) days after the special election occurs.

27 SECTION 25. IC 3-7-14-10 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. If an individual is
29 registering to vote after the twenty-ninth day before the date that a
30 primary, general, ~~municipal~~, or special election is scheduled in the
31 precinct where the voter resides, the employee of the bureau of motor
32 vehicles commission who provides an individual with a driver's license
33 or an identification card application shall do the following:

- 34 (1) Inform the individual that license branch registration will not
- 35 permit the individual to vote in the next election.
- 36 (2) Inform the individual of other procedures the individual may
- 37 follow to vote in the next election.

38 SECTION 26. IC 3-7-15-10 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. If an individual is
40 registering to vote after the twenty-ninth day before the date that a
41 primary, general, ~~municipal~~, or special election is scheduled in the
42 precinct where the voter resides, the employee of the office who

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1 provides an individual with an application for assistance or services
2 under section 3 of this chapter shall do the following:

3 (1) Inform the individual that office registration will not permit
4 the individual to vote in the next election.

5 (2) Inform the individual of other procedures the individual may
6 follow to vote in the next election.

7 SECTION 27. IC 3-7-16-17 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. If an individual is
9 registering to vote after the twenty-ninth day before the date that a
10 primary, general, ~~municipal~~, or special election is scheduled in the
11 precinct where the voter resides, the employee or a volunteer of the
12 office who provides an individual with an application for assistance or
13 services under this chapter shall do the following:

14 (1) Inform the individual that office registration will not permit
15 the individual to vote in the next election.

16 (2) Inform the individual of other procedures the individual may
17 follow to vote in the next election.

18 SECTION 28. IC 3-7-16-33 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 33. The NVRA official
20 shall notify the governing body of the agency of the following:

21 (1) The scheduled date of each primary, general, ~~municipal~~, and
22 special election.

23 (2) The jurisdiction in which the election will be held.

24 SECTION 29. IC 3-7-18-9 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. If an individual is
26 registering to vote after the twenty-ninth day before the date that a
27 primary, general, ~~municipal~~, or special election is scheduled in the
28 precinct where the voter resides, the employee or volunteer of the
29 office who provides an individual with an application for assistance or
30 services under this chapter shall do the following:

31 (1) Inform the individual that office registration will not permit
32 the individual to vote in the next election.

33 (2) Inform the individual of other procedures the individual may
34 follow to vote in the next election.

35 SECTION 30. IC 3-7-18-24 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 24. The NVRA official
37 shall notify the governing body of the agency of the following:

38 (1) The scheduled date of each primary, general, ~~municipal~~, and
39 special election.

40 (2) The jurisdiction in which the election will be held.

41 SECTION 31. IC 3-7-27-17 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) The registration

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1 record used at any municipal primary or municipal election is that part
2 of the registration record of the county in which the municipality is
3 located.

4 **(b) This section expires January 1, 2012.**

5 SECTION 32. IC 3-7-28-2 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) This section does
7 not apply to confidential information included on a voter registration
8 application.

9 (b) Copies of all registration applications executed under this article
10 during that part of a registration period ending sixty-five (65) days
11 before a primary ~~or~~ general ~~or municipal~~ election shall be forwarded
12 not later than sixty (60) days before the election to the following upon
13 request:

- 14 (1) Each of the county chairmen of the major political parties of
15 the county.
- 16 (2) The chairman of the following:
 - 17 (A) A bona fide political party that has at least one (1)
18 candidate on the ballot of the election.
 - 19 (B) An independent candidate's committee if the candidate is
20 on the ballot at the election.

21 SECTION 33. IC 3-7-28-3 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. Copies of all
23 memoranda executed under this article during that part of a registration
24 period beginning sixty-five (65) days before a primary ~~or~~ general ~~or~~
25 ~~municipal~~ election and ending twenty-nine (29) days before the
26 election shall be forwarded daily and within forty-eight (48) hours of
27 the date on which the memoranda were originally made to the
28 following upon request:

- 29 (1) Each of the county chairmen of the major political parties of
30 the county.
- 31 (2) The chairman of the following:
 - 32 (A) A bona fide political party that has at least one (1)
33 candidate on the ballot of the election.
 - 34 (B) An independent candidate's committee if the candidate is
35 on the ballot at the election.

36 SECTION 34. IC 3-7-28-14 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. The ~~circuit court~~
38 ~~clerk or board of county voter~~ registration office shall provide a list of
39 the names and addresses of all voters whose registrations have been
40 canceled under this article not later than sixty (60) days before election
41 day to the following upon request:

- 42 (1) The county chairmen of the major political parties of the

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- county.
- (2) The chairman of the following:
 - (A) A bona fide political party of the county.
 - (B) An independent candidate's committee participating in a primary ~~or~~ general ~~or~~ municipal election.

After that date, upon request the clerk or board shall report cancellations daily and within forty-eight (48) hours after the day on which the cancellations were made, until election day.

SECTION 35. IC 3-7-38.2-2, AS AMENDED BY P.L.1-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) A voter list maintenance program conducted under this chapter must:

- (1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);
- (2) not result in the removal of the name of a person from the official list of voters solely due to the person's failure to vote; and
- (3) be completed not later than ninety (90) days before a primary ~~or~~ general ~~or~~ municipal election.

(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each registered voter at the residence address:

- (1) listed in the voter's registration record; and
- (2) determined by the county voter registration office not to be the voter's current residence address.

(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):

- (1) The United States Postal Service National Change of Address Service.
- (2) A court regarding jury duty notices.
- (3) The return of a mailing sent by the county voter registration office to all voters in the county.
- (4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(d) The notice described in subsection (b) must:

- (1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and
- (2) include a postage prepaid return card that:
 - (A) is addressed to the county voter registration office;

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1 (B) states a date by which the card must be returned or the
 2 voter's registration will become inactive until the information
 3 is provided to the county voter registration office; and
 4 (C) permits the voter to provide the voter's current residence
 5 address.

6 (e) If a voter returns the card described in subsection (d)(2) and
 7 provides a current residence address that establishes that the voter
 8 resides:

- 9 (1) in the county, the county voter registration office shall update
 10 the voter's registration record; or
- 11 (2) outside the county, the county voter registration office shall
 12 cancel the voter's registration.

13 (f) If a voter does not return the card described in subsection (d)(2)
 14 by the date specified in subsection (d)(2)(B), the county voter
 15 registration office shall indicate in the voter's registration record that
 16 the voter's registration is inactive.

17 (g) A voter's registration that becomes inactive under subsection (f)
 18 remains in inactive status from the date described in subsection
 19 (d)(2)(B) until the earlier of the following:

- 20 (1) The date the county voter registration office updates or
 21 cancels the voter's registration under subsection (e) after the voter
 22 provides a current residence address.
- 23 (2) The day after the second general election in which the voter
 24 has not voted or appeared to vote.

25 (h) After the date described in subsection (g)(2), the county voter
 26 registration office shall remove the voter's registration from the voter
 27 registration records.

28 SECTION 36. IC 3-7-38.2-3, AS AMENDED BY P.L.164-2006,
 29 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2011]: Sec. 3. As provided under 42 U.S.C.
 31 1973gg-6(c)(2)(B)(i), this chapter does not prevent the removal of a
 32 voter's name from the voter registration record during the final ninety
 33 (90) day period before a primary ~~or~~ general ~~or municipal~~ election due
 34 to any of the following in accordance with this article:

- 35 (1) The written request of the voter.
- 36 (2) Disenfranchisement due to criminal conviction and
 37 incarceration.
- 38 (3) The death of the voter.

39 SECTION 37. IC 3-8-1-1.7 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1.7. As used in this
 41 chapter, "before the election" refers to a general ~~municipal~~, or special
 42 election.

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1 SECTION 38. IC 3-8-1-5.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5.5. (a) Except as
3 provided in IC 3-13-1-19 and IC 3-13-2-10 for filling a vacancy on a
4 ticket, a person who:

- 5 (1) is defeated in a primary election;
- 6 (2) appears as a candidate for nomination at a convention and is
7 defeated;
- 8 (3) files a declaration of candidacy for nomination by a ~~county;~~
9 ~~city, or town~~ convention and is defeated; or
- 10 (4) files a declaration of candidacy for nomination by a caucus
11 conducted under IC 3-13-1 or IC 3-13-2 and is defeated;

12 is not eligible to become a candidate for the same office in the next
13 general ~~or municipal~~ election.

14 (b) For the purposes of subsection (a):

- 15 (1) a candidate for an at-large seat on a fiscal body is considered
16 a candidate for the same office as a candidate for a district seat on
17 a fiscal body; and
- 18 (2) a candidate for United States representative from a district in
19 Indiana is considered a candidate for the same office as a
20 candidate for any other congressional district in Indiana.

21 (c) This section does not apply to a candidate who files a written
22 request for placement on the presidential primary ballot under IC 3-8-3.

23 SECTION 39. IC 3-8-2-2.5 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.5. (a) A person who
25 desires to be a write-in candidate for a federal, state, legislative, or
26 local office or school board office in a general ~~municipal~~, or school
27 board election must file a declaration of intent to be a write-in
28 candidate with the officer with whom declaration of candidacy must be
29 filed under sections 5 and 6 of this chapter.

30 (b) The declaration of intent to be a write-in candidate required
31 under subsection (a) must be signed before a person authorized to
32 administer oaths and must certify the following information:

- 33 (1) The candidate's name must be printed or typewritten as:
 - 34 (A) the candidate wants the candidate's name to be certified;
35 and
 - 36 (B) the candidate's name is permitted to appear under IC 3-5-7.
- 37 (2) A statement that the candidate is a registered voter and the
38 location of the candidate's precinct and township (or ward and
39 city or town), county, and state.
- 40 (3) The candidate's complete residence address, and if the
41 candidate's mailing address is different from the residence
42 address, the mailing address.

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- 1 (4) The candidate's party affiliation or a statement that the
- 2 candidate is an independent candidate (not affiliated with any
- 3 party). For purposes of this subdivision, a candidate is affiliated
- 4 with a political party only if the candidate satisfies section 7(a)(4)
- 5 of this chapter.
- 6 (5) A statement of the candidate's intention to be a write-in
- 7 candidate, the name of the office, including the district, and the
- 8 date and type of election.
- 9 (6) If the candidate is a candidate for the office of President or
- 10 Vice President of the United States, a statement declaring the
- 11 names of the individuals who have consented and are eligible to
- 12 be the candidate's candidates for presidential electors.
- 13 (7) A statement that the candidate:
- 14 (A) is aware of the provisions of IC 3-9 regarding campaign
- 15 finance and the reporting of campaign contributions and
- 16 expenditures; and
- 17 (B) agrees to comply with the provisions of IC 3-9.
- 18 The candidate must separately sign the statement required by this
- 19 subdivision.
- 20 (8) A statement as to whether the candidate has:
- 21 (A) been a candidate for state or local office in a previous
- 22 primary or general election; and
- 23 (B) filed all reports required by IC 3-9-5-10 for all previous
- 24 candidacies.
- 25 (9) If the candidate is subject to IC 3-9-1-5, a statement that the
- 26 candidate has filed a campaign finance statement of organization
- 27 for the candidate's principal committee or is aware that the
- 28 candidate may be required to file a campaign finance statement of
- 29 organization not later than noon seven (7) days after the final date
- 30 to file the declaration of intent to be a write-in candidate under
- 31 section 4 of this chapter.
- 32 (10) If the candidate is subject to IC 3-9-1-5.5, a statement that
- 33 the candidate is required to file a campaign finance statement of
- 34 organization under IC 3-9 after the first of either of the following
- 35 occurs:
- 36 (A) The candidate receives more than five hundred dollars
- 37 (\$500) in contributions.
- 38 (B) The candidate makes more than five hundred dollars
- 39 (\$500) in expenditures.
- 40 (11) A statement that the candidate complies with all
- 41 requirements under the laws of Indiana to be a candidate for the
- 42 above named office, including any applicable residency

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1 requirements, and that the candidate is not ineligible to be a
 2 candidate due to a criminal conviction that would prohibit the
 3 candidate from serving in the office.

4 (12) The candidate's signature and telephone number.

5 (c) At the time of filing the declaration of intent to be a write-in
 6 candidate, the write-in candidate is considered a candidate for all
 7 purposes.

8 (d) A write-in candidate must comply with the requirements under
 9 IC 3-8-1 that apply to the office to which the write-in candidate seeks
 10 election.

11 (e) A person may not be a write-in candidate in a contest for
 12 nomination or for election to a political party office.

13 (f) A write-in candidate for the office of President or Vice President
 14 of the United States must list at least one (1) candidate for presidential
 15 elector and may not list more than the total number of presidential
 16 electors to be chosen in Indiana.

17 (g) The commission shall provide that the form of a declaration of
 18 intent to be a write-in candidate includes the following information
 19 near the separate signature required by subsection (b)(7):

20 (1) The dates for filing campaign finance reports under IC 3-9.

21 (2) The penalties for late filing of campaign finance reports under
 22 IC 3-9.

23 (h) A declaration of intent to be a write-in candidate must include
 24 a statement that the candidate requests the name on the candidate's
 25 voter registration record be the same as the name the candidate uses on
 26 the declaration of intent to be a write-in candidate. If there is a
 27 difference between the name on the candidate's declaration of intent to
 28 be a write-in candidate and the name on the candidate's voter
 29 registration record, the officer with whom the declaration of intent to
 30 be a write-in candidate is filed shall forward the information to the
 31 ~~voter registration officer of the~~ appropriate county **voter registration**
 32 **office** as required by IC 3-5-7-6(e). The **county** voter registration
 33 ~~officer office~~ of the appropriate county shall change the name on the
 34 candidate's voter registration record to be the same as the name on the
 35 candidate's declaration of intent to be a write-in candidate.

36 SECTION 40. IC 3-8-2-2.7, AS AMENDED BY P.L.164-2006,
 37 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2011]: Sec. 2.7. (a) This subsection does not apply to a
 39 write-in candidate for school board office who is subject to section
 40 2.6(c) of this chapter. A candidate may withdraw a declaration of intent
 41 to be a write-in candidate not later than noon July 15 before a general
 42 ~~or municipal~~ election.

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1 (b) This subsection applies to a candidate who filed a declaration of
 2 intent to be a write-in candidate with the election division. The election
 3 division shall issue a corrected certification of write-in candidates
 4 under IC 3-8-7-30 as soon as practicable after a declaration is
 5 withdrawn under this section.

6 SECTION 41. IC 3-8-2-4, AS AMENDED BY P.L.164-2006,
 7 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2011]: Sec. 4. (a) A declaration of candidacy for a primary
 9 election must be filed not later than noon seventy-four (74) days and
 10 not earlier than one hundred four (104) days before the primary
 11 election. The declaration must be subscribed and sworn to before a
 12 person authorized to administer oaths.

13 (b) This subsection does not apply to a write-in candidate for school
 14 board office who is subject to section 2.6(c) of this chapter. A
 15 declaration of intent to be a write-in candidate must be filed:

- 16 (1) not earlier than the first date specified in IC 3-8-6-10(b) for
 17 the timely filing of a petition of nomination; and
 18 (2) not later than noon on the date specified by IC 3-13-1-15(c)
 19 for a major political party to file a certificate of candidate
 20 selection.

21 The declaration must be subscribed and sworn to before a person
 22 authorized to administer oaths.

23 (c) During a year in which a federal decennial census, federal
 24 special census, special tabulation, or corrected population count
 25 becomes effective under IC 1-1-3.5, a declaration of:

- 26 (1) candidacy may be filed for an office that will appear on the
 27 primary election ballot; or
 28 (2) intent to be a write-in candidate for an office that will appear
 29 on the general ~~municipal~~; or school board election ballot;

30 that year as a result of the new tabulation of population or corrected
 31 population count.

32 SECTION 42. IC 3-8-5-18 IS ADDED TO THE INDIANA CODE
 33 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2011]: **Sec. 18. This chapter expires January 1, 2012.**

35 SECTION 43. IC 3-8-6-13.5 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13.5. A candidate may
 37 withdraw a petition of nomination by noon:

- 38 (1) July 15 before a general ~~or municipal~~ election; or
 39 (2) forty-five (45) days before a special election.

40 SECTION 44. IC 3-8-6-14 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) A person may
 42 not be selected as a candidate by petition of nomination without giving

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1 written consent and having it filed with the public official with whom
2 certificates and petitions of nomination are required to be filed.

3 (b) Each candidate nominated by petition of nomination must satisfy
4 all statutory eligibility requirements for the office for which the
5 candidate is nominated, including the filing of statements of economic
6 interest.

7 (c) All questions concerning the validity of a petition of nomination
8 filed with the secretary of state or contesting the denial of certification
9 under section 12(d) of this chapter shall be referred to and determined
10 by the commission. A statement questioning the validity of a petition
11 of nomination or contesting the denial of certification under section
12 12(d) of this chapter must be filed with the election division under
13 IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon seventy-four (74)
14 days before the date on which the general ~~or municipal~~ election will be
15 held for the office.

16 (d) All questions concerning the validity of a petition of nomination
17 filed with a circuit court clerk or contesting the denial of certification
18 under section 12(d) of this chapter shall be referred to and determined
19 by the county election board. A statement questioning the validity of a
20 petition of nomination or contesting the denial of certification under
21 section 12(d) of this chapter must be filed with the county election
22 board under IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon
23 seventy-four (74) days before the date on which the general ~~or~~
24 ~~municipal~~ election will be held for the office.

25 (e) This subsection does not apply to a petition of nomination for
26 election to a school board office subject to IC 3-8-2-14. The
27 commission or a county election board shall rule on the validity of the
28 petition of nomination or the denial of certification under section 12(d)
29 of this chapter not later than noon sixty (60) days before the date on
30 which the general ~~or municipal~~ election will be held for the office.

31 (f) This subsection applies to a petition of nomination for election
32 to a school board office elected in a general election. All questions
33 concerning the validity of the petition of nomination shall be referred
34 to and determined by the county election board not later than noon
35 fifty-four (54) days before the date of the general election. A statement
36 questioning the validity of a petition of nomination must be filed with
37 the county election board under IC 3-8-1-2(c) not later than noon
38 sixty-seven (67) days before the date of the general election.

39 SECTION 45. IC 3-8-7-11, AS AMENDED BY P.L.230-2005,
40 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2011]: Sec. 11. (a) Except as provided in subsection (f), if a
42 political party has filed a statement with the election division (or any

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1 of its predecessors) that the device selected by the political party be
 2 used to designate the candidates of the political party on the ballot for
 3 all elections throughout the state, the device must be used until:

- 4 (1) the device is changed in accordance with party rules; and
 5 (2) a statement concerning the use of the new device is filed with
 6 the election division.

7 (b) Except as provided in subsection (c), the device may be any
 8 appropriate symbol.

9 (c) A political party or an independent candidate may not use as a
 10 device:

- 11 (1) a symbol that has previously been filed by a political party or
 12 candidate with the election division (or any of its predecessors);
 13 (2) the coat of arms or seal of the state or of the United States;
 14 (3) the national or state flag; or
 15 (4) any other emblem common to the people.

16 (d) Not later than noon, August 20, before each general ~~or municipal~~
 17 election, the election division shall provide each county election board
 18 with a camera-ready copy of the device under which the candidates of
 19 the political party or the petitioner are to be listed so that ballots may
 20 be prepared using the best possible reproduction of the device.

21 (e) This subsection applies to a candidate or political party whose
 22 device is not filed with the election division under subsection (a) and
 23 is to be printed only on ballots to identify candidates for election to a
 24 local office. Not later than noon, August 20, the chairman of the
 25 political party or the petitioner of nomination shall file a camera-ready
 26 copy of the device under which the candidates of the political party or
 27 the petitioner are to be listed with the county election board of each
 28 county in which the name of the candidate or party will be placed on
 29 the ballot. The county election board shall provide the camera-ready
 30 copy of the device to the town election board of a town located wholly
 31 or partially within the county upon request by the town election board.

32 (f) If a copy of the device is not filed in accordance with subsection
 33 (a) or (e), or unless a device is designated in accordance with section
 34 26 or 27 of this chapter, the county election board or town election
 35 board is not required to use any device to designate the list of
 36 candidates.

37 SECTION 46. IC 3-8-7-25 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25. The election
 39 division and each county election board shall have printed on the
 40 respective general ~~or special or municipal~~ election ballots the names
 41 of the following candidates:

- 42 (1) Nominees chosen at a primary election under IC 3-10 and

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1 certified as required by this chapter.

2 (2) Nominees chosen by a convention of a political party in the
3 state whose candidate received at least two percent (2%) of the
4 total vote cast for secretary of state at the last election and
5 certified under section 8 of this chapter.

6 (3) Nominees nominated by petition under IC 3-8-6.

7 (4) Nominees selected to fill a candidate vacancy under IC 3-13-1
8 or IC 3-13-2.

9 SECTION 47. IC 3-8-7-28 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 28. (a) Except as
11 provided in subsections (b) and (c), if a nominee certified under this
12 chapter, IC 3-8-5, IC 3-8-6, or IC 3-10-1 desires to withdraw as the
13 nominee, the nominee must file a notice of withdrawal in writing with
14 the public official with whom the certificate of nomination was filed by
15 noon:

16 (1) July 15 before a general ~~or municipal~~ election;

17 (2) August 1 before a municipal election in a town subject to
18 IC 3-8-5-10;

19 (3) on the date specified for town convention nominees under
20 IC 3-8-5-14.5;

21 (4) on the date specified for declared write-in candidates under
22 IC 3-8-2-2.7; or

23 (5) forty-five (45) days before a special election.

24 (b) A candidate who is disqualified from being a candidate under
25 IC 3-8-1-5 must file a notice of withdrawal immediately upon
26 becoming disqualified. The filing requirements of subsection (a) do not
27 apply to a notice of withdrawal filed under this subsection.

28 (c) A candidate who has moved from the election district the
29 candidate sought to represent must file a notice of withdrawal
30 immediately after changing the candidate's residence. The filing
31 requirements of subsection (a) do not apply to a notice of withdrawal
32 filed under this subsection.

33 SECTION 48. IC 3-9-5-6, AS AMENDED BY P.L.164-2006,
34 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2011]: Sec. 6. (a) This subsection applies to a candidate's
36 committee other than a candidate's committee of a candidate for a state
37 office. Except as otherwise provided in this chapter, each committee,
38 the committee's treasurer, and each candidate shall complete a report
39 required by this chapter current and dated as of the following dates:

40 (1) Twenty-five (25) days before the nomination date.

41 (2) Twenty-five (25) days before the general ~~municipal~~, or special
42 election.

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- 1 (3) The annual report filed and dated as required by section 10 of
 2 this chapter.
- 3 (b) This subsection applies to a regular party committee. Except as
 4 otherwise provided in this chapter, each committee and the committee's
 5 treasurer shall complete a report required by this chapter current and
 6 dated as of the following dates:
- 7 (1) Twenty-five (25) days before a primary election.
 8 (2) Twenty-five (25) days before a general ~~municipal~~ or special
 9 election.
- 10 (3) The date of the annual report filed and dated as required under
 11 section 10 of this chapter.
- 12 (c) This subsection applies to a legislative caucus committee.
 13 Except as otherwise provided in this chapter, each committee and the
 14 committee's treasurer shall complete a report required under this
 15 chapter current and dated as of the following dates:
- 16 (1) Twenty-five (25) days before a primary election conducted in
 17 an even-numbered year.
 18 (2) Twenty-five (25) days before a general election conducted in
 19 an even-numbered year.
 20 (3) The date of the annual report filed and dated as required under
 21 section 10 of this chapter.
- 22 A legislative caucus committee is not required to file any report
 23 concerning the committee's activity during an odd-numbered year other
 24 than the annual report filed and dated under section 10 of this chapter.
- 25 (d) This subsection applies to a political action committee. Except
 26 as otherwise provided in this chapter, each committee and the
 27 committee's treasurer shall complete a report required by this chapter
 28 current and dated as of the following dates:
- 29 (1) Twenty-five (25) days before a primary election.
 30 (2) Twenty-five (25) days before a general ~~municipal~~ or special
 31 election.
 32 (3) The date of the annual report filed and dated as required under
 33 section 10 of this chapter.
- 34 (e) This subsection applies to a candidate's committee of a candidate
 35 for a state office. A candidate's committee is not required to file a
 36 report under section 8.2, 8.4, or 8.5 of this chapter. For a year in which
 37 an election to the state office is held, the treasurer of a candidate's
 38 committee shall file the following reports:
- 39 (1) A report covering the period from January 1 through March 31
 40 of the year of the report. A report required by this subdivision
 41 must be filed not later than noon April 15 of the year covered by
 42 the report.

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(2) A report covering the period from April 1 through June 30 of the year of the report. A report required by this subdivision must be filed not later than noon July 15 of the year covered by the report.

(3) A report covering the period from July 1 through September 30 of the year of the report. A report required by this subdivision must be filed not later than noon October 15 of the year covered by the report.

(4) A report covering the period from October 1 of the year of the report through the date that is fifteen (15) days before the date of the election. A report required by this subdivision must be filed not later than noon seven (7) days before the date of the election.

(5) A report covering the period from the date that is fourteen (14) days before the date of the election through December 31 of the year of the report. A report required by this subdivision must:

- (A) provide cumulative totals from January 1 through December 31 of the year of the report; and
- (B) be filed not later than the deadline specified in section 10 of this chapter.

SECTION 49. IC 3-9-5-9, AS AMENDED BY P.L.221-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) Except as provided in subsections (b) and (c), in a year in which a candidate is not a candidate for election to an office to which this article applies or does not seek nomination at a caucus or state convention for election to an office to which this article applies, the treasurer of the candidate's committee shall file only the report required by section 10 of this chapter.

(b) This subsection applies to a candidate who holds one (1) office and is a candidate for a different office (or has filed a statement of organization for an exploratory committee without indicating that the individual is a candidate for a specific office). The treasurer of the candidate's committee for the office the candidate holds shall file the following reports:

- (1) If the committee spends, transfers in, or transfers out at least ten thousand dollars (\$10,000) from January 1 until twenty-five (25) days before the primary election, the treasurer shall file a preprimary report under section 6 of this chapter.
- (2) If the committee spends, transfers in, or transfers out at least ten thousand dollars (\$10,000) from twenty-five (25) days before the primary election until twenty-five (25) days before the general election, the treasurer shall file a pregeneral election report under section 6 of this chapter.

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1 (3) The report required under section 10 of this chapter.

2 (c) This subsection applies to a candidate who is required to file a
3 preprimary report or pre-convention report under section 6 of this
4 chapter and who:

5 (1) is defeated at the primary election or convention; or

6 (2) withdraws or is disqualified as a candidate before the general
7 election.

8 The treasurer of a candidate's committee described by this subsection
9 is not required to file a pre-general election report under section 6 of
10 this chapter but shall file the report required by section 10 of this
11 chapter.

12 (d) This subsection applies to a candidate for election to a city office
13 or a town office. If a ~~municipal~~ **primary to nominate candidates for**
14 **municipal offices** is not conducted in the municipality by one (1) or
15 more parties authorized to conduct a primary, the candidate must file
16 a report in accordance with the schedule set forth in section 6 of this
17 chapter as if the primary were conducted. If a ~~municipal~~ **general**
18 **election to elect candidates for municipal offices** is not conducted in
19 the municipality, the candidate must file a report in accordance with
20 section 6 of this chapter as if the ~~municipal~~ **election for municipal**
21 **offices** were conducted.

22 (e) This subsection applies to a candidate's committee of a candidate
23 for a state office. For a year in which an election to the state office is
24 not held, the treasurer of a candidate's committee shall file the
25 following reports in addition to any other report required by this article:

26 (1) A report covering the period from January 1 through June 30
27 of the year of the report. A report required by this subdivision
28 must be filed not later than noon July 15 of the year covered by
29 the report.

30 (2) A report covering the period from July 1 through December
31 31 of the year of the report. A report required by this subdivision
32 must:

33 (A) provide cumulative totals from January 1 through
34 December 31 of the year of the report; and

35 (B) be filed by the deadline specified in section 10 of this
36 chapter.

37 SECTION 50. IC 3-9-5-20.1, AS AMENDED BY P.L.221-2005,
38 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2011]: Sec. 20.1. (a) This section:

40 (1) applies only to a large contribution that is received by a
41 candidate, the candidate's committee, or the treasurer of the
42 candidate's committee; and

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- 1 (2) does not apply to a candidate for a state office, the candidate's
 2 committee, or the treasurer of the candidate's committee.
- 3 (b) As used in this section, "election" refers to any of the following:
 4 (1) A primary election.
 5 (2) A general election.
 6 ~~(3) A municipal election.~~
 7 ~~(4) (3) A special election.~~
 8 ~~(5) (4) For candidates nominated at a state convention, the state~~
 9 ~~convention.~~
- 10 (c) As used in this section, "large contribution" means contributions:
 11 (1) that total at least one thousand dollars (\$1,000); and
 12 (2) that are received:
 13 (A) not more than twenty-five (25) days before an election;
 14 and
 15 (B) not less than forty-eight (48) hours before an election.
- 16 (d) The treasurer of a candidate's committee shall file a
 17 supplemental large contribution report with the election division or a
 18 county election board not later than forty-eight (48) hours after the
 19 contribution is received. A candidate for a legislative office shall file
 20 a report required by this section with the election division and the
 21 county election board as required by section 3 of this chapter. A report
 22 filed under this section may be filed by facsimile (fax) transmission.
- 23 (e) A report required by subsection (d) must contain the following
 24 information for each large contribution:
 25 (1) The name of the person making the contribution.
 26 (2) The address of the person making the contribution.
 27 (3) If the person making the contribution is an individual, the
 28 individual's occupation.
 29 (4) The total amount of the contribution.
 30 (5) The dates and times the contributions making up the large
 31 contribution were received by the treasurer, the candidate, or the
 32 candidate's committee.
- 33 (f) The commission shall prescribe the form for the report required
 34 by this section.
- 35 SECTION 51. IC 3-10-6-13 IS ADDED TO THE INDIANA CODE
 36 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 37 **1, 2011]: Sec. 13. This chapter expires January 1, 2012.**
- 38 SECTION 52. IC 3-10-7-36 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 40 **1, 2011]: Sec. 36. This chapter expires January 1, 2012.**
- 41 SECTION 53. IC 3-10-7.5 IS ADDED TO THE INDIANA CODE
 42 AS A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**

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1 JULY 1, 2011]:

2 **Chapter 7.5. Elections for Municipal Offices**

3 **Sec. 1. This chapter applies to an election to a municipal office**
 4 **held after December 31, 2011.**

5 **Sec. 2. (a) Except as provided in section 3 of this chapter, the**
 6 **successor of an individual elected to a municipal office at the 2011**
 7 **municipal election shall:**

- 8 (1) be elected at the 2014 general election; and
 9 (2) take office January 1, 2015.

10 **(b) The successors of an individual elected to a municipal office**
 11 **under subsection (a) shall:**

- 12 (1) be elected at the general election held in each
 13 nonpresidential election year;
 14 (2) take office the following January 1; and
 15 (3) serve a term of four (4) years.

16 **Sec. 3. (a) The successor of an individual elected as a judge of a**
 17 **city or town court at the 2011 municipal election shall:**

- 18 (1) be elected at the 2016 general election; and
 19 (2) take office January 1, 2017.

20 **(b) The successors of an individual elected as a judge of a city or**
 21 **town court under subsection (a) shall:**

- 22 (1) be elected at the general election held in each presidential
 23 election year;
 24 (2) take office the following January 1; and
 25 (3) serve a term of four (4) years.

26 **Sec. 4. The successors of an individual elected to a municipal**
 27 **office at the 2008 general election shall:**

- 28 (1) be elected at the general election held in each presidential
 29 election year;
 30 (2) take office the following January 1; and
 31 (3) serve a term of four (4) years.

32 **Sec. 5. The successors of an individual elected to a municipal**
 33 **office at the 2010 general election shall:**

- 34 (1) be elected at the general election held in each
 35 nonpresidential election year;
 36 (2) take office the following January 1; and
 37 (3) serve a term of four (4) years.

38 **Sec. 6. Candidates for election to municipal offices shall be**
 39 **nominated as provided in this title for candidates for other offices.**

40 **Sec. 7. (a) This section applies to each political party whose**
 41 **nominee received at least ten percent (10%) of the votes cast in the**
 42 **state for secretary of state at the most recent election for secretary**

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1 of state.

2 (b) The political party shall nominate all candidates for election
3 to municipal offices at a primary election as provided in IC 3-10.

4 Sec. 8. (a) This section applies to a political party:

5 (1) not qualified to conduct a primary election under IC 3-10;
6 and

7 (2) not required to nominate candidates by a petition of
8 nomination under IC 3-8-6.

9 (b) The political party may conduct a convention to nominate
10 candidates for municipal offices not later than noon on the date
11 specified by IC 3-13-1-7(a)(1) for a major political party to act to
12 fill a candidate vacancy.

13 (c) The chairman and secretary of the convention shall execute
14 and acknowledge a certificate setting forth the nominees of the
15 convention in accordance with IC 3-8-5-13. The certificate must be
16 filed with the circuit court clerk of the county containing the
17 greatest percentage of population of the municipality not later than
18 noon on the date specified by IC 3-13-1-15(c) for a major political
19 party to file a certificate of candidate selection.

20 (d) Each candidate nominated under this section shall execute
21 a consent to the nomination in the same form as a candidate
22 nominated by petition under IC 3-8-6. The consent must be filed
23 with the certificate under subsection (c).

24 (e) A candidate's consent to the nomination must include a
25 statement that the candidate requests the name on the candidate's
26 voter registration record be the same as the name the candidate
27 uses on the consent to the nomination. If there is a difference
28 between the name on the candidate's consent to the nomination and
29 the name on the candidate's voter registration record, the officer
30 with whom the consent to the nomination is filed shall forward the
31 information to the county voter registration office of the
32 appropriate county as required by IC 3-5-7-6(e). The county voter
33 registration office of the appropriate county shall change the name
34 on the candidate's voter registration record to be the same as the
35 name on the candidate's consent to the nomination.

36 (f) A question concerning the validity of a candidate's
37 nomination under this section shall be determined by a county
38 election board in accordance with IC 3-13-1-16.5(b) and
39 IC 3-13-1-16.5(c).

40 (g) A nominee who wants to withdraw must file a notice of
41 withdrawal in accordance with IC 3-8-7-28.

42 (h) A county election board may not include the name of a

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1 candidate on the ballot if the person files a notice to withdraw with
2 the board. The notice must:

- 3 (1) be signed and acknowledged before an officer authorized
4 to take acknowledgments of deeds;
5 (2) have the certificate of acknowledgment appended to the
6 notice; and
7 (3) be filed with the board not later than noon three (3) days
8 after the adjournment of the convention.

9 **Sec. 9.** The general election for municipal offices shall be held on
10 the first Tuesday after the first Monday in November of the
11 following:

- 12 (1) A presidential election year, for municipal offices whose
13 terms expire after the end of the presidential election year.
14 (2) A nonpresidential election year, for municipal offices
15 whose terms expire after the end of the nonpresidential
16 election year.

17 **Sec. 10. (a)** In accordance with IC 3-11-1.5 and to the extent
18 applicable and feasible, the circuit court clerk, the county fiscal
19 body, the county executive, and the county election board of each
20 county in which there are voters who may vote for offices in a
21 municipality, but who live in a county adjacent to the county in
22 which the greatest percentage of the population of the municipality
23 resides, shall:

- 24 (1) upon written request of their counterpart election officers
25 in the county with the greatest percentage of the population
26 of the municipality, establish precincts in the municipality;
27 and
28 (2) supply the precincts established with poll lists and perform
29 all other duties under this title as if the voters were
30 inhabitants of a municipality with the greatest percentage of
31 its population within that county.

32 (b) The commission shall, if necessary, implement this section by
33 orders and rules. Local governments may use IC 36-1-7 for
34 contractual agreements concerning the costs of services, supplies,
35 and equipment required.

36 SECTION 54. IC 3-10-9-3 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. If a local public
38 question must be certified to an election board by law, that certification
39 must occur ~~no~~ not later than noon:

- 40 (1) sixty (60) days before a primary election if the public question
41 is to be placed on the primary ~~or municipal~~ primary election
42 ballot; or

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1 (2) August 1 if the public question is to be placed on the general
2 or ~~municipal~~ election ballot.

3 SECTION 55. IC 3-10-11-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter:

5 (1) applies to a general, ~~municipal~~, primary, school district, and
6 special election; and

7 (2) is enacted to implement Article 2, Section 2(c) of the
8 Constitution of the State of Indiana.

9 SECTION 56. IC 3-10-11-4 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) Notwithstanding
11 other provisions of this title concerning residency requirements for
12 voting, but subject to subsection (b), a person described in section 2 of
13 this chapter may vote in the precinct of the person's former residence
14 by executing an affidavit described in this chapter.

15 (b) A person who changes residence from a location outside a
16 municipality to a location within a municipality within thirty (30) days
17 before a municipal primary election, municipal election, or special
18 election held only within the municipality may not vote in the election
19 in the precinct of the person's former residence. **This subsection**
20 **expires January 1, 2012.**

21 SECTION 57. IC 3-10-12-2 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. This chapter applies
23 to a general, ~~municipal~~, primary, school district, and special election.

24 SECTION 58. IC 3-10-12-3.4, AS ADDED BY P.L.230-2005,
25 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2011]: Sec. 3.4. (a) This section applies to a voter who:

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

29 (A) in the same county; and

30 (B) in the same congressional district;

31 as the former precinct; and

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

34 (b) A voter described by subsection (a) may:

35 (1) correct the voter registration record; and

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

37 if the voter makes an oral affirmation as described in subsection (e) or
38 a written affirmation as described in section 4 of this chapter of the
39 voter's current residence address.

40 (c) A voter who moved outside of a municipality may not return to
41 the precinct where the voter formerly resided to vote in a municipal
42 election.

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1 (d) A voter who moved from a location outside a municipality to a
2 location within a municipality within thirty (30) days before a:

- 3 (1) municipal primary election;
4 (2) municipal election; or
5 (3) special election held only within the municipality;

6 may not vote in the election in the precinct of the person's former
7 residence. **This subsection expires January 1, 2012.**

8 (e) A voter entitled to make a written affirmation under subsection
9 (b) may make an oral affirmation. The voter must make the oral
10 affirmation before the poll clerks of the precinct. After the voter makes
11 an oral affirmation under this subsection, the poll clerks shall:

- 12 (1) reduce the substance of the affirmation to writing at an
13 appropriate location on the poll list; and
14 (2) initial the affirmation.

15 SECTION 59. IC 3-11-1.5-11 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. The precincts
17 established for a general or ~~municipal~~ election must be the same as the
18 precincts established for the preceding primary election, except as
19 provided in section 12 of this chapter.

20 SECTION 60. IC 3-11-1.5-25 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25. (a) A precinct
22 establishment order may not become effective during ~~the following~~
23 ~~periods:~~

24 ~~(1) In a year in which a general election is held,~~ the period
25 beginning on the first day that a declaration of candidacy may be
26 filed under IC 3-8-2-4 and ending the day following general
27 election day.

28 ~~(2) (b) For precincts located wholly or partially within a~~
29 ~~municipality, a precinct establishment order may not become~~
30 ~~effective~~ after January 31 and before the day following municipal
31 election day, in a year in which a municipal election is held. **This**
32 **subsection expires January 1, 2012.**

33 SECTION 61. IC 3-11-1.5-31, AS AMENDED BY P.L.221-2005,
34 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2011]: Sec. 31. (a) This section applies to a proposed precinct
36 establishment order that requires that a hearing by the commission be
37 conducted under this chapter.

38 (b) After the election division has reviewed the proposed precinct
39 establishment order, and the order has been revised, if necessary, to
40 comply with this chapter, the commission shall:

- 41 (1) approve a proposed precinct establishment order under this
42 section not later than the following January 31; and

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1 (2) order that the precinct establishment order takes effect January
2 31 of the year in which the municipal election will be held.

3 **(c) This section expires January 1, 2012.**

4 SECTION 62. IC 3-11-1.5-32 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 32. (a) The legislative
6 body of a municipality may not change the boundary of a district
7 established under:

- 8 (1) IC 36-3-4-3;
- 9 (2) IC 36-4-6-3;
- 10 (3) IC 36-4-6-4;
- 11 (4) IC 36-4-6-5;
- 12 (5) IC 36-5-1-10.1;
- 13 (6) IC 36-5-2-4.1; or
- 14 (7) IC 36-5-2-4.2;

15 after November 8 of the year preceding the year in which a municipal
16 election is to be held and before the day following the date on which
17 the municipal election is held except to assign territory to a municipal
18 legislative body district in an annexation ordinance.

19 **(b) This section expires January 1, 2012.**

20 SECTION 63. IC 3-11-1.5-33 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 33. (a) If the
22 boundaries of a municipality are extended before a municipal primary
23 election or a municipal election, and the territory within those
24 boundaries has not been included in precincts wholly within the
25 municipality, the voters within the extended boundaries may vote, if
26 otherwise qualified, in the municipal primary election or municipal
27 election.

28 (b) The voters may vote in the precinct in which they have their
29 residence as if the precinct had been established to include them in a
30 precinct wholly within the municipality. These votes shall be counted
31 and included in the canvass of the votes cast in the municipal primary
32 election or municipal election.

33 **(c) This section expires January 1, 2012.**

34 SECTION 64. IC 3-11-4-6, AS AMENDED BY P.L.66-2010,
35 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2011]: Sec. 6. (a) This section applies, notwithstanding any
37 other provision of this title, to absentee ballot applications for the
38 following:

- 39 (1) An absent uniformed services voter.
- 40 (2) An address confidentiality program participant (as defined in
41 IC 5-26.5-1-6).
- 42 (3) An overseas voter.

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1 (b) A county election board shall make blank absentee ballot
2 applications available for persons covered by this section after
3 November 20 preceding the election to which the application applies.
4 Except as provided in subsection (c), the person may apply for an
5 absentee ballot at any time after the applications are made available.

6 (c) A person covered by this section may apply for an absentee
7 ballot for the next scheduled primary, general, or special election at any
8 time by filing either of the following:

9 (1) A combined absentee registration form and absentee ballot
10 request approved under 42 U.S.C. 1973ff(b)(2).

11 (2) A form prescribed under IC 3-5-4-8 that identifies the
12 applicant as an absent uniformed services voter or an overseas
13 voter. A form prescribed under this subdivision must permit the
14 applicant to designate whether the applicant wishes to receive the
15 absentee ballot by electronic mail, fax, or United States mail.

16 (d) If the county election board receives an absentee ballot
17 application from a person described by subsection (c), the circuit court
18 clerk shall mail to the person, free of postage as provided by 39 U.S.C.
19 3406, all ballots for the election immediately upon receipt of the ballots
20 under section 15 of this chapter, unless the person has indicated under
21 subsection (c) that the person wishes to receive the absentee ballot by
22 electronic mail or fax.

23 (e) Whenever a voter files an application for an absentee ballot and
24 indicates on the application that the voter:

25 (1) is an absent uniformed services voter or an overseas voter; and

26 (2) does not expect to be in the county during the twelve (12)
27 months following the date the application is filed;

28 the application is an adequate application for an absentee ballot for
29 both subsequent general elections and any ~~municipal~~ or special election
30 conducted during that period, unless an absentee ballot mailed to the
31 voter at the address set forth in the application is returned to the county
32 election board during that period as undeliverable. The circuit court
33 clerk and county election board shall process this application and send
34 general election absentee ballots to the voter in the same manner as
35 other general election and special election absentee ballot applications
36 and ballots are processed and sent under this chapter.

37 (f) Whenever a voter described in subsection (a)(2) files an
38 application for a primary election absentee ballot and indicates on the
39 application that the voter is an address confidentiality program
40 participant, the application is an adequate application for a general
41 election absentee ballot under this chapter and an absentee ballot for a
42 special election conducted during the twelve (12) months following the

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1 date of the application. The circuit court clerk and county election
 2 board shall process this application and send general election and
 3 special election absentee ballots to the voter in the same manner as
 4 other general election and special election absentee ballot applications
 5 and ballots are processed and sent under this chapter.

6 (g) The name, address, telephone number, and any other identifying
 7 information relating to a program participant (as defined in
 8 IC 5-26.5-1-6) in the address confidentiality program, as contained in
 9 a voting registration record, is declared confidential for purposes of
 10 IC 5-14-3-4(a)(1). The county voter registration office may not disclose
 11 for public inspection or copying a name, an address, a telephone
 12 number, or any other information described in this subsection, as
 13 contained in a voting registration record, except as follows:

- 14 (1) To a law enforcement agency, upon request.
- 15 (2) As directed by a court order.

16 (h) The county election board shall by fax or electronic mail
 17 transmit an absentee ballot to and receive an absentee ballot from an
 18 absent uniformed services voter or an overseas voter by electronic mail
 19 or fax at the request of the voter indicated in the application filed under
 20 this section. If the voter wants to submit absentee ballots by fax or
 21 electronic mail, the voter must separately sign and date a statement
 22 submitted with the electronic mail or the fax transmission that states
 23 substantively the following: "I understand that by faxing or e-mailing
 24 my voted ballot I am voluntarily waiving my right to a secret ballot."

25 (i) The county election board shall send confirmation to a voter
 26 described in subsection (h) that the voter's absentee ballot has been
 27 received as follows:

- 28 (1) If the voter provides a fax number to which a confirmation
 29 may be sent, the county election board shall send the confirmation
 30 to the voter at the fax number provided by the voter.
- 31 (2) If the voter provides an electronic mail address to which a
 32 confirmation may be sent, the county election board shall send the
 33 confirmation to the voter at the electronic mail address provided
 34 by the voter.
- 35 (3) If:
 - 36 (A) the voter does not provide a fax number or an electronic
 37 mail address; or
 - 38 (B) the number or address provided does not permit the board
 39 to send the confirmation not later than the end of the first
 40 business day after the board receives the voter's absentee
 41 ballot;

42 the county election board shall send the confirmation by United

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States mail.
The county election board shall send the confirmation required by this subsection not later than the end of the first business day after the county election board receives the voter's absentee ballot.

(j) A county election board may transmit an absentee ballot to an absent uniformed services voter or an overseas voter by electronic mail under a program authorized and administered by the Federal Voting Assistance Program of the United States Department of Defense or directly to the voter at the voter's electronic mail address, if requested to do so by the voter. A voter described by this section may transmit the voted absentee ballot to a county election board by electronic mail in accordance with the procedures established under this program. An electronic mail message transmitting a voted absentee ballot under this subsection must include an optically scanned image of the voter's signature on the statement required under subsection (h).

SECTION 65. IC 3-11-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. Each circuit court clerk shall:

- (1) not less than sixty (60) days before the date on which a general ~~or~~ primary ~~or municipal~~ election is held; or
 - (2) not more than three (3) days after the date on which a special election is ordered;
- estimate the number of absentee ballots that will be required in the county for the election.

SECTION 66. IC 3-11-4-15, AS AMENDED BY P.L.66-2010, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. The absentee ballots that are prepared and printed under the direction of a county election board shall be delivered to the circuit court clerk (or the board acting under IC 3-6-5.2) at least fifty (50) days before a general, primary, ~~or~~ special ~~or municipal~~ election.

SECTION 67. IC 3-11-10-26.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 26.5. (a) This section applies to:

- (1) ~~a~~ **the 2011** municipal election;
- (2) ~~a~~ **the 2011** primary ~~conducted in a municipal election; year;~~
- and
- (3) a special election conducted under IC 3-10-8.

(b) Notwithstanding section 26 of this chapter, a county election board (or a town election board acting under IC 3-10-7) may adopt a resolution by the unanimous vote of the board's entire membership stating that voters are entitled to vote by absentee ballot before an

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1 absentee voter board in the office of the circuit court clerk or town
2 election board during specific days and hours identified in the
3 resolution.

4 (c) If the election board adopts a resolution under subsection (b), the
5 board must include written findings of fact in the resolution stating:

6 (1) the number of absentee ballot applications anticipated or
7 previously received for the election;

8 (2) the expense to be incurred by providing absentee ballot voting
9 in the office during the entire period required under section 26 of
10 this chapter; and

11 (3) that voters would experience little or no inconvenience by
12 restricting absentee ballot voting in the office to the days and
13 hours specified in the resolution.

14 SECTION 68. IC 3-11-11-10 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. If an election is a
16 general ~~or municipal~~ election and a voter desires to vote for all the
17 candidates of one (1) political party or group of petitioners, the voter
18 may make a voting mark on or in a large circle enclosing the device
19 and before the name under which the candidates of the party or group
20 of petitioners are printed. The voter's vote shall then be counted for all
21 the candidates under that party name or for the two (2) candidates
22 comprising an independent ticket.

23 SECTION 69. IC 3-11-11-10.5 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10.5. (a) At a primary
25 election, a voter may not remain in the voting booth longer than three
26 (3) minutes.

27 (b) At a general ~~municipal~~, or special election, a voter may not
28 remain in the voting booth longer than two (2) minutes.

29 (c) If a voter refuses to leave the voting booth after the lapse of the
30 time provided under subsection (a) or (b), the precinct election board,
31 or the election sheriff or sheriffs upon the order of the board, shall
32 immediately remove the voter from the booth.

33 SECTION 70. IC 3-11-13-31.7, AS AMENDED BY P.L.221-2005,
34 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2011]: Sec. 31.7. (a) This section is enacted to comply with
36 42 U.S.C. 15481 by establishing uniform and nondiscriminatory
37 standards to define what constitutes a vote on an optical scan voting
38 system.

39 (b) After receiving ballot cards, a voter shall, without leaving the
40 room, go alone into one (1) of the booths or compartments that is
41 unoccupied and indicate:

42 (1) the candidates for whom the voter desires to vote by marking

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- 1 the connectable arrows, circles, ovals, or squares immediately
 2 beside:
- 3 (A) the candidates' names; or
 4 (B) the numbers referring to the candidates; and
- 5 (2) the voter's preference on each public question by marking the
 6 connectable arrow, oval, or square beside:
- 7 (A) the word "yes" or "no" under the question; or
 8 (B) the number referring to the word "yes" or "no" on the
 9 ballot.
- 10 (c) If an election is a general ~~or municipal~~ election and a voter
 11 desires to vote for all the candidates of one (1) political party or
 12 independent ticket (described in IC 3-11-2-6), the voter may mark:
- 13 (1) the circle enclosing the device; or
 14 (2) the connectable arrow, circle, oval, or square described in
 15 section 11 of this chapter;
- 16 that designates the candidates of that political party or independent
 17 ticket (described in IC 3-11-2-6). The voter's vote shall then be counted
 18 for all the candidates of that political party or included in the
 19 independent ticket (described in IC 3-11-2-6). However, if the voter
 20 marks the circle, arrow, oval, or square of an independent ticket
 21 (described in IC 3-11-2-6), the vote shall not be counted for any other
 22 independent candidate on the ballot.
- 23 SECTION 71. IC 3-11-13-32.5 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 32.5. (a) At a primary
 25 election, a voter may not remain in the voting booth or compartment
 26 longer than three (3) minutes.
- 27 (b) At a general ~~municipal~~, or special election, a voter may not
 28 remain in the voting booth or compartment longer than two (2)
 29 minutes.
- 30 (c) If a voter refuses to leave a voting booth or compartment after
 31 the lapse of the time provided under subsection (a) or (b), the precinct
 32 election board, or the election sheriff or sheriffs upon the order of the
 33 board, shall immediately remove the voter from the booth or
 34 compartment.
- 35 SECTION 72. IC 3-11-13-42 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 42. (a) If a county has
 37 procured ballot card voting systems for use, the ballot card voting
 38 systems may be used at a municipal election. If there are not sufficient
 39 ballot card voting systems on hand for each precinct of the
 40 municipality, the county election board shall determine in what
 41 precincts ballot card voting systems will be used at the election.
- 42 (b) **This section expires January 1, 2012.**

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1 SECTION 73. IC 3-11-13-43 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 43. (a) If ballot card
 3 voting systems are used in a municipal election, the county election
 4 board shall furnish to the municipality:

- 5 (1) the requisite number of ballot card voting systems; and
 6 (2) all the furniture and appliances that go with the ballot card
 7 voting systems.

8 (b) However, the municipality shall pay the expenses of moving the
 9 ballot card voting systems and furniture to and from the polls and also
 10 for any damage or loss to the ballot card voting systems or furniture.

11 **(c) This section expires January 1, 2012.**

12 SECTION 74. IC 3-11-14-23, AS AMENDED BY P.L.164-2006,
 13 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2011]: Sec. 23. (a) This section is enacted to
 15 comply with 42 U.S.C. 15481 by establishing uniform and
 16 nondiscriminatory standards to define what constitutes a vote on an
 17 electronic voting system.

18 (b) If a voter is not challenged by a member of the precinct election
 19 board, the voter may pass the railing to the side where an electronic
 20 voting system is and into the voting booth. There the voter shall
 21 register the voter's vote in secret by indicating:

- 22 (1) the candidates for whom the voter desires to vote by touching
 23 a device on or in the squares immediately above the candidates'
 24 names;
 25 (2) if the voter intends to cast a write-in vote, a write-in vote by
 26 touching a device on or in the square immediately below the
 27 candidates' names and printing the name of the candidate in the
 28 window provided for write-in voting; and
 29 (3) the voter's preference on each public question by touching a
 30 device above the word "yes" or "no" under the question.

31 (c) If an election is a general ~~or municipal~~ election and a voter
 32 desires to vote for all the candidates of one (1) political party or group
 33 of petitioners, the voter may cast a straight party ticket by touching that
 34 party's device. The voter's vote shall then be counted for all the
 35 candidates under that name. However, if the voter casts a vote by
 36 touching the circle of an independent ticket comprised of two (2)
 37 candidates, the vote shall not be counted for any other independent
 38 candidate on the ballot.

39 (d) As provided by 42 U.S.C. 15481, a voter casting a ballot on an
 40 electronic voting system must be:

- 41 (1) permitted to verify in a private and independent manner the
 42 votes selected by the voter before the ballot is cast and counted;

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1 (2) provided the opportunity to change the ballot or correct any
 2 error in a private and independent manner before the ballot is cast
 3 and counted, including the opportunity to receive a replacement
 4 ballot if the voter is otherwise unable to change or correct the
 5 ballot; and

6 (3) notified before the ballot is cast regarding the effect of casting
 7 multiple votes for the office and provided an opportunity to
 8 correct the ballot before the ballot is cast and counted.

9 SECTION 75. IC 3-11-14-27 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 27. At a general
 11 ~~municipal~~, or special election, a voter may not remain in the voting
 12 booth longer than two (2) minutes.

13 SECTION 76. IC 3-11-14-33 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 33. (a) If a county has
 15 procured electronic voting systems for use, the systems may be used at
 16 a municipal election. If there are not sufficient systems on hand for
 17 each precinct of the municipality, the county election board shall
 18 determine in what precincts systems will be used at the election.

19 **(b) This section expires January 1, 2012.**

20 SECTION 77. IC 3-11-14-34 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 34. (a) If electronic
 22 voting systems are used in a municipal election, the county election
 23 board shall furnish to the municipality:

24 (1) the requisite number of systems; and

25 (2) all the furniture and appliances that go with the systems.

26 (b) However, the municipality shall pay the expenses of moving the
 27 systems and furniture to and from the polls and also for any damage or
 28 loss to the systems or furniture.

29 **(c) This section expires January 1, 2012.**

30 SECTION 78. IC 3-11-18-5, AS ADDED BY P.L.164-2006,
 31 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) Except for a municipality
 33 described in subsection (b), a plan must provide a vote center for use
 34 by voters residing in each municipality within the county conducting
 35 a municipal primary or a municipal election.

36 (b) A vote center may not be used in a municipal primary or
 37 municipal election conducted within a municipality that is partially
 38 located in a county that has not been designated a vote center pilot
 39 county.

40 **(c) This section expires January 1, 2012.**

41 SECTION 79. IC 3-11.7-1-4 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. Each circuit court

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1 clerk shall:

2 (1) not less than sixty (60) days before the date on which a
3 general ~~or~~ primary ~~or municipal~~ election is held; or

4 (2) not more than three (3) days after the date on which a special
5 election is ordered;

6 estimate the number of provisional ballots that will be required in the
7 county for the election.

8 SECTION 80. IC 3-11.7-1-6 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) All provisional
10 ballots shall be prepared and printed under the direction of each county
11 election board.

12 (b) After completing the estimate required by section 4 of this
13 chapter, the county election board shall immediately prepare the ballots
14 and have the ballots printed.

15 (c) Except as provided in subsection (e), ballots prepared by the
16 county election board under this section must provide space for the
17 voter to cast a write-in ballot.

18 (d) The provisional ballots that are prepared and printed under this
19 section shall be delivered to the circuit court clerk not later than:

20 (1) forty-five (45) days before a general ~~or~~ primary ~~or municipal~~
21 election; or

22 (2) thirty-two (32) days before a special election.

23 (e) Space for write-in voting for an office is not required if there are
24 no declared write-in candidates for that office. However, procedures
25 must be implemented to permit write-in voting for candidates for
26 federal offices.

27 (f) This subsection applies to the printing of provisional ballots for
28 a general election in ~~which the names of the nominees for President~~
29 ~~and Vice President of the United States are to be printed on the ballot.~~
30 **a presidential election year.** The provisional ballots that are prepared
31 and printed under this section must be delivered to the circuit court
32 clerk or the clerk's authorized deputy not later than thirty-eight (38)
33 days before the general election.

34 SECTION 81. IC 3-12-9-1, AS AMENDED BY P.L.230-2005,
35 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2011]: Sec. 1. (a) Whenever a tie vote at an election for:

37 (1) a federal office;

38 (2) a state office (other than governor and lieutenant governor);
39 or

40 (3) a legislative office;

41 occurs, a special election shall be held.

42 (b) Whenever a tie vote occurs at a primary election for the

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1 nomination of a candidate to be voted for at the general ~~or municipal~~
2 election, IC 3-13-1-17 applies.

3 SECTION 82. IC 3-13-1-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. Except as provided
5 in section 18 or 20 of this chapter, this chapter applies to the filling of
6 a candidate vacancy that arises for any reason if the vacancy leaves a
7 major political party without a candidate for the office and occurs
8 before the thirtieth day before a general ~~or special or municipal~~
9 election.

10 SECTION 83. IC 3-13-1-2 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. A candidate vacancy
12 that exists on a primary election ballot may not be filled for the primary
13 election. The resulting vacancy on the following general ~~or municipal~~
14 election ballot may be filled in the manner prescribed by this chapter,
15 but only if it is filled **by not later than** noon June 30 before election
16 day.

17 SECTION 84. IC 3-13-1-7 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) Except as
19 provided in subsection (b), action to fill a candidate vacancy must be
20 taken:

- 21 (1) not later than noon June 30 after the primary election if the
22 vacancy exists on a general ~~or municipal~~ election ballot; and
23 (2) within thirty (30) days after the occurrence of the vacancy, if
24 the vacancy exists on a special election ballot, subject to section
25 2 of this chapter.

26 (b) This subsection applies to a candidate vacancy that exists before
27 the thirtieth day before a general ~~municipal~~, or special election and that
28 is due to any of the following:

- 29 (1) The death of a candidate.
30 (2) The withdrawal of a candidate.
31 (3) The disqualification of a candidate under IC 3-8-1-5.
32 (4) A court order issued under IC 3-8-7-29(d).

33 Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this
34 chapter for reasons permitted under this subsection must be taken
35 within thirty (30) days after the occurrence of the vacancy.

36 SECTION 85. IC 3-13-1-16.5 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16.5. (a) All questions
38 concerning the validity of a certificate of candidate selection filed with
39 the election division shall be determined by the commission. A
40 statement questioning the validity of a certificate of candidate selection
41 must be filed with the election division under IC 3-8-1-2(c) not later
42 than noon seventy-four (74) days before the date on which the general

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1 ~~or municipal~~ election will be held for the office.

2 (b) All questions concerning the validity of a certificate of candidate
3 selection filed with a circuit court clerk shall be referred to and
4 determined by the county election board. A statement questioning the
5 validity of a certificate of candidate selection must be filed with the
6 county election board under IC 3-8-1-2(c) not later than noon
7 seventy-four (74) days before the date on which the general ~~or~~
8 ~~municipal~~ election will be held for the office.

9 (c) The commission or a county election board shall rule on the
10 validity of the certificate of candidate selection not later than noon
11 sixty (60) days before the date on which the general ~~or municipal~~
12 election will be held for the office.

13 SECTION 86. IC 3-13-1-19 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. A person who was
15 defeated in a primary election or in a ~~town or state~~ convention is
16 eligible to be appointed by the political party that the person affiliated
17 with by voting in the most recent primary election held by that party.
18 The person selected may fill any vacancy on the party's ticket as a
19 candidate in any general ~~municipal~~, or special election following that
20 primary election or convention in which the vacancy occurred.
21 However, a person is not disqualified from appointment under this
22 section for not having voted in the most recent primary election if the
23 appointee is certified as a member of that party by the county chairman
24 for the county in which the appointee resides.

25 SECTION 87. IC 3-13-2-1 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies
27 to the filling of a candidate vacancy that exists due to the:

- 28 (1) death of a political party's candidate;
29 (2) withdrawal of a candidate who has moved from the election
30 district;
31 (3) disqualification of a candidate under IC 3-8-1-5; or
32 (4) issuance of a court order under IC 3-8-7-29(d);

33 for nomination or election to an office at a general ~~municipal~~, or special
34 election after the thirty-first day before a general ~~municipal~~, or special
35 election.

36 SECTION 88. IC 3-13-2-10 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. A person who was
38 defeated in a primary election or in a ~~town or state~~ convention is
39 eligible to be appointed by the person's own political party to fill any
40 vacancy on the party's ticket as a candidate in any general ~~municipal~~,
41 or special election following that primary election or convention.

42 SECTION 89. IC 3-13-8-4, AS AMENDED BY P.L.119-2005,

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1 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2011]: Sec. 4. (a) This section applies to a vacancy in the
3 city-county council of a first class city not covered by section 1 of this
4 chapter.

5 (b) A vacancy shall be filled by a majority of the remaining
6 members of the council at a regular or special meeting. The city clerk
7 shall give notice of the meeting. Except as provided in subsection (c),
8 the meeting shall be held not later than thirty (30) days after the
9 vacancy occurs. The notice must:

- 10 (1) be in writing;
11 (2) state the purpose of the meeting;
12 (3) state the date, time, and place of the meeting; and
13 (4) be sent by first class mail to each council member at least ten
14 (10) days before the meeting.

15 (c) If a vacancy exists because of the death of a council member, the
16 council shall meet and select an individual to fill the vacancy not later
17 than thirty (30) days after the city clerk receives notice of the death
18 under IC 5-8-6. The city clerk may not give the notice required by
19 subsection (b) until the city clerk receives notice of the death under
20 IC 5-8-6.

21 (d) The appointed member serves until a successor is elected and
22 qualified at the next ~~municipal~~ or general election. ~~whichever occurs~~
23 ~~first~~. The successor serves from noon January 1 following that election
24 to noon January 1 following the next ~~municipal~~ **general** election, as
25 provided in IC 36-3-4-2. The persons appointed and elected must be
26 resident voters in the district where the vacancy occurred, unless the
27 vacancy occurred in an at large seat.

28 SECTION 90. IC 33-35-1-1, AS AMENDED BY P.L.164-2006,
29 SECTION 141, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) During ~~2006~~ **2010** and every
31 ~~fourth~~ **year** after that, **every year before a presidential election year**,
32 a second or third class city or a town may by ordinance establish or
33 abolish a city or town court. An ordinance to establish a city or town
34 court must be adopted not less than one (1) year before the judge's term
35 would begin under section 3 of this chapter.

36 (b) The judge for a court established under subsection (a) shall be
37 elected under IC 3-10-6 or IC 3-10-7 at the municipal election in
38 November ~~2007~~ **2011** and every four ~~(4)~~ **years thereafter: after 2011,**
39 **as provided in IC 3-10-7.5.**

40 (c) A court established under subsection (a) comes into existence on
41 January 1 of the year following the year in which a judge is elected to
42 serve in that court.

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1 (d) A city or town court in existence on January 1, 1986, may
2 continue in operation until it is abolished by ordinance.

3 (e) A city or town that establishes or abolishes a court under this
4 section shall give notice of its action to the division of state court
5 administration of the office of judicial administration under IC 33-24-6.

6 SECTION 91. IC 33-35-1-3 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The judge of a
8 city or town court shall be elected under:

- 9 (1) IC 3-10-6 or IC 3-10-7 **before January 1, 2012; and**
- 10 (2) **IC 3-10-7.5 after December 31, 2011;**

11 by the voters of the city or town.

12 (b) Except as provided in subsections (c) and (d), the term of office
13 of a judge elected under this section is four (4) years, beginning at noon
14 January 1 after election and continuing until a successor is elected and
15 qualified.

16 (c) This subsection applies to a town that adopts an ordinance under
17 IC 3-10-6-2.6. The term of office of:

- 18 (1) a judge elected at the next municipal election not conducted
- 19 in a general election year is one (1) year; and
- 20 (2) the successors to the judge described in subdivision (1) is four
- 21 (4) years;

22 beginning at noon January 1 after election and continuing until a
23 successor is elected and qualified. **This subsection expires January**
24 **1, 2012.**

25 (d) This subsection applies to a town that adopts an ordinance under
26 IC 3-10-7-2.7. The term of office of:

- 27 (1) a judge elected at the next municipal election not conducted
- 28 in a general election year is three (3) years; and
- 29 (2) the successors to the judge described in subdivision (1) is four
- 30 (4) years;

31 beginning noon January 1 after election and continuing until a
32 successor is elected and qualified. **This subsection expires January**
33 **1, 2012.**

34 (e) Before beginning the duties of office, the judge shall, in the
35 manner prescribed by IC 5-4-1, execute a bond conditioned upon the
36 faithful discharge of the duties of office.

37 SECTION 92. IC 36-1-2-11.5 IS ADDED TO THE INDIANA
38 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
39 **[EFFECTIVE JULY 1, 2011]: Sec. 11.5. "Nonpresidential election**
40 **year" has the meaning set forth in IC 3-5-2-33.3.**

41 SECTION 93. IC 36-1-2-13.5 IS ADDED TO THE INDIANA
42 CODE AS A **NEW SECTION TO READ AS FOLLOWS**

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1 [EFFECTIVE JULY 1, 2011]: **Sec. 13.5. "Presidential election year"**
 2 **has the meaning set forth in IC 3-5-2-40.4.**

3 SECTION 94. IC 36-1.5-4-36, AS AMENDED BY P.L.113-2010,
 4 SECTION 112, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2011]: Sec. 36. (a) This section applies if
 6 section 5 of this chapter requires an election for a reorganization to
 7 become effective.

8 (b) At the next:

9 (1) general election: if:

10 ~~(A) the reorganized political subdivision is not a municipality~~
 11 ~~or a school corporation; or~~

12 ~~(B) the reorganized political subdivision results from a~~
 13 ~~reorganization including a county and at least one (1)~~
 14 ~~municipality;~~

15 ~~(2) municipal election, if the reorganized political subdivision is~~
 16 ~~a municipality; or~~

17 ~~(3) (2) primary or general election, as specified in an election plan~~
 18 ~~adopted in substantially identical resolutions by the legislative~~
 19 ~~body of each of the participating political subdivisions if the~~
 20 ~~reorganized political subdivision is a school corporation;~~

21 after the voters approve a reorganization, one (1) set of officers for the
 22 reorganized political subdivision having the combined population of
 23 the reorganizing political subdivisions shall be elected by the voters in
 24 the territory of the reorganized political subdivision as prescribed by
 25 statute.

26 (c) In the election described in subsection (b):

27 (1) one (1) member of the legislative body of the reorganized
 28 political subdivision shall be elected from each election district
 29 established by the reorganizing political subdivisions in
 30 substantially identical resolutions adopted by the legislative body
 31 of each of the reorganizing political subdivisions; and

32 (2) the total number of at large members shall be elected as
 33 prescribed by statute for the reorganized political subdivision.

34 (d) If appointed officers are required in the reorganized political
 35 subdivision, one (1) set of appointed officers shall be appointed for the
 36 reorganized political subdivision. The appointments shall be made as
 37 required by statute for the reorganized political subdivision. Any
 38 statute requiring an appointed officer to reside in the political
 39 subdivision where the appointed officer resides shall be treated as
 40 permitting the appointed officer to reside in any part of the territory of
 41 the reorganized political subdivision.

42 SECTION 95. IC 36-3-2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) A mayor, who is
2 the executive of both the consolidated city and the county, shall be
3 elected under:

- 4 (1) IC 3-10-6 before January 1, 2012; and
- 5 (2) IC 3-10-7.5 after December 31, 2011;

6 by the voters of the whole county.

7 (b) To be eligible to serve as the executive, a person must meet the
8 qualifications prescribed by IC 3-8-1-24.

9 (c) The term of office of an executive is four (4) years, beginning at
10 noon on January 1 after election and continuing until a successor is
11 elected and qualified.

12 SECTION 96. IC 36-3-4-2 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) A twenty-nine
14 (29) member city-county council, which is the legislative body of both
15 the consolidated city and the county, shall be elected under:

- 16 (1) IC 3-10-6; before January 1, 2012; and
- 17 (2) IC 3-10-7.5 after December 31, 2011;

18 by the voters of the county.

19 (b) To be eligible to serve as a member of the legislative body, a
20 person must meet the qualifications prescribed by IC 3-8-1-25.

21 (c) A member of the legislative body must reside within:

- 22 (1) the county as provided in Article 6, Section 6 of the
- 23 Constitution of the State of Indiana; and
- 24 (2) the district from which the member was elected, if applicable.

25 (d) A vacancy in the legislative body occurs whenever a member:

- 26 (1) dies, resigns, or is removed from office;
- 27 (2) ceases to be a resident of the county or district from which the
- 28 member was elected; or
- 29 (3) is incapacitated to the extent that the member is unable to
- 30 perform the member's duties for more than six (6) months.

31 (e) The vacancy shall be filled under IC 3-13-8.

32 (f) The term of office of a member of the legislative body is four (4)
33 years, beginning at noon on January 1 after election and continuing
34 until a successor is elected and qualified.

35 SECTION 97. IC 36-4-1-8 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Whenever the
37 classification of a city under section 1 of this chapter changes due to a
38 change in the city's population, the city shall be governed by the laws
39 applicable to its new class, except as provided by subsection (b).

40 (b) The membership of a city legislative body remains unchanged
41 until the expiration of the terms of its members, despite a change in the
42 classification of the city for any reason. At the ~~municipal~~ **general**

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1 election preceding the expiration of those terms, the number of
 2 members of the legislative body required by the laws applicable to its
 3 new class shall be elected. The powers, duties, functions, and office of
 4 an elected official of a city shall remain unchanged until the expiration
 5 of the term of the elected official, despite a change in city classification
 6 for any reason.

7 SECTION 98. IC 36-4-1.5-3, AS ADDED BY P.L.111-2005,
 8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2011]: Sec. 3. (a) A town legislative body may satisfy the
 10 requirements of this section in an ordinance adopted either before or
 11 after the town's voters vote on the question described in section 2 of
 12 this chapter.

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

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

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

21 (A) The city executive.

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

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

25 (3) The date of the first election of the city officers. The first
 26 election may be held only on the date of a general election. ~~or a~~
 27 ~~municipal election~~. Candidates for election to the city offices shall
 28 be nominated:

29 (A) at the corresponding primary election during a general
 30 election year; ~~or a municipal election year~~; or

31 (B) as otherwise provided in IC 3.

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

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

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

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

41 (e) Subject to this chapter, the town legislative body or the city
 42 legislative body (after the town is changed into a city) may amend an

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1 ordinance adopted under this section.

2 SECTION 99. IC 36-4-1.5-4, AS ADDED BY P.L.111-2005,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 4. (a) Notwithstanding any other law, the term of
5 office of the city officers elected at the first election of city officers
6 held under the ordinance adopted under section 3 of this chapter:

7 (1) begins on January 1 after the first election of city officers; and

8 (2) may not extend after December 31 of the next ~~municipal~~
9 **general** election year that occurs after the first election of city
10 officers.

11 (b) The ordinance adopted under section 3 of this chapter may
12 provide for a shorter term of office for specified members of the city
13 legislative body to stagger terms as permitted under IC 3 and IC 36-4-6.
14 ~~if a general election will occur before the next municipal election after~~
15 ~~the first election of city officers.~~

16 (c) After ~~the first municipal election~~ after the first election of city
17 officers, the term of office of each city officer is four (4) years.

18 SECTION 100. IC 36-4-2-10 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. At the next general
20 ~~municipal~~ election after a vote in favor of a merger at an election held
21 under section 2 or 3 of this chapter, one (1) set of officers for a
22 municipality having the combined population of the merging
23 municipalities shall be elected by the voters of the merging
24 municipalities as prescribed by statute, except that:

25 (1) one (1) member of the municipal legislative body shall be
26 elected from each district established under section 12 of this
27 chapter; and

28 (2) the total number of at large members prescribed by statute for
29 the municipal legislative body shall be elected.

30 SECTION 101. IC 36-4-2-12 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) The legislative
32 bodies of municipalities that vote to merge under this chapter shall
33 meet in joint session at the hall of the municipality having the largest
34 population at 8 p.m. on the second Monday of January of the next year
35 in which a general ~~municipal~~ election is to be held. At the joint
36 meeting, the legislative bodies shall:

37 (1) elect a presiding officer and clerk; and

38 (2) fix, by joint resolution, the boundaries of the districts from
39 which members will be elected to the legislative body of the new
40 municipality.

41 The legislative bodies shall fix the district boundaries so that, as nearly
42 as is possible, all parts of the merging municipalities have equal

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1 representation in the legislative body of the new municipality. The
 2 district boundaries fixed under this subsection constitute the district
 3 boundaries for the new municipality until they are altered by the
 4 legislative body of the new municipality.

5 (b) If any territory in the municipality is not included in one (1) of
 6 the districts established under subsection (a), the territory is included
 7 in the district that:

8 (1) is contiguous to that territory; and

9 (2) contains the least population of all districts contiguous to that
 10 territory.

11 (c) If any territory in the municipality is included in more than one
 12 (1) of the districts established under subsection (a), the territory is
 13 included in the district that:

14 (1) is one (1) of the districts in which the territory is described in
 15 the joint resolution adopted under subsection (a);

16 (2) is contiguous to that territory; and

17 (3) contains the least population of all districts contiguous to that
 18 territory.

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

21 (1) certified by the presiding officer;

22 (2) attested by the clerk; and

23 (3) filed with the legislative body of each of the merging
 24 municipalities and the circuit court clerk of each county in which
 25 the municipalities are located.

26 SECTION 102. IC 36-4-5-2 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) A mayor, who is
 28 the city executive, shall be elected under:

29 (1) IC 3-10-6 before January 1, 2012; and

30 (2) IC 3-10-7.5 after December 31, 2011;

31 by the voters of each city.

32 (b) A person is eligible to be a city executive only if the person
 33 meets the qualifications prescribed by IC 3-8-1-26.

34 (c) Residency in territory that is annexed by the city before the
 35 election is considered residency for the purposes of subsection (b),
 36 even if the annexation takes effect less than one (1) year before the
 37 election.

38 (d) The city executive must reside within the city as provided in
 39 Article 6, Section 6 of the Constitution of the State of Indiana. The
 40 executive forfeits office if the executive ceases to be a resident of the
 41 city.

42 (e) The term of office of a city executive is four (4) years, beginning

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1 at noon on January 1 after election and continuing until a successor is
2 elected and qualified.

3 SECTION 103. IC 36-4-6-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) A common
5 council, which is the city legislative body, shall be elected under:

6 (1) IC 3-10-6 **before January 1, 2012; and**

7 (2) **IC 3-10-7.5 after December 31, 2011;**

8 by the voters of each city.

9 (b) A person is eligible to be a member of the legislative body only
10 if the person meets the qualifications prescribed by IC 3-8-1-27.

11 (c) Residency in territory that is annexed by the city before the
12 person files a declaration of candidacy or petition of nomination is
13 considered residency for the purposes of subsection (b), even if the
14 annexation takes effect less than one (1) year before the election.

15 (d) A member of the legislative body must reside within:

16 (1) the city as provided in Article 6, Section 6 of the Constitution
17 of the State of Indiana; and

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

19 (e) A member forfeits office if the member ceases to be a resident
20 of the district or city.

21 (f) The term of office of a member of the legislative body is four (4)
22 years, beginning at noon on January 1 after election and continuing
23 until a successor is elected and qualified.

24 SECTION 104. IC 36-4-6-3, AS AMENDED BY P.L.230-2005,
25 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2011]: Sec. 3. (a) This section applies only to second class
27 cities.

28 (b) The legislative body shall adopt an ordinance to divide the city
29 into six (6) districts that:

30 (1) are composed of contiguous territory, except for territory that
31 is not contiguous to any other part of the city;

32 (2) are reasonably compact;

33 (3) do not cross precinct boundary lines, except as provided in
34 subsection (c) or (d); and

35 (4) contain, as nearly as is possible, equal population.

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

38 (1) more than one (1) member of the legislative body elected from
39 the districts established under subsection (b) resides in one (1)
40 precinct established under IC 3-11-1.5 after the most recent
41 ~~municipal~~ **general** election; and

42 (2) following the establishment of a legislative body district

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

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- 1 (1) is one (1) of the districts in which the territory is described in
 2 the ordinance adopted under this section;
 3 (2) is contiguous to that territory; and
 4 (3) contains the least population of all districts contiguous to that
 5 territory.
 6 (l) A copy of the ordinance establishing districts under this section
 7 must be filed with the circuit court clerk of the county that contains the
 8 greatest population of the city not later than thirty (30) days after the
 9 ordinance is adopted.
 10 SECTION 105. IC 36-4-6-4, AS AMENDED BY P.L.169-2006,
 11 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2011]: Sec. 4. (a) This section applies to third class cities,
 13 except as provided by section 5 of this chapter.
 14 (b) This subsection does not apply to a city with an ordinance
 15 described by subsection (j) or (m). The legislative body shall adopt an
 16 ordinance to divide the city into five (5) districts that:
 17 (1) are composed of contiguous territory, except for territory that
 18 is not contiguous to any other part of the city;
 19 (2) are reasonably compact;
 20 (3) do not cross precinct boundary lines except as provided in
 21 subsection (c) or (d); and
 22 (4) contain, as nearly as is possible, equal population.
 23 (c) The boundary of a city legislative body district may cross a
 24 precinct boundary line if:
 25 (1) more than one (1) member of the legislative body elected from
 26 the districts established under subsection (b), (j), or (m) resides in
 27 one (1) precinct established under IC 3-11-1.5 after the most
 28 recent ~~municipal~~ **general** election; and
 29 (2) following the establishment of a legislative body district
 30 whose boundary crosses a precinct boundary line, not more than
 31 one (1) member of the legislative body elected from the districts
 32 resides within the same city legislative body district.
 33 (d) The boundary of a city legislative body district may cross a
 34 precinct line if the districts would not otherwise contain, as nearly as
 35 is possible, equal population.
 36 (e) A city legislative body district with a boundary described by
 37 subsection (c) or (d) may not cross a census block boundary line:
 38 (1) except when following a precinct boundary line; or
 39 (2) unless the city legislative body certifies in the ordinance that
 40 the census block has no population, and is not likely to ever have
 41 population.
 42 (f) The legislative body may not adopt an ordinance dividing the city

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1 into districts with boundaries described by subsection (c) or (d) unless
2 the clerk of the city mails a written notice to the circuit court clerk. The
3 notice must:

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

- 8 (g) The division under subsection (b), (j), or (m) shall be made:
 - 9 (1) during the second year after a year in which a federal
10 decennial census is conducted; and
 - 11 (2) when required to assign annexed territory to a district.

12 This division may be made at any other time, subject to IC 3-11-1.5-32.

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

17 (i) This subsection does not apply to a city with an ordinance
18 described by subsection (j) or (m). Each voter of the city may vote for
19 two (2) candidates for at-large membership and one (1) candidate from
20 the district in which the voter resides. The two (2) at-large candidates
21 receiving the most votes from the whole city and the district candidates
22 receiving the most votes from their respective districts are elected to
23 the legislative body.

24 (j) A city may adopt an ordinance under this subsection to divide the
25 city into four (4) districts that:

- 26 (1) are composed of contiguous territory;
- 27 (2) are reasonably compact;
- 28 (3) do not cross precinct boundary lines, except as provided in
29 subsection (c) or (d); and
- 30 (4) contain, as nearly as is possible, equal population.

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

35 (l) This subsection applies to a city with an ordinance described by
36 subsection (j). Each voter of the city may vote for three (3) candidates
37 for at-large membership and one (1) candidate from the district in
38 which the voter resides. The three (3) at-large candidates receiving the
39 most votes from the whole city and the district candidates receiving the
40 most votes from their respective districts are elected to the legislative
41 body.

42 (m) This subsection applies only if the ordinance adopted under

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1 IC 36-4-1.5-3 by the town legislative body of a town that has a
2 population of less than ten thousand (10,000) and that becomes a city
3 specifies that the city legislative body districts are governed by this
4 subsection. The ordinance adopted under IC 36-4-1.5-3(b)(1) dividing
5 the town into city legislative body districts may provide that:

- 6 (1) the city shall be divided into three (3) districts that:
 - 7 (A) are composed of contiguous territory;
 - 8 (B) are reasonably compact;
 - 9 (C) do not cross precinct boundary lines, except as provided in
10 subsection (c) or (d); and
 - 11 (D) contain, as nearly as is possible, equal population; and
- 12 (2) the legislative body of the city is composed of three (3)
13 members elected from the districts established under this
14 subsection and two (2) at-large members.

15 Each voter of the city may vote for two (2) candidates for at-large
16 membership and one (1) candidate from the district in which the voter
17 resides. The two (2) at-large candidates receiving the most votes from
18 the whole city and the district candidates receiving the most votes from
19 their respective districts are elected to the legislative body.

20 (n) A copy of the ordinance establishing districts under this section
21 must be filed with the circuit court clerk of the county that contains the
22 greatest population of the city ~~no~~ not later than thirty (30) days after
23 the ordinance is adopted.

24 (o) If any territory in the city is not included in one (1) of the
25 districts established under this section, the territory is included in the
26 district that:

- 27 (1) is contiguous to that territory; and
- 28 (2) contains the least population of all districts contiguous to that
29 territory.

30 (p) If any territory in the city is included in more than one (1) of the
31 districts established under this section, the territory is included in the
32 district that:

- 33 (1) is one (1) of the districts in which the territory is described in
34 the ordinance adopted under this section;
- 35 (2) is contiguous to that territory; and
- 36 (3) contains the least population of all districts contiguous to that
37 territory.

38 SECTION 106. IC 36-4-6-5, AS AMENDED BY P.L.113-2010,
39 SECTION 121, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) This section applies to third
41 class cities having a population of less than ten thousand (10,000). The
42 legislative body of such a city may, by ordinance adopted after June 30,

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1 2010, and during a year in which an election of the legislative body will
2 not occur, decide to be governed by this section instead of section 4 of
3 this chapter. The legislative body districts created by an ordinance
4 adopted under this subsection apply to the first election of the
5 legislative body held after the date the ordinance is adopted. The clerk
6 of the legislative body shall send a certified copy of any ordinance
7 adopted under this subsection to the secretary of the county election
8 board.

9 (b) This subsection does not apply to a city with an ordinance
10 described by subsection (j). The legislative body shall adopt an
11 ordinance to divide the city into four (4) districts that:

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

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

- 20 (1) more than one (1) member of the legislative body elected from
- 21 the districts established under subsection (b) or (j) resides in one
- 22 (1) precinct established under IC 3-11-1.5 after the most recent
- 23 ~~municipal~~ **general** election; and
- 24 (2) following the establishment of a legislative body district
- 25 whose boundary crosses a precinct boundary line, not more than
- 26 one (1) member of the legislative body elected from the districts
- 27 resides within the same city legislative body district.

28 (d) The boundary of a city legislative body district may cross a
29 precinct line if the districts would not otherwise contain, as nearly as
30 is possible, equal population.

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

- 33 (1) except when following a precinct boundary line; or
- 34 (2) unless the city legislative body certifies in the ordinance that
- 35 the census block has no population, and is not likely to ever have
- 36 population.

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

- 41 (1) state that the legislative body is considering the adoption of an
- 42 ordinance described by this subsection; and

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- 1 (2) be mailed not later than ten (10) days before the legislative
2 body adopts the ordinance.
- 3 (g) The division under subsection (b) or (j) shall be made:
4 (1) during the second year after a year in which a federal
5 decennial census is conducted; and
6 (2) when required to assign annexed territory to a district.
- 7 This division may be made at any other time, subject to IC 3-11-1.5-32.
- 8 (h) This subsection does not apply to a city with an ordinance
9 described by subsection (j). The legislative body is composed of four
10 (4) members elected from the districts established under subsection (b)
11 and one (1) at-large member.
- 12 (i) This subsection does not apply to a city with an ordinance
13 described by subsection (j). Each voter may vote for one (1) candidate
14 for at-large membership and one (1) candidate from the district in
15 which the voter resides. The at-large candidate receiving the most votes
16 from the whole city and the district candidates receiving the most votes
17 from their respective districts are elected to the legislative body.
- 18 (j) A city may adopt an ordinance under this subsection to divide the
19 city into three (3) districts that:
20 (1) are composed of contiguous territory, except for territory that
21 is not contiguous to any other part of the city;
22 (2) are reasonably compact;
23 (3) do not cross precinct boundary lines, except as provided in
24 subsection (c) or (d); and
25 (4) contain, as nearly as is possible, equal population.
- 26 (k) This subsection applies to a city with an ordinance described by
27 subsection (j). The legislative body is composed of three (3) members
28 elected from the districts established under subsection (j) and two (2)
29 at-large members.
- 30 (l) This subsection applies to a city with an ordinance described by
31 subsection (j). Each voter of the city may vote for two (2) candidates
32 for at-large membership and one (1) candidate from the district in
33 which the voter resides. The two (2) at-large candidates receiving the
34 most votes from the whole city and the district candidates receiving the
35 most votes from their respective districts are elected to the legislative
36 body.
- 37 (m) This subsection applies to a city having a population of less than
38 seven thousand (7,000). A legislative body of such a city that has, by
39 resolution adopted before May 7, 1991, decided to continue an election
40 process that permits each voter of the city to vote for one (1) candidate
41 at large and one (1) candidate from each of its four (4) council districts
42 may hold elections using that voting arrangement. The at-large

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1 candidate and the candidate from each district receiving the most votes
2 from the whole city are elected to the legislative body. The districts
3 established in cities adopting such a resolution may cross precinct
4 boundary lines.

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

9 (o) If any territory in the city is not included in one (1) of the
10 districts established under this section, the territory is included in the
11 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 (p) If any territory in the city is included in more than one (1) of the
16 districts established under this section, the territory is included in the
17 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 SECTION 107. IC 36-5-1-10.1, AS AMENDED BY P.L.113-2010,
24 SECTION 123, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2011]: Sec. 10.1. (a) Except as provided in
26 subsection (g), if the county executive makes the findings required by
27 section 8 of this chapter, it may adopt an ordinance incorporating the
28 town. The ordinance: ~~must:~~

- 29 (1) ~~provide that:~~ **must:**
 - 30 (A) **provide that** all members of the town legislative body are
31 to be elected at large (if the town would have a population of
32 less than three thousand five hundred (3,500); or
 - 33 (B) divide the town into not less than three (3) nor more than
34 seven (7) districts; and
 - 35 (2) direct the county election board to conduct an election in the
36 town on the date of the next general ~~or municipal~~ election to be
37 held ~~in any precincts~~ in the county.

38 An election conducted under this section must comply with IC 3
39 concerning town elections. If, on the date that an ordinance was
40 adopted under this section, absentee ballots for a general ~~or municipal~~
41 election have been delivered under IC 3-11-4-15 for voters within a
42 precinct in the town, the election must be conducted on the date of the

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1 next general ~~or municipal~~ election held in any precincts in the county
2 after the election for which absentee balloting is being conducted.
3 However, a primary election may not be conducted before an election
4 conducted under this section, regardless of the population of the town.

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

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

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

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

- 16 (1) is one (1) of the districts in which the territory is described in
17 the ordinance adopted under this section;
- 18 (2) is contiguous to that territory; and
- 19 (3) contains the least population of all districts contiguous to that
20 territory.

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

- 23 (1) the office of the secretary of state; and
- 24 (2) the circuit court clerk of each county in which the town is
25 located.

26 (f) An ordinance incorporating a town under this section may not
27 take effect during the year preceding a year in which a federal
28 decennial census is conducted. An ordinance under this section that
29 would otherwise take effect during the year preceding a year in which
30 a federal decennial census is conducted takes effect January 1 of the
31 year in which a federal decennial census is conducted.

32 (g) Proceedings to incorporate a town across county boundaries
33 must have the approval of the county executive of each county that
34 contains a part of the proposed town. Each county that contains a part
35 of the proposed town must adopt identical ordinances providing for the
36 incorporation of the town.

37 (h) Notwithstanding subsection (f) as that subsection existed on
38 December 31, 2009, an ordinance that took effect January 2, 2010,
39 because of the application of subsection (f), as that subsection existed
40 on December 31, 2009, is instead considered to take effect January 1,
41 2010, without the adoption of an ordinance or an amended ordinance
42 or any other additional action being required.

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1 SECTION 108. IC 36-5-1.1-10.6, AS AMENDED BY
 2 P.L.113-2010, SECTION 128, IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10.6. (a) This section
 4 applies to included towns.

5 (b) The dissolution of a town under this section may be instituted by
 6 filing a petition with the county board of registration. The petition must
 7 be signed by at least the number of the registered voters of the town
 8 required to place a candidate on the ballot under IC 3-8-6-3. The
 9 petition must be filed not later than June 1 of a year in which a general
 10 ~~or municipal~~ election will be held.

11 (c) If a petition meets the criteria set forth in subsection (b), the
 12 county board of registration shall certify the public question to the
 13 county election board under IC 3-10-9-3. The county election board
 14 shall place the question of dissolution on the ballot provided for voters
 15 in the included town at the first general ~~or municipal~~ election following
 16 certification. The question shall be placed on the ballot in the form
 17 prescribed by IC 3-10-9-4 and must state "Shall the town of _____
 18 dissolve?".

19 (d) If the public question is approved by a majority of the voters
 20 voting on the question, the county election board shall file a copy of the
 21 certification prepared under IC 3-12-4-9 concerning the public question
 22 described by this section with the following:

- 23 (1) The circuit court clerk of the county.
- 24 (2) The office of the secretary of state.

25 (e) Except as provided in subsection (f), dissolution occurs:

- 26 (1) at least sixty (60) days after certification under IC 3-12-4-9;
- 27 and
- 28 (2) when the certification is filed under subsection (d).

29 (f) A dissolution under this section may not take effect during the
 30 year preceding a year in which a federal decennial census is conducted.
 31 A dissolution under this section that would otherwise take effect during
 32 the year preceding a year in which the federal decennial census is
 33 conducted takes effect January 1 of the year in which a federal
 34 decennial census is conducted.

35 (g) When a town is dissolved under this section:

- 36 (1) the territory included within the town when the ordinance was
- 37 adopted becomes a part of the consolidated city;
- 38 (2) the books and records of the town become the property of the
- 39 county executive;
- 40 (3) the property owned by the town after payment of debts and
- 41 liabilities shall be disposed of by the county executive; and
- 42 (4) the county executive shall deposit any proceeds remaining

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1 after payment of debts and liabilities into the county general fund.

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

4 (i) Notwithstanding subsection (f) as that subsection existed on
5 December 31, 2009, a dissolution that took effect January 2, 2010,
6 because of the application of subsection (f), as that subsection existed
7 on December 31, 2009, is instead considered to take effect January 1,
8 2010, without any additional action being required.

9 SECTION 109. IC 36-5-2-2 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The town council
11 elected under:

12 (1) IC 3-10-6 or IC 3-10-7 **before January 1, 2012; and**

13 (2) **IC 3-10-7.5 after December 31, 2011;**

14 is the town legislative body. The president of the town council selected
15 under section 7 of this chapter is the town executive.

16 SECTION 110. IC 36-5-2-3 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) Except as
18 provided in subsection (b), (c), (d), (e), or (f), the term of office of a
19 member of the legislative body is four (4) years, beginning at noon
20 January 1 after the member's election and continuing until the
21 member's successor is elected and qualified.

22 (b) The term of office of a member of the legislative body appointed
23 to fill a vacancy resulting from an increase in the number of town
24 legislative body members under section 4.2 of this chapter:

25 (1) begins when the ordinance increasing the number of
26 legislative body members takes effect, or when the member is
27 appointed under IC 3-13-9-4, if the appointment is made after the
28 ordinance takes effect; and

29 (2) continues until noon January 1 following the next ~~municipal~~
30 **general** election scheduled under:

31 (A) IC 3-10-6-5 or IC 3-10-7-6 **before January 1, 2012; and**

32 (B) **IC 3-10-7.5 after December 31, 2011;**

33 and until the member's successor is elected and qualified.

34 (c) The term of office of a member of the legislative body elected
35 under IC 36-5-1-10.1 following the incorporation of the town:

36 (1) begins at noon November 30 following the election; and

37 (2) continues until noon January 1 following the next ~~municipal~~
38 **general** election scheduled under:

39 (A) IC 3-10-6-5 or IC 3-10-7-6 **before January 1, 2012; and**

40 (B) **IC 3-10-7.5 after December 31, 2011;**

41 and until the member's successor is elected and qualified.

42 (d) The term of office of a member of the legislative body subject

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1 to IC 3-10-6-2.5(d)(1) is three (3) years, beginning at noon January 1
2 after the member's election and continuing until the member's
3 successor is elected and qualified.

4 (e) The term of office of a member of a legislative body subject to
5 an ordinance described by IC 3-10-6-2.6 is one (1) year, beginning at
6 noon January 1 after the member's election and continuing until the
7 member's successor is elected and qualified.

8 (f) The term of office of a member of a legislative body subject to
9 an ordinance described by IC 3-10-7-2.7 is:

10 (1) three (3) years if the member is elected at the next municipal
11 election not conducted in a general election year; and

12 (2) four (4) years for the successors of a member of a legislative
13 body described in subdivision (1);

14 beginning noon January 1 after election and continuing until a
15 successor is elected and qualified.

16 SECTION 111. IC 36-5-2-4.1, AS AMENDED BY P.L.230-2005,
17 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2011]: Sec. 4.1. (a) The legislative body may, by ordinance,
19 divide the town into districts for the purpose of conducting elections of
20 town officers.

21 (b) A town legislative body district must comply with the following
22 standards:

23 (1) The district must be composed of contiguous territory, except
24 for territory that is not contiguous to any other part of the town.

25 (2) The district must be reasonably compact.

26 (3) The district must contain, as nearly as is possible, equal
27 population.

28 (4) The district may not cross a census block boundary except
29 when following a precinct boundary line or unless the ordinance
30 specifies that the census block has no population and is not likely
31 to ever have population.

32 (5) The district may not cross precinct lines, except as provided
33 in subsection (c).

34 (c) The boundary of a town legislative body district established
35 under subsection (a) may cross a precinct boundary line if:

36 (1) the legislative body provides by ordinance under section 5 of
37 this chapter that all legislative body members are to be elected at
38 large by the voters of the whole town; or

39 (2) the district would not otherwise contain, as nearly as is
40 possible, equal population.

41 (d) If any territory in the town is not included in one (1) of the
42 districts established under this section, the territory is included in the

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1 district that:

2 (1) is contiguous to that territory; and

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

4 territory.

5 (e) If any territory in the town is included in more than one (1) of the

6 districts established under this section, the territory is included in the

7 district that:

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

9 the ordinance adopted under this section;

10 (2) is contiguous to that territory; and

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

12 territory.

13 (f) The ordinance may be appealed in the manner prescribed by

14 IC 34-13-6. If the town is located in two (2) or more counties, the

15 appeal may be filed in the circuit or superior court of any of those

16 counties.

17 (g) This subsection does not apply to a town with an ordinance

18 described by subsection (h). The division permitted by subsection (a)

19 shall be made:

20 (1) during the second year after a year in which a federal

21 decennial census is conducted, subject to IC 3-11-1.5-32; and

22 (2) when required to assign annexed territory to a municipal

23 legislative body district.

24 The division may also be made in any other year.

25 (h) This subsection applies to a town having a population of less

26 than three thousand five hundred (3,500). The town legislative body

27 may adopt an ordinance providing that:

28 (1) town legislative body districts are abolished; and

29 (2) all members of the legislative body are elected at large.

30 (i) An ordinance described by subsection (h):

31 (1) may not be adopted or repealed during a year in which a

32 ~~municipal~~ **general** election is scheduled to be conducted in the

33 town under:

34 **(A) IC 3-10-6 or IC 3-10-7 before January 1, 2012; and**

35 **(B) IC 3-10-7.5 after December 31, 2011; and**

36 (2) is effective upon passage.

37 (j) A copy of the ordinance establishing districts under this section

38 must be filed with the circuit court clerk of the county that contains the

39 greatest population of the town not later than thirty (30) days after the

40 ordinance is adopted.

41 SECTION 112. IC 36-5-2-4.2 IS AMENDED TO READ AS

42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4.2. (a) This section

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1 applies to the alteration of the number of members of a legislative
2 body.

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

6 (1) The proposed number of legislative body members, which
7 must be at least three (3) and not more than seven (7).

8 (2) The date of the general ~~municipal~~, or special election at which
9 the public question will appear on the ballot.

10 (3) That the following question will be placed on the ballot in the
11 form provided by IC 3-10-9-4:

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

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

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

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

32 (f) If the number of legislative body members is increased, the
33 legislative body shall fill any resulting vacancy under IC 3-13-9-4. The
34 legislative body may fill the vacancy before the ordinance described in
35 subsection (e) takes effect. However, a town legislative body member
36 appointed under this subsection does not assume office until the
37 beginning of the term specified in section 3 of this chapter.

38 SECTION 113. IC 36-5-2-4.5 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4.5. (a) This section
40 applies to a town if both of the following apply:

41 (1) The town has a population of more than ten thousand
42 (10,000).

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- 1 (2) The town legislative body adopts an ordinance adopting the
 2 provisions of this section. A town may not adopt an ordinance
 3 under this section during a year in which ~~municipal elections are~~
 4 **a general election is** held under:
 5 (A) IC 3-10-6-5 **before January 1, 2012; and**
 6 (B) **IC 3-10-7.5 after December 31, 2011.**
- 7 (b) A town legislative body has the following members:
 8 (1) Five (5) members, each elected by the voters of a district. The
 9 districts are established by ordinance by the town legislative body
 10 as provided in this chapter.
 11 (2) Two (2) members elected at large by all the voters of the town.
- 12 (c) An ordinance adopted under this section must provide for the
 13 following:
 14 (1) Four (4) members of the legislative body are elected during a
 15 year that ~~municipal elections are~~ **a general election is** held under:
 16 (A) IC 3-10-6-5 **before January 1, 2012; and**
 17 (B) **IC 3-10-7.5 after December 31, 2011.**
 18 (2) Three (3) members of the legislative body are elected either:
 19 (A) during ~~the~~ **a presidential election** year; ~~before the year~~
 20 ~~described in subdivision (1);~~ or
 21 (B) during ~~the~~ **a nonpresidential election** year. ~~after the year~~
 22 ~~described in subdivision (1);~~
 23 The year for elections under this subdivision must be chosen so
 24 that during the elections held for the town legislative body under
 25 subdivision (4), a member of the town legislative body does not
 26 serve a term of more than four (4) years.
 27 (3) The members of the legislative body elected at large may not
 28 be elected at the same time.
 29 (4) At the first two (2) elections after the ordinance is adopted,
 30 members are elected to serve the following terms:
 31 (A) Two (2) members elected under subdivision (1) are
 32 elected to a four (4) year term and two (2) members elected
 33 under subdivision (1) are elected to a ~~three (3)~~ **two (2)** year
 34 term.
 35 (B) Two (2) members elected under subdivision (2) are elected
 36 to a four (4) year term and one (1) member elected under
 37 subdivision (2) is elected to a ~~three (3)~~ **two (2)** year term.
 38 The ordinance must provide a random procedure to determine
 39 which members serve four (4) year terms and which members
 40 serve ~~three (3)~~ **two (2)** year terms.
 41 (5) A member of the town council elected after the elections
 42 described in subdivision (4) serves a term of four (4) years.

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1 (6) The term of office of a member begins at noon January 1 after
 2 the member's election.

3 (d) An ordinance adopted under this section may provide that before
 4 the first election after adoption of the ordinance, members of the town
 5 legislative body added to the legislative body by the ordinance may be
 6 appointed to the legislative body by a vote of the current members of
 7 the legislative body.

8 (e) After the first two (2) elections held as described in subsection
 9 (c)(4), the town legislative body may adopt an ordinance to do the
 10 following:

11 (1) Divide the town into seven (7) districts.
 12 (2) Provide that the members elected at large are each elected
 13 from a district.

14 An ordinance adopted under this subsection must comply with this
 15 chapter in establishing the districts and provide details to provide a
 16 transition from electing two (2) members at large to electing all
 17 members from districts.

18 (f) Subject to this section, members of the town legislative body are
 19 elected as provided in:

20 (1) IC 3-10-6-4.5 **before January 1, 2012; and**
 21 (2) **IC 3-10-7.5 after December 31, 2011.**

22 SECTION 114. IC 36-5-6-3 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The
 24 clerk-treasurer must reside within the town as provided in Article 6,
 25 Section 6 of the Constitution of the State of Indiana. The clerk-treasurer
 26 forfeits office if the clerk-treasurer ceases to be a resident of the town.

27 (b) Except as provided in subsection (c) or (d), the term of office of
 28 the clerk-treasurer is four (4) years, beginning at noon January 1 after
 29 election and continuing until a successor is elected and qualified.

30 (c) The term of office of a clerk-treasurer elected under
 31 IC 36-5-1-10.1 following the incorporation of the town:

32 (1) begins at noon November 30 following the election; and
 33 (2) continues until noon January 1 following the next ~~municipal~~
 34 **general** election scheduled under:

35 (A) IC 3-10-6-5 or IC 3-10-7-6 **before January 1, 2012; and**
 36 (B) **IC 3-10-7.5 after December 31, 2011;**
 37 and until the clerk-treasurer's successor is elected and qualified.

38 (d) The term of office of a clerk-treasurer subject to an ordinance
 39 described by IC 3-10-6-2.6 is:

40 (1) one (1) year if the clerk-treasurer is elected at the next
 41 municipal election not conducted in a general election year; and
 42 (2) four (4) years for the successors of the clerk-treasurer

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1 described in subdivision (1);
 2 beginning at noon January 1 after the clerk-treasurer's election and
 3 continuing until the clerk-treasurer's successor is elected and qualified.

4 **This subsection expires January 1, 2016.**

5 (e) The term of office of a clerk-treasurer subject to an ordinance
 6 described by IC 3-10-7-2.7 is:

7 (1) three (3) years if the clerk-treasurer is elected at the next
 8 municipal election not conducted in a general election year; and

9 (2) four (4) years for the successors of the clerk-treasurer
 10 described in subdivision (1);

11 beginning noon January 1 after the clerk-treasurer's election and
 12 continuing until the clerk-treasurer's successor is elected and qualified.

13 **This subsection expires January 1, 2016.**

14 SECTION 115. IC 36-10-3-35 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 35. (a) If the fiscal
 16 body approves the petition and adopts the ordinance presented under
 17 section 34 of this chapter, the ordinance takes effect.

18 (b) After the adoption of the ordinance, the fiscal body shall certify
 19 the question under IC 3-10-9-3 to the county election board of the
 20 county containing the greatest percentage of population of the
 21 municipality and fix a date for a special election to be held not later
 22 than ninety (90) days after adoption. However, if a primary ~~or~~ general
 23 ~~or municipal~~ election will be conducted in each precinct in the affected
 24 area not later than six (6) months after the ordinance is adopted, the
 25 special election shall be conducted on the same day as the primary ~~or~~
 26 general ~~or special~~ election. The election shall be held by the county
 27 election board in the area described in the petition. IC 3-10-8-6 applies
 28 to the special election. Any voter residing in the affected area may vote
 29 in the election.

30 (c) The county election board shall give public notice of the special
 31 election in accordance with IC 3-10-2-2.

32 (d) The ballot must be in the form prescribed by IC 3-10-9-4 and
 33 must state "Shall park and recreation services be extended?".

34 (e) If the special election is not conducted at a general election
 35 ~~municipal election~~; or primary election, the fiscal body shall
 36 appropriate a sum sufficient to defray the cost of the ballots and to pay
 37 the expense of the election as prescribed by IC 3. The appropriation
 38 may be from the general fund or by transfer from the operating budget
 39 of the department.

40 SECTION 116. THE FOLLOWING ARE REPEALED
 41 [EFFECTIVE JULY 1, 2011]: IC 33-35-1-2; IC 36-4-2-8.

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