

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 233 because it conflicts with HEA 1004-2012 without properly recognizing the existence of HEA 1004-2012, has had Engrossed Senate Bill 233 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 233 be corrected as follows:

- 1 Page 4, delete lines 11 through 42, begin a new paragraph and
2 insert:
3 "SECTION 6. IC 3-10-6-7.5, AS AMENDED BY HEA 1004-2012,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 7.5. (a) This section applies to a municipal
6 office elected during a municipal or general election.
7 (b) Except as provided in subsection (c) or (d), if there is an election
8 for any office of the municipality, all nominees for each office must be
9 on the ballot.
10 (c) If:
11 (1) there is an election for at least one (1) of a municipality's
12 legislative body members;
13 (2) only the voters who reside in a legislative body district are
14 eligible to vote in the election for a legislative body member; and
15 (3) there is no election for an office to be voted on by all voters of
16 the municipality;
17 the county election board may, by unanimous vote of the entire
18 membership of the board, adopt a resolution providing that an election
19 will be held only in the legislative body districts within the
20 municipality in which voters will elect legislative body members under
21 subdivision (2). The names of unopposed candidates for an office to be
22 voted on by all voters of the municipality shall not be placed on the
23 ballot used for the election of municipal legislative body members
24 under this subsection.
25 (d) This subsection applies only if the county election board adopts

1 a resolution by a unanimous vote of the entire membership of the board
 2 making this subsection applicable in the county. An election may not
 3 be held for a municipal office if:

- 4 (1) there is only one (1) nominee for the office or only one (1)
 5 person has filed a declaration of intent to be a write-in candidate
 6 for the office under IC 3-8-2-2.5; and
 7 (2) no person has filed a declaration of intent to be a write-in
 8 candidate for the office under IC 3-8-2-2.5 that results in a contest
 9 for election to the same municipal office.

10 A resolution adopted under this subsection expires on January 1 of the
 11 year following the year the resolution ~~was~~ **is** adopted.

12 SECTION 7. IC 3-10-7-6, AS AMENDED BY HEA 1004-2012,
 13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: Sec. 6. (a) This section applies to a municipal
 15 office elected during a municipal or general election.

16 (b) A municipal election conducted under this chapter shall be held
 17 at the time prescribed by IC 3-10-6.

18 (c) Except as provided in subsection (d) or (e), if there is an election
 19 for any office of the municipality, all nominees for each office must be
 20 on the ballot.

21 (d) If:

- 22 (1) there is an election for at least one (1) of the town's legislative
 23 body members;
 24 (2) only the voters who reside in a legislative body district are
 25 eligible to vote in the election for a legislative body member; and
 26 (3) there is no election for an office to be voted on by all voters of
 27 the town;

28 the county election board (or town election board if that board is
 29 conducting the election under this chapter) may, by unanimous vote of
 30 the entire membership of the board, adopt a resolution providing that
 31 an election will be held only in the legislative body districts within the
 32 town in which voters will elect legislative body members under
 33 subdivision (2). The names of unopposed candidates for an office to be
 34 voted on by all voters of the town shall not be placed on the ballot used
 35 for the election of town legislative body members under this
 36 subsection.

37 (e) This subsection applies only if the county election board adopts
 38 a resolution by a unanimous vote of the entire membership of the board
 39 making this subsection applicable in the county. This subsection
 40 applies to a municipal office elected during a municipal or general
 41 election. An election may not be held for a municipal office if:

1 (1) there is only one (1) nominee for the office or only one (1)
2 person has filed a declaration of intent to be a write-in candidate
3 for the office under IC 3-8-2-2.5; and

4 (2) no person has filed a declaration of intent to be a write-in
5 candidate for the office under IC 3-8-2-2.5 that results in a contest
6 for election to the same municipal office.

7 A resolution adopted under this subsection expires on January 1 of the
8 year following the year the resolution ~~was~~ **is** adopted."

9 Delete page 5.

(Reference is to ESB 233 as reprinted March 1, 2012.)

Representative Torr, Chairperson

Representative Austin, R.M.M.

Representative Richardson, Sponsor