

# COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, 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 Senate 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.)

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Senator LONG, Chairperson

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Senator SIMPSON, R.M.M.

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Senator ALTING