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# SENATE BILL No. 303

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-10-6-13; IC 36-3-3-2; IC 36-4-5-2; IC 36-5-2-2.

**Synopsis:** Elections in a county having a consolidated city. Allows a voter who is a resident of a county having a consolidated city and also a resident of an excluded city or a town located entirely or partially within a county having a consolidated city to vote for either the mayor of the consolidated city, or the executive of the city or town, but not both.

**Effective:** July 1, 2013.

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January 8, 2013, read first time and referred to Committee on Elections.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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# SENATE BILL No. 303



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 3-10-6-13 IS ADDED TO THE INDIANA CODE  
 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2013]: **Sec. 13. (a) This section applies to a voter who is a**  
 4 **resident of a county having a consolidated city and also a resident**  
 5 **of either of the following:**  
 6 (1) **An excluded city (as described in IC 36-3-1-7).**  
 7 (2) **A town located entirely or partially within a county having**  
 8 **a consolidated city.**  
 9 (b) **A voter may vote for one (1), but not both, of the following:**  
 10 (1) **The mayor of the consolidated city.**  
 11 (2) **If the voter resides in:**  
 12 (A) **an excluded city, the mayor of the city; or**  
 13 (B) **a town, one (1) or more members of the town council as**  
 14 **provided by ordinance.**  
 15 SECTION 2. IC 36-3-3-2 IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2013]: **Sec. 2. (a) A mayor, who is the**  
 17 **executive of both the consolidated city and the county, shall be elected**



1 under IC 3-10-6 by the voters of the whole county, **except those voters**  
2 **who:**

- 3 **(1) reside in:**
  - 4 **(A) an excluded city (as described in IC 36-3-1-7); or**
  - 5 **(B) a town located entirely or partially within the county;**
  - 6 **and**
  - 7 **(2) elect under IC 3-10-6-13 to vote for:**
    - 8 **(A) the mayor of the excluded city; or**
    - 9 **(B) one (1) or more members of the town council.**

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

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

15 SECTION 3. IC 36-4-5-2 IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A mayor, who is the city  
17 executive, shall be elected under IC 3-10-6 by the voters of each city,  
18 **except those voters who:**

- 19 **(1) reside in:**
  - 20 **(A) a county having a consolidated city; and**
  - 21 **(B) an excluded city (as described in IC 36-3-1-7); and**
  - 22 **(2) elect to vote for the mayor of the consolidated city under**  
23 **IC 3-10-6-13.**

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

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

30 (d) The city executive must reside within the city as provided in  
31 Article 6, Section 6 of the Constitution of the State of Indiana. The  
32 executive forfeits office if the executive ceases to be a resident of the  
33 city.

34 (e) The term of office of a city executive is four (4) years, beginning  
35 at noon on January 1 after election and continuing until a successor is  
36 elected and qualified.

37 SECTION 4. IC 36-5-2-2 IS AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2013]: Sec. 2. **(a)** The town council elected  
39 under IC 3-10-6 or IC 3-10-7 is the town legislative body. The  
40 president of the town council selected under section 7 of this chapter  
41 is the town executive.

42 **(b) This subsection applies to a voter who:**

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- 1           **(1) resides in a county having a consolidated city; and**
- 2           **(2) resides in a town located entirely or partially within a**
- 3           **county having a consolidated city.**
- 4           **The town council shall be elected by the voters of each town, except**
- 5           **those voters who elect to vote for the mayor of the consolidated city**
- 6           **under IC 3-10-6-13.**

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